

Comment Letter No. 9

Franco Pacheco, Inland Valley Alliance for Environmental Justice, November 12, 2024

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

Good morning,

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

9.1

Thank you,

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Franco Pacheco
Inland Valley Alliance for Environmental Justice



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

Comment 9.1: The commenter expresses opposition to the Project and requests continuation until a new council is in session. The comment also suggests that there are safety, health, and quality of life risks.

Response 9.1: The comment is noted for consideration by the City of Perris City Council. A complete EIR was prepared by the City for the entire GVSP. With the current Addendum to the GVSP EIR, multiple reports by expert consultants confirm that the Project would not result in any new or more severe significant impacts than were disclosed in the GVSP EIR. In fact, those reports show that in key areas such as air quality, greenhouse gas (GHG) emissions, and traffic, the Project would result in far fewer impacts than were disclosed in the GVSP Final EIR. (See EIR Addendum, pages 4-22, 4-64, 4-114 to 4-115 [showing reduced air quality emissions to all criteria pollutants, approximately 25,000 less metric tons of GHG emissions, and 17,069 fewer trips]).

Comment Letter No. 10

Yesenia Contreras, November 12, 2024

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

Dear Mr. Phung,

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

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

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

Thank you,
Yesenia Contreras

Comment 10.1: The commenter expresses opposition to the Project because of the industrial warehouse component. The commenter also notes that residents were not aware of the Project.

Response 10.1: The comment expresses opposition to the Project. The comment is noted for consideration by the City of Perris City Council. The City sent 44 notices to owners and occupants within 300 feet of the Project site pursuant to the City's standard processes for public hearing notices. There are no built dwelling units with renters or residents within 300 feet of the Project site. The City reviewed other properties beyond the standard 300-foot radius and did not see any need to change the noticing requirements based on the surrounding uses.

10.1

Comment Letter No. 11

Fatima, November 12, 2024

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

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

Sincerely, a concerned resident

Comment 11.1: The commenter expresses opposition to the Project because of the industrial warehouse component. The comment also suggests that there are safety, health, and quality of life risks.

Response 11.1: The comment is noted for consideration by the City of Perris City Council. A complete EIR was prepared by the City for the entire GVSP. With the current Addendum to the GVSP EIR, multiple reports by expert consultants confirm that the Project would not result in any new or more severe significant impacts than were disclosed in the GVSP EIR. In fact, those reports show that in key areas such as air quality, greenhouse gas (GHG) emissions, and traffic, the Project would result in far fewer impacts than were disclosed in the GVSP Final EIR. (See EIR Addendum, pages 4-22, 4-64, 4-114 to 4-115 [showing reduced air quality emissions to all criteria pollutants, approximately 25,000 less metric tons of GHG emissions, and 17,069 fewer trips]).

In addition, a Mobile Source Health Risk Assessment was prepared for the Project. (EIR Addendum, Appendix C.) The Health Risk Assessment concluded that the maximum potential cancer risk exposure was 1.23 in one million, which is substantially below the South Coast Air Quality Management District's significance threshold of 10 in one million. (EIR Addendum, p. 4-25.) In other words, the Project's calculated health risk is 87 percent below the applicable significance threshold.

Comment Letter No. 12

Cheryl Kitzerow, AICP, Community Development Director, City of Menifee, November 12, 2024



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

November 12, 2024

**LEAD AGENCY: CITY OF PERRIS
CITY COUNCIL**

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

E-mail: nperez@cityofperris.org

RE: City Council Action on Planning Commission’s Recommended (3-2) Denial of the Case Road Mixed-Use Project Vesting Parcel Map 38814 (VPM23-05059), Conditional Use Permits (CUPs) 23-05047, 23-05208, 23-05210, Development Plan Reviews (DPRs) 23-00013 and 23-00014, and 4th Addendum to the 1990 Green Valley EIR

Dear Mr. Perez:

The City of Menifee (“Menifee”) appreciates the opportunity to provide further comment on the above-referenced project (the “Project”), generally located at the southwest corner of Watson Road and Case Road and at the northeast corner of Green Valley Parkway and Ethanac Road within the City of Perris. The Project proposes to construct an industrial warehouse building, commercial shopping center, self-storage RV parking facility, and hotel on 44.9 acres. Project entitlements include the following: 1) Vesting Parcel Map to subdivide two (2) parcels into seven (7) parcels totaling 44.9 acres; 2) Conditional Use Permit for the review of site plan and building elevations for a 498,000 square foot industrial building on 23.7 acres; 3) Conditional Use Permit for the review of site plan and building elevations for a self-storage and outdoor RV parking facility on 9.633 acres; 4) Conditional Use Permit to allow two (2) 2,300 square-foot drive-through restaurants on 1.82 acres; 5) Development Plan Review for the review of site plan and building elevations for a four-story hotel on a 3.8-acres; and, 6) Development Plan Review for the review of the site plan and building elevations for a 21,600 square foot commercial retail shopping center on 2.8 acres.

For the reasons detailed again herein, the Project has not yet been properly evaluated and considered. Menifee thus respectfully requests that the City Council follow the Planning Commission’s recommendation and deny the proposed Project.

Substantial Evidence Still Supports a Fair Argument that the Project Will Have Significant Environmental Impacts Requiring an EIR

“CEQA and the regulations implementing it ‘embody California’s strong public policy of protecting the environment.’” (*Save the Agoura Cornell Knoll v. City of Agoura Hills* (2020) 46 Cal.App.5th 665, 673,

12.1

Bill Zimmerman Mayor	Dean Deines Mayor Pro Tem District 4	Bob Karwin Councilmember District 1	Ricky Estrada Councilmember District 2	Lesa A. Sobek Councilmember District 3	Armando G. Villa City Manager
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quoting *Tomlinson v. County of Alameda* (2012) 54 Cal.4th 281, 285.) “At the ‘heart of CEQA’ [citation] is the requirement that public agencies prepare an EIR for any ‘project’ that ‘may have a significant effect on the environment.’ [Citation.]” (*Id.* at p. 674, citing *Friends of College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 944.) “Given the statute’s text, and its purpose of informing the public about potential environmental consequences, it is quite clear that an EIR is required even if the project’s ultimate effect on the environment is far from certain.” (*Ibid.*, internal punctuation and citations omitted.) It follows that where a lead agency like the City of Perris, here, is “presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect.” (See *ibid.*, internal punctuation and citations omitted.)

12.1
cont.

Here, altered conditions, changes, or additions to the Project have occurred after certification of the Green Valley Specific Plan Final EIR **on March 5, 1990** (SCH No. 1989032707) (4th Addendum at p. 1). Specifically, the Project proposes major revisions to the 1990 EIR, undertaken under substantially changed circumstances from those in 1990, and with new information of substantial importance that must be incorporated into the Project’s environmental review. (See CEQA Guidelines, § 15162.) As further detailed below, a subsequent EIR must be prepared to evaluate the Project’s significant and potentially significant environmental impacts.

The 4th Addendum Still Has Inconsistencies with the General Plan Housing Element (Action 2.4 and Housing Opportunity Overlay Zone)

Under the State Planning and Zoning Law, there is a hierarchy in land use regulation. At the top is a general plan, which serves as the constitution for future development. (See *DeVita v. County of Napa* (1995) 9 Cal.4th 763, 773.) Likewise, under CEQA, an “accurate, stable, finite project description is the [s]ine qua non of an informative and legally sufficient” environmental document. (See *County of Inyo v. City of L.A.* (1977) 71 Cal.App.3d 185, 193, 199 [applied in the context of an EIR].) Here, the Project description fails to accurately describe the Project site’s existing General Plan designation and zoning because it only references the 1990 Green Valley Specific Plan without reference to the 2022 General Plan Housing Element (4th Addendum at pp. 2-5, 4-80–4-91 & tbl. 4.11-1).

The 4th Addendum ignores the General Plan Housing Element (4th Addendum at pp. 4-80 – 4-91) for the stated reason that “the Proposed Project does not include any residential uses, [thus] the General

12.2

	Lower Income Dwelling Units	Moderate Income Dwelling Units	Above Moderate Income Dwelling Units
2021-2029 Housing Element Surplus	135	171	1,335
Site 6.1 (327-220-012)	47	47	145
Site 6.2 (327-220-044)	60	60	183
Site 6 Total	107	107	328
Remaining Housing Element Surplus Balance	28	64	1,077

Plan Housing Element Policies are not applicable and, therefore, are not discussed in Table 4.11-1.” (4th Addendum at pp. 4-81 – 4-82 & tbl. 4.11-1.) However, on January 25, 2022, the City of Perris adopted the 2021-2029 Housing Element (“HE”). The HE included a Regional Housing Need Assessment (“RHNA”) of 7,805 units for the 2021-2029 planning period. **The HE identifies the Project site as one (1) of several “Housing Opportunity Areas.”** (HE at pp. 203–205 & App. B at pp. B-19 – B-20, emphasis added.) Specifically, the adopted HE identified the Project site Housing Opportunity Areas 6.1 and 6.2. While the developer proposes to utilize the HE surplus for this Project, per the table below, this does not resolve the inconsistency.

The City of Perris has not evaluated whether the remaining sites have been developed and thus fails to address what remains of the surplus. Moreover, the 4th Addendum ignores the General Plan HE in its entirety (4th Addendum at pp. 4-80–4-91). Additionally, the Project requires a General Plan Amendment, in part, because it proposes entirely commercial or industrial uses. Per the HE, Action 2.4 in the 2021-2029 Housing Plan commits the City of Perris to the creation of a housing opportunity overlay (“HOO”) that will allow up to 30 units per acre, require a minimum of 20 dwelling units per acre and will require that developments provide 20% of units as affordable to lower income households. (HE at p. 209.) Additionally, the HOO will require that no more than 50% of a development will be non-residential uses. (*Ibid.*) At 100% non-residential uses, the Project is inconsistent with the HOO and/or the Action 2.4¹ requirement that no more than 50% of the Project 1 site will be non-residential.

Thus, the Project as proposed is fundamentally incompatible with the General Plan and requires an Amendment and further evaluation in an EIR.

12.2
cont.

Transportation/Traffic

1. The Project proposes to construct a new signalized intersection at Green Valley Parkway and Ethanac Road. The proposed intersection is approximately 600 feet west of the signalized intersection of Barnett Road at Ethanac Road and approximately 750 feet west of the signalized intersection of Case Road at Ethanac Road; thus, resulting in 3 signals within 750 feet. The distance between Case Road and Barnett Road signalized intersections is substandard and the addition of another signalized intersection will impact capacity, flow, and safety on Ethanac Road (classified as an Expressway in both Perris and Menifee’s General Plans). In addition, there is a commercial driveway on the north side of Ethanac Road approximately 150 feet west of Case Road and approximately 35 feet west of Barnett Road which is substandard and creates significant safety issues. The Project should either realign Green Valley Pkwy further to the west to align with Evans Road on the south side of Ethanac Road or realign Barnett Road on the south side of Ethanac Road to align with Case Road to the north to eliminate one signalized intersection within the 750’ distance. By realigning Barnett to the east to align with Case also improves the substandard distance to the commercial driveway.

12.3

¹ In 2018, the California Department of Housing and Community Development (“HCD”) issued three enforcement letters (1, 2, 3) to the City of Perris regarding noncompliance with the prior HE, Action 2.4, which may not be reflected in the 2022 HE update.

<p>The Project improperly relies on the GVSP and recorded Final Map 24648 in response to the above comment. However, the GVSP and Final Map 24648 are inconsistent with the requirements of the General Plan Housing Element; particularly Action 2.4, which requires at least 50% residential development of the Project site. Thus, further response to comment is required that does not include “[a]rgument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence.” (CEQA Guidelines, § 15064, subd. (f)(5), emphasis added.)</p>	12.3 cont.
<p>2. Please clarify how the fair share contribution for the realignment of the Ethanac / Barnett intersection is consistent with the calculation used for the contribution being required of Menifee projects that are significantly further from the intersection and have significantly lower traffic impacts.</p>	12.4
<p>3. When assessing whether a cumulative effect requires an EIR, the City of Perris must consider: “whether the cumulative impact is significant and whether the effects of the [P]roject are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the [P]roject’s incremental effect, though individually limited, is cumulatively considerable.” (CEQA Guidelines, § 15064, subd. (h)(1).) “‘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.” (<i>Ibid.</i>) The following approved projects in Menifee’s jurisdiction are also in the immediate vicinity of this Project and should be meaningfully considered in a cumulative impacts analysis:</p> <ul style="list-style-type: none"> • Ethanac Square (City of Menifee Planning Case No. PP / CUP 2017-060 – In Final Engineering (PM37289). • Ethanac and Barnett Warehouse project (City of Menifee Planning Case No. PP PLN21-0290 - Entitled). <p>The applicant / developer should coordinate with Menifee regarding these projects to ensure that the recommendations in the Transportation Analysis do not conflict with the traffic recommendations for these Menifee projects.</p>	12.5
<p>4. The applicant / developer and the City of Perris should coordinate with Caltrans for the necessary right-of-way required for future interchange widening and improvements.</p>	12.6
<p>5. The applicant / developer should provide appropriate right-of-way dedication for the ultimate improvements along Ethanac Road. It should be noted that Ethanac Road is designated as a 6 to 8-Lane Divided Expressway in the Circulation Element of Menifee’s General Plan.</p>	12.7

Section 4.10: Hydrology and Water Quality

6. Based on the information presented in this section, it is uncertain as to where the post-development flows and water quality detention basin will go and how they will be mitigated and treated. Please provide this information. There shall be no flows draining to Menifee’s MS4 facilities.

Relatedly, the Addendum fails to include adopted, binding, enforceable mitigation measures in this regard and improperly defers the drainage plans and details regarding the water quality detention basin. (See, e.g., *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359; Pub. Resources Code, § 21081.6, subd. (b) [providing mitigation measures must be made “fully enforceable through permit conditions, agreements, or other measures”]; CEQA Guidelines, § 15126.4, subd. (a)(2) [“[M]itigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.”].)

12.8

Public Services

7. The Addendum does not properly evaluate public services, including fire protection and associated mitigation measures. Mitigation Measure 4.12.2.3 included in the 1990 EIR required dedication within the GVSP area for a fire station, among other requirements. Yet, the Addendum simply declares that dedication of a fire station is not required, although the other mitigation measures should apply. (Addendum at p. 4-105.) In this regard, the Addendum fails to include or evaluate adopted, binding, enforceable mitigation measures and otherwise improperly defers mitigation. (See, e.g., *Quail Botanical Gardens, supra*, 29 Cal.App.4th 1597; *Gentry, supra*, 36 Cal.App.4th 1359; Pub. Resources Code, § 21081.6, subd. (b) [providing mitigation measures must be made “fully enforceable through permit conditions, agreements, or other measures”]; CEQA Guidelines, § 15126.4, subd. (a)(2) [“[M]itigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.”].)

12.9

The Project’s Proposed Use of a Parcel Map Violates the Subdivision Map Act

8. The Subdivision Map Act does not authorize subdivisions by parcel map that otherwise seek to avoid the requirements for a tentative and final tract map. (See Gov. Code, § 66426.) Here, the Project seeks to subdivide two (2) contiguous parcels into seven (7) parcels, five (5) lettered lots, and multiple easements / rights-of-way totaling 44.9 acres. (June 5, 2024, Staff Rept. at p. 48 of 90.) Thus, the Project, as proposed, requires a tentative tract map and a final map, not a parcel map.

12.10

Please note that CEQA compliance must occur before the City of Perris approves the Project because when a public agency gives a project “approval” it “commits to a definite course of action in regard to a project.” (CEQA Guidelines, §§ 15004, subd. (a), 15352; *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 130–132.) While an applicant’s consultant may prepare the underlying environmental document, that does not relieve the City of Perris of its independent duty to review and exercise judgment over the document and the issues it raises and addresses. (*Friends of La Vina v. County of Los Angeles* (1991) 232 Cal.App.3d 1446, 1452; Pub. Resources Code, § 21082.1.) Ultimately, the City of Perris is responsible for inadequate environmental review. (*Mission Oaks Ranch, Ltd. v. County of Santa Barbara* (1998) 65 Cal.App.4th 713, 723–724.)

Again, we appreciate your consideration of these comments and respectfully request that the City Council follow the Planning Commission’s recommendation. Menifee expressly reserves its right to submit supplemental information and evidence regarding the Project as proposed up to the close of the public hearing on the Project. (See, e.g., *Galante Vineyards v. Monterey Peninsula Water Mgmt.* (1997) 60 Cal.App.4th 1109, 1119–1120 [applicant has right to present comments “prior to the close of the public hearing on the project.”]; *Coal. for Student Action v. City of Fullerton* (1984) 153 Cal.App.3d 1194, 1197 [same principle].)

If you have any questions, please contact Doug Darnell, Principal Planner, at 951-723-3744 or by e-mail at ddarnell@cityofmenifee.us.

Sincerely,



Cheryl Kitzerow, AICP
Community Development Director

Att: Att. “A,” Menifee Letter to Perris re: Planning Commission (Aug. 7, 2024)

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

August 7, 2024

Nathan Perez
Project Planner
City of Perris
135 North D Street
Perris, CA 92570-2200

RE: Vesting Parcel Map 38814 (VPM23-05059), Conditional Use Permits (CUPs) 23-05047, 23-05208, 23-05210, and Development Plan Reviews (DPRs) 23-00013 and 23-00014 – Industrial and Commercial Development on 44 acres at Ethanac and Case Roads

Dear Mr. Perez:

The City of Menifee (“Menifee”) appreciates the opportunity to comment on the above-referenced project (the “Project”), generally located at the southwest corner of Watson Road and Case Road and at the northeast corner of Green Valley Parkway and Ethanac Road within the City of Perris. The Project proposes to construct an industrial warehouse building, commercial shopping center, self-storage RV parking facility, and hotel on 44.9 acres: 1) Vesting Parcel Map to subdivide two (2) parcels into seven (7) parcels totaling 44.9 acres; 2) Conditional Use Permit for the review of site plan and building elevations for a 498,000 square foot industrial building on 23.7 acres; 3) Conditional Use Permit for the review of site plan and building elevations for a self-storage and outdoor RV parking facility on 9.633 acres; 4) Conditional Use Permit to allow two (2) 2,300 square-foot drive-through restaurants on 1.82 acres; 5) Development Plan Review for the review of site plan and building elevations for a four-story hotel on a 3.8-acre; and, 6) Development Plan Review for the review of the site plan and building elevations for a 21,600 square foot commercial retail shopping center on 2.8 acres.

Substantial Evidence Supports a Fair Argument that the Project Will Have Significant Environmental Impacts Requiring an EIR

“CEQA and the regulations implementing it ‘embody California’s strong public policy of protecting the environment.’” (*Save the Agoura Cornell Knoll v. City of Agoura Hills* (2020) 46 Cal.App.5th 665, 673, quoting *Tomlinson v. County of Alameda* (2012) 54 Cal.4th 281, 285.) “At the heart of CEQA is the requirement that public agencies prepare an EIR for any project that may have a significant effect on the environment.” (*Id.* at p. 674, internal punctuation omitted, citing *Friends of College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 944.) “Given the statute’s text, and its purpose of informing the public about potential environmental consequences, it is quite clear that an EIR is required even if the project’s ultimate effect on the environment is far from certain.” (*Ibid.*, internal punctuation and citations omitted.) It follows that if a lead agency like the City of Perris, here, is “presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect.” (See *ibid.*, internal punctuation and citations omitted.)

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Here, altered conditions, changes, or additions to the Project have occurred after certification of the Green Valley Specific Plan Final EIR on March 5, 1990 (SCH No. 1989032707) (4th Addendum at p. 1). Specifically, the Project proposes major revisions to the 1990 EIR, undertaken under substantially changed circumstances from those in 1990, and with new information of substantial importance that must be incorporated into the Project’s environmental review. (See CEQA Guidelines, § 15162.) As further detailed below, a subsequent EIR must be prepared to evaluate the Project’s significant and potentially significant environmental impacts.

The Addendum Fails to Evaluate Inconsistencies with the General Plan Housing Element (Action 2.4 and Housing Opportunity Overlay Zone)

Under the State Planning and Zoning Law, there is a hierarchy in land use regulation. At the top is a general plan, which serves as the constitution for future development. (*DeVita v. County of Napa* (1995) 9 Cal.4th 763, 773.) Likewise, under CEQA, an “accurate, stable, finite project description is the *sine qua non* of an informative and legally sufficient” environmental document. (See *Citizens Assn. for Sensible Dev. of Bishop Area v. County of Inyo* (1985) 71 Cal.App.3d at p. 193 [applied in the context of an EIR].) Here, the Project description fails to accurately describe the Project site’s existing General Plan designation and zoning because it only references the 1990 Green Valley Specific Plan without reference to the 2022 General Plan Housing Element (4th Addendum at pp. 2-5, 4-80–4-91 & tbl. 4.11-1).

The Addendum ignores the General Plan Housing Element (4th Addendum at pp. 4-80 – 4-91) for the stated reason that “the Proposed Project does not include any residential uses; [thus] the General Plan Housing Element Policies are not applicable and, therefore, are not discussed in Table 4.11-1.” (Addendum at pp. 4-81 – 4-82 & tbl. 4.11-1.) However, on January 25, 2022, the City of Perris adopted the [2021-2029 Housing Element \(“HE”\)](#). The HE included a Regional Housing Need Assessment (“RHNA”) of 7,805 units for the 2021-2029 planning period. **The HE identifies the Project site as one (1) of several “Housing Opportunity Areas.”** (HE at pp. 203–205 & [App. B](#) at pp. B-19 – B-20, emphasis added.) Specifically, the adopted HE identified the Project site Housing Opportunity Areas 6.1 and 6.2. While the developer proposes to utilize the HE surplus for this Project, per the table below, this does not resolve the inconsistency.

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Site 6 Total	107	107	328
Remaining Housing Element Surplus Balance	28	64	1,077

The City of Perris has not evaluated whether the remaining sites have been developed and thus fails to address what remains of the surplus. Moreover, the Addendum ignores the General Plan Housing Element in its entirety (4th Addendum at pp. 4-80 – 4-91). Additionally, the Project requires a General Plan Amendment, in part, because it proposes entirely commercial or industrial uses. Per the HE, Action 2.4 in the 2021-2029 Housing Plan commits the City of Perris to the creation of a housing opportunity overlay (“HOO”) that will allow up to 30 units per acre, require a minimum of 20 dwelling units per acre and will require that developments provide 20% of units as affordable to lower income households. (HE at p. 209.) Additionally, the HOO will require that no more than 50% of a development will be non-residential uses. (*Ibid.*) At 100% non-residential uses, the Project is inconsistent with the HOO and/or the Action 2.4¹ requirement that no more than 50% of the Project 1 site will be non-residential.

Thus, the Project as proposed is fundamentally incompatible with the General Plan and requires an Amendment and further evaluation in an EIR.

Transportation/Traffic

1. The Project proposes to construct a new signalized intersection at Green Valley Parkway and Ethanac Road. The proposed intersection is approximately 600 feet west of the signalized intersection of Barnett Road at Ethanac Road and approximately 750 feet west of the signalized intersection of Case Road at Ethanac Road; thus, resulting in 3 signals within 750 feet. The distance between Case Road and Barnett Road signalized intersections is substandard and the addition of another signalized intersection will impact capacity, flow, and safety on Ethanac Road (classified as an Expressway in both Perris and Menifee’s General Plans). In addition, there is a commercial driveway on the north side of Ethanac Road approximately 150 feet west of Case Road and approximately 35 feet west of Barnett Road which is substandard and creates significant safety issues. The Project should either realign Green Valley Pkwy further to the west to align with Evans Road on the south side of Ethanac Road or realign Barnett Road on the south side of Ethanac Road to align with Case Road to the north to eliminate one signalized intersection within the 750’ distance. By realigning Barnett to the east to align with Case also improves the substandard distance to the commercial driveway.

12.12
cont.

The Project improperly relies on the GVSP and recorded Final Map 24648 in response to the above comment. However, the GVSP and Final Map 24648 are inconsistent with the requirements of the General Plan Housing Element; particularly Action 2.4, which requires at least 50% residential development of the Project site. Thus, further response to comment is required that **does not** include “[a]rgument, speculation, unsubstantiated opinion or narrative, or **evidence that is clearly inaccurate or erroneous**, or evidence that is not credible, shall not constitute substantial evidence.” (CEQA Guidelines, § 15064, subd. (f)(5), emphasis added.)

¹ In 2018, the California Department of Housing and Community Development (“HCD”) issued three enforcement letters (1, 2, 3) to the City of Perris regarding noncompliance with the prior HE, Action 2.4, which may not have reflected the 2022 HE update.

2. Please clarify how the fair share contribution for the realignment of the Ethanac / Barnett intersection is consistent with the calculation used for the contribution being required of Menifee projects that are significantly further from the intersection and have significantly lower traffic impacts.
3. When assessing whether a cumulative effect requires an EIR, the City of Perris must consider: "whether the cumulative impact is significant and whether the effects of the [P]roject are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the [P]roject's incremental effect, though individually limited, is cumulatively considerable." (CEQA Guidelines, § 15064, subd. (h)(1).) "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." (*Ibid.*) The following approved projects in Menifee's jurisdiction are also in the immediate vicinity of this Project and should be **meaningfully** considered in a cumulative impacts analysis:
 - Ethanac Square (City of Menifee Planning Case No. PP / CUP 2017-060 – In Final Engineering (PM37289).
 - Ethanac and Barnett Warehouse project (City of Menifee Planning Case No. PP PLN21-0290 - Entitled).

The applicant / developer should coordinate with Menifee regarding these projects to ensure that the recommendations in the Transportation Analysis do not conflict with the traffic recommendations for these Menifee projects.

4. The applicant / developer and the City of Perris should coordinate with Caltrans for the necessary right-of-way required for future interchange widening and improvements.
5. The applicant / developer should provide appropriate right-of-way dedication for the ultimate improvements along Ethanac Road. It should be noted that Ethanac Road is designated as a 6 to 8-Lane Divided Expressway in the Circulation Element of Menifee's General Plan.

Section 4.10: Hydrology and Water Quality

6. Based on the information presented in this section, it is uncertain as to where the post-development flows and water quality detention basin will go and how they will be mitigated and treated. Please provide this information. There shall be no flows draining to Menifee's MS4 facilities.

Relatedly, the Addendum fails to include adopted, binding, enforceable mitigation measures in this regard and improperly defers the drainage plans and details regarding the water quality detention basin. (See, e.g., *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359; Pub. Resources

12.12
cont.

Code, § 21081.6, subd. (b) [providing mitigation measures must be made “fully enforceable through permit conditions, agreements, or other measures”]; CEQA Guidelines, § 15126.4, subd. (a)(2) [“[M]itigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.”].)

Public Services

7. The Addendum does not properly evaluate public services, including fire protection and associated mitigation measures. Mitigation Measure 4.12.2.3 included in the 1990 EIR required dedication within the GVSP area for a fire station, among other requirements. Yet, the Addendum simply declares that dedication of a fire station is not required, although the other mitigation measures should apply. (Addendum at p. 4-105.) In this regard, the Addendum fails to include or evaluate adopted, binding, enforceable mitigation measures and otherwise improperly defers mitigation. (See, e.g., *Quail Botanical Gardens, supra*, 29 Cal.App.4th 1597; *Gentry, supra*, 36 Cal.App.4th 1359; Pub. Resources Code, § 21081.6, subd. (b) [providing mitigation measures must be made “fully enforceable through permit conditions, agreements, or other measures”]; CEQA Guidelines, § 15126.4, subd. (a)(2) [“[M]itigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.”].)

12.12
cont.

The Project’s Proposed Use of a Parcel Map Violates the Subdivision Map Act

8. The Subdivision Map Act does not authorize subdivisions by parcel map that otherwise seek to avoid the requirements for a tentative and final tract map. (See Gov. Code, § 66426.) Here, the Project seeks to subdivide two (2) contiguous parcels into seven (7) parcels, five (5) lettered lots, and multiple easements / rights-of-way totaling 44.9 acres. (June 5, 2024, [Staff Rept.](#) at p. 48 of 90.) Thus, the Project, as proposed, requires a tentative tract map and a final map, not a parcel map.

Please note that CEQA compliance must occur before the City of Perris approves the Project because when a public agency gives a project “approval” it “commits to a definite course of action in regard to a project.” (CEQA Guidelines, § 1532, subd. (a); *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 130-32.) While an applicant’s consultant may prepare the underlying environmental document, that does not relieve the City of Perris of its independent duty to review and exercise judgment over the document and the issues it raises and addresses. (*Friends of La Vina v. County of Los Angeles* (1991) 232 Cal.App.3d 1446, 1452; Pub. Resources Code, § 21082.1.) Ultimately, the City of Perris is responsible for inadequate environmental review. (*Mission Oaks Ranch, Ltd. v. County of Santa Barbara* (1998) 65 Cal.App.4th 713, 723-24.)



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

We appreciate your consideration of these comments and thank you again for the opportunity to provide comments. If you have any questions, please contact Doug Darnell, Principal Planner, at 951-723-3744 or by e-mail at ddarnell@cityofmenifee.us

Sincerely,

Cheryl Kitzerow

Cheryl Kitzerow, AICP
Community Development Director

Cc: Armando Villa, City of Menifee City Manager
Bryan Jones, City of Menifee Assistant City Manager
Nick Fidler, City of Menifee Public Works Director
Orlando Hernandez, City of Menifee Deputy Community Development Director
Doug Darnell, City of Menifee Principal Planner
Clara Miramontes, City of Perris City Manager
Kenneth Phung, City of Perris Director of Development Services
Patricia Brenes, City of Perris Planning Manager

Bill Zimmerman
Mayor

Dean Deines
Mayor Pro Tem
District 4

Bob Karwin
Councilmember
District 1

Ricky Estrada
Councilmember
District 2

Lesia A. Sobek
Councilmember
District 3

Armando G. Villa
City Manager

Comment 12.1: The commenter contends that substantial evidence supports a fair argument that the Project will have significant effects on the environment requiring a subsequent environmental impact report.

Response 12.1: This comment is the same as the one provided in the City of Menifee's letter dated August 7, 2024. See Response 8.1 to that letter.

Comment 12.2: The commenter claims that the EIR Addendum fails to evaluate inconsistencies with the General Plan Housing Element (Action 2.4 and Housing Opportunity Overlay Zone).

Response 12.2: This comment is the same as the one provided in the City of Menifee's letter dated August 7, 2024. See Response 8.2 to that letter.

Comment 12.3: The commenter questions the location of a new traffic signal at Green Valley Parkway and Ethanac Road given the location of other nearby signals and commercial driveways. The commenter states that Green Valley Parkway should instead be realigned to the west to align with Evans Road or that Barnett Road should instead be realigned to the east to align with Case Road to eliminate one signalized intersection. The commenter further claims that the GVSP and Final Map 24648 are inconsistent with the Housing Element.

Response 12.3: This comment is the same as the one provided in the City of Menifee's letter dated August 7, 2024. See Response 8.3 to that letter.

In addition, the adopted Green Valley Specific Plan (GVSP) and recorded Final Map 24648 set the alignments for Green Valley Parkway and Case Road, which have been accounted for through median improvements already completed by the City of Perris along Ethanac Road at Green Valley Parkway. Final Map 24648 plainly depicts the approved alignment of Ethanac Road and its intersections with Green Valley Parkway, Case Road, Evans Road, and Barnett Road. Any proposed development south of Ethanac Road should account for recorded maps, existing rights-of-way, and existing improvements as part of any proposed improvements to Barnett Road, Evans Road, and Ethanac Road. Specifically, any potential realignment of Barnett Road with Case Road should be completed by future development proposals south of Ethanac Road adjacent to Barnett Road.

The installation of a signalized intersection at Green Valley Parkway and Ethanac Road was adopted as a mitigation measure in the GVSP Final EIR. The Perris Crossing Retail Center was conditioned on installing a traffic signal at Case Road/Ethanac Road. In addition, the GVSP Phase 1B approvals were conditioned on the installation of a traffic signal at Green Valley Parkway and Ethanac Road and payment of fair share contributions towards the traffic signals at Ethanac Road and Case Road.

The Proposed Project adheres to previous approvals for the GVSP, recorded Final Map 24648, and existing improvements to Ethanac Road, Case Road, and Green Valley Parkway. The traffic signal at Green Valley Parkway and Ethanac Road is not a new proposed intersection or signal. The signal is an identified improvement of the GVSP Final EIR and adopted traffic mitigation. Engineering Condition No. 5 requires installation of the traffic signal if the necessary

encroachment permit can be obtained from the City of Menifee and, if not, restricts traffic movement at this intersection to right-in/right-out, left-in only.

Comment 12.4: The commenter asks for a clarification of how the fair share contribution was calculated for the Ethanac/Barnett intersection, claiming it seems inconsistent with the fair share contribution of Menifee projects.

Response 12.4: This comment is the same as the one provided in the City of Menifee's letter dated August 7, 2024. See Response 8.4 to that letter.

Comment 12.5: The commenter states that the Ethanac Square and Ethanac/Barnett Warehouse projects should be considered in the cumulative impacts analysis and requests clarification that the recommendations in the Traffic Analysis do not conflict with those projects.

Response 12.5: This comment is the same as the one provided in the City of Menifee's letter dated August 7, 2024. See Response 8.5 to that letter.

Comment 12.6: The commenter states that the applicant and City should coordinate with Caltrans for the necessary right-of-way required for future interchange widening and improvements.

Response 12.6: This comment is the same as the one provided in the City of Menifee's letter dated August 7, 2024. See Response 8.6 to that letter.

Comment 12.7: The commenter states that the applicant should provide appropriate right-of-way dedication for the ultimate improvements along Ethanac Road.

Response 12.7: This comment is the same as the one provided in the City of Menifee's letter dated August 7, 2024. See Response 8.7 to that letter.

Comment 12.8: The commenter questions where post-development flows will go and how they will be treated. The commenter states that no flows should drain to the City of Menifee's MS4 facilities. The commenter also states that the EIR Addendum fails to include enforceable mitigation in this regard.

Response 12.8: This comment is the same as the one provided in the City of Menifee's letter dated August 7, 2024. See Response 8.8 to that letter.

Comment 12.9: The commenter contends that the EIR Addendum does not properly evaluate public services, including fire protection and associated mitigation measures.

Response 12.9: This comment is the same as the one provided in the City of Menifee's letter dated August 7, 2024. See Response 8.9 to that letter.

Comment 12.10: The commenter claims that the Project's proposed use of a parcel map violates the Subdivision Map Act.

Response 12.10: This comment is the same as the one provided in the City of Menifee's letter dated August 7, 2024. See Response 8.10 to that letter.

Comment 12.11: The commenter states that CEQA review must occur prior to project approval and that a CEQA document must reflect the lead agency's independent review and analysis.

Response 12.11: This comment is the same as the one provided in the City of Menifee's letter dated August 7, 2024. See Response 8.11 to that letter.

Comment 12.12: The commenter provides their previous letter dated August 7, 2024 as an attachment.

Response 12.12: This comment is the City of Menifee's letter dated August 7, 2024. See Responses 8.1 through 8.11 to that letter.

Comment Letter No. 13

**John Wuerth, Water Resources Planning Manager, Eastern Municipal Water District,
November 12, 2024**

From: Wuerth, John <WuerthJ@emwd.org>
Sent: Tuesday, November 12, 2024 3:17 PM
To: Kenneth Phung <kphung@cityofperris.org>
Subject: November 12th Council Meeting

Good afternoon-

I wanted to let you know that I will be in attendance this evening. I will be commenting on item 11.I and expressing EMWD's appreciation of the partnership with the City and Richland for improving the north side of Watson Road and also that the proposed development is a good neighbor to that particular portion of the Perris Valley Regional Water Reclamation Facility.

If you have any questions or concerns, please feel free to give me a call.

Thank you,

John Wuerth
Water Resources Planning Manager
Eastern Municipal Water District
2270 Trumble Road
Perris, CA 92570
(951) 928-3777, ext. 4334
wuerthj@emwd.org

Comment 13.1: The commenter expresses the Eastern Municipal Water District's appreciation for its partnership with the City and Richland for improving the north side of Watson Road and states that the Project is a good neighbor for that particular portion of the Perris Valley Regional Water Reclamation Facility.

Response 13.1: The commenter's appreciation and support for the Project is noted for consideration by the City of Perris City Council. Since the comment does not question the content or conclusions of the EIR Addendum, no further response is required.

Comment Letter No. 14

Jillian Menez, November 12, 2024

From: Jill Menez <jillmenez99@gmail.com>

Sent: Tuesday, November 12, 2024 4:05 PM

To: Michael Vargas <mayor@cityofperris.org>; Marisela Nava <mnav@cityofperris.org>; Malcolm Corona <MCorona@cityofperris.org>; David Starr Rabb <DSRabb@cityofperris.org>; Rita Rogers <rrogers@cityofperris.org>; Kenneth Phung <kphung@cityofperris.org>; City Clerk <CityClerk@cityofperris.org>

Subject: Public Comment on Record for the Case Road Mixed Use Project (CUP's) 23-05047, 23-05208, 23-05210 and (DPR's) 233-00013, 23-00014

Perris Neighbors in Action

12th November, 2024

Kenneth Phung

Director of Development Services

kphung@cityofperris.org

135 North "D" Street

Perris, CA 92570

Public Comment on Record for the Case Road Mixed Use Project (CUP's) 23-05047, 23-05208, 23-05210 and (DPR's) 233-00013, 23-00014

Dear Mr. Phung and Perris City Council,

I am writing in opposition to the 498,000 square foot industrial component that is included in the Case Road Mixed Use Project (CUP's) 23-05047, 23-05208, 23-05210 and (DPR's) 233-00013, 23-00014. I urge you to deny the appeal for the Conditional Use Permits which would give the developer the power to build their mega warehouse within the Business Park zoning adjacent to the commercial section.

14.1

The Project has not undergone the proper environmental review to warrant an informed decision.

The EIR that the project developers are working off of is severely deficient and outdated. The Environmental Impact Report was completed in 1990, decades before the current epidemic of warehouses in Perris had taken effect. The conditions that the EIR drew upon were environmental conditions that were pre-warehouse and reflected a population of only 21,460 residents - opposed to our current population size of 80,603.

14.2

I also caution the council against making a determination to allow this appeal as this will be a bad precedent to set. The City of Perris should not be in the business to allow such radical changes to the intended land use and not require additional environmental review. Our air quality is very poor, the SCAQMD has designated our region as a non-attainment area for Ozone and PM2.5. We need to demand better, and we *must* require *stricter* environmental regulations to help safeguard our community against the environmental and health effects that each of these projects is capable of imposing. The original EIR that was completed for the zoning for this area in Perris is based on the assumptions that it would be built up as a traditional Business Park - *not* a warehouse.

14.2
cont.

Local community and residents don't want it.

There are ten comment letters sent in from nearby residents who *oppose* this project. These are community members who live in Green Valley and regularly shop at the adjacent shopping center. These letters cited concerns with the working conditions of the future warehouse workers, air quality, traffic and other health risks associated with the project. The community has spoken up about this, we do not want nor need any commercial development if it comes at the compromise of accepting a mega-warehouse along with it. We need to demand better of those who claim to wish to invest in Perris.

14.3

There is concern with the odors that permeate from the nearby water treatment plant. Although a representative from that water treatment plant did attend the Planning Commission meeting and assure that the odors are not frequently present - the concern is still valid. A buffer area between the treatment plant and the future housing is a great usage of that space, however, it can be developed into any of the other permitted developments that fall under the Business Park zoning.

14.4

Warehouses beget other warehouses.

Perris and much of the Inland Empire is afflicted by a warehouse epidemic right now. Instead of following the general plan that Perris put into place decades ago, we are seeing massive plots of land being rezoned or "reimagined" to allow the development of warehousing.

One argument to support the rezone requests for warehouses has been "Well, who else is going to want to build right next door to a warehouse?"... and they're right. One warehouse located in an area otherwise not populated by them may seem harmless, but the presence of one invites more. 500,000+ square foot warehouses have no business coexisting in city centers, and their presence serves only to scare off future commercial prospects. Do not open this door for the companies who wish to come in and fundamentally change our city for the worse. Please do not allow them to completely change the spirit of South Perris just as they successfully did to the North.

14.5

The Council's habit of overruling Planning Commission decisions brews distrust between the Council and the community.

In recent years we have seen an influx in the number of Planning Commission decisions being overruled by the City Council. Almost each one of these Council decisions were concerning a warehouse project that the Planning Commission had previously denied.

14.6

What kind of a system are we asking our community to trust in if our city leaders routinely

publicly denounce the decisions made by their own *appointed* officials?

Our Planning Commission (PC) has grown a reputation for being demanding and tough on prospective developers. Given our city's poor environmental conditions, this is a very welcome quality and I hope to see it continue. The City Council needs to foster a healthier relationship with the Planning Commission. Project developers have been learning that just because they receive a denial from the PC, they can still have their way. Eventually it is becoming clear that the Planning Commission has no real power, and the City Council majority will have their way regardless of what the professionals recommend. We need to repair this relationship. It needs to be understood that our Planning Commission are the chosen professionals meant to represent our planning and development needs and that their educated insight is essential to the City Council and will not just be disregarded haphazardly.

I hope that you make the right decision today and put the needs of your constituents above all else.

Thank you,

Jillian Menez

Perris Neighbors in Action

14.6
cont.

Comment 14.1: The commenter expresses opposition to the warehouse component of the Project and urges the City Council to deny the appeal for the Conditional Use Permits.

Response 14.1: The comment expresses opposition to the Project. The comment is noted for consideration by the City of Perris City Council.

Comment 14.2: The commenter contends that the Project has not undergone the proper environmental review to warrant an informed decision, claiming the original EIR is deficient and outdated. The comment also raises issues concerning air quality and cites the Project's land use designations.

Response 14.2: A complete EIR was prepared by the City for the entire Green Valley Specific Plan (GVSP). It analyzed the potential impacts of 4,210 dwelling units, 42.3 acres of business and professional office space, 72.7 acres of commercial retail, 108.7 acres of industrial, 24 acres for three school sites, and 51.1 acres of public parks. In accordance with the California Environmental Quality Act (CEQA) and the Guidelines for Implementation of the California Environmental Quality Act (State CEQA Guidelines), no further EIR can legally be required for the Project unless there is substantial evidence that changes in the Project or circumstances under which it will be undertaken result in new or substantially more severe significant impacts than were disclosed in the GVSP EIR. (Public Resources Code Section 21166; State CEQA Guidelines Section 15162.) With the current Addendum to the GVSP EIR, multiple reports by expert consultants confirm that the Project would not result in any new or more severe significant impacts than were disclosed in the GVSP EIR. In fact, those reports show that in key areas such as air quality, greenhouse gas (GHG) emissions, and traffic, the Project would result

in far fewer impacts than were disclosed in the GVSP Final EIR. (See EIR Addendum, pages 4-22, 4-64, 4-114 to 4-115 [showing reduced air quality emissions to all criteria pollutants, approximately 25,000 less metric tons of GHG emissions, and 17,069 fewer trips]). Thus, the EIR Addendum is the appropriate CEQA document for the Project.

The Project site is comprised of Planning Areas 40, 41, and 44 of the GVSP. The industrial portion of the Project is located within Planning Area 40. Planning Area 40 is designated Business and Professional by the GVSP. (GVSP, page 2-3.). In the Business Professional designation, various uses are permitted provided that a conditional use permit is first obtained. (GVSP, page 3-35.) Such uses include Business Park uses requiring a conditional use permit per Perris Municipal Code Section 19.44. (Id.) Perris Municipal Code Section 19.44 is the City's zoning code for industrial uses and includes three industrial zoning districts: Business Park, Light Industrial, and General Industrial. Under the Business Park zoning designation, warehouse and warehouse distribution centers are allowed with a conditional use permit. (Perris Municipal Code Section 19.44.020.) Business Park is defined to include uses generally served by arterial roadways and freeways and including, among others, warehousing/distribution, wholesaling, and large-scale warehouse. (Perris Municipal Code Section 19.44.010.) Warehousing and distribution is defined as "a building or premises in which goods, merchandise or equipment are stored for eventual distribution." (Perris Municipal Code Section 19.08.010.) Thus, the industrial building portion of the Project is a conditionally permitted use per the GVSP.

Comment 14.3: The commenter notes that ten comment letters were sent by nearby residents who oppose the Project and summarizes the concerns raised in those letters related to working conditions for future warehouse workers, air quality, traffic, and other health risks associated with the Project.

Response 14.3: The comment restates the opposition and concerns expressed by community members in their respective letters but does not raise any new issues requiring a response. This comment is noted for consideration by the City of Perris City Council.

Comment 14.4: The commenter expresses concern regarding the odor from the nearby wastewater treatment plant and suggests that a buffer area between the plant and future housing would be a great usage of that space, but also notes that it can be developed into any of the other permitted developments that fall under the Business Park zoning.

Response 14.4: The comment suggests alternative uses for the industrial portion of the Project site and that it could be developed into any of the other permitted developments that fall under the Business Park zoning. See Response 14.2.

Comment 14.5: The commenter suggests that plots of land are being rezoned or reimagined to allow the development of warehousing rather than follow the General Plan. The comment states that warehouses have no business coexisting in city centers and requests that they not be allowed to completely change the spirit of South Perris like they did in the north.

Response 14.5: The comment expresses opposition to warehouse projects. The Project does not require a rezoning – industrial warehouse use is allowed with a conditional use permit (See

Response 14.2). However, this comment is noted for consideration by the City of Perris City Council.

Comment 14.6: The commenter suggests that there has been an influx in the number of Planning Commission decisions being overruled by the City Council, most of which concerned warehouse projects.

Response 14.6: This comment is noted for consideration by the City of Perris City Council but does not question the content or conclusions of the EIR Addendum.

Comment Letter No. 15

Silvia Tercero, November 12, 2024

From: Silvia Tercero <tercerosilvia@gmail.com>
Sent: Tuesday, November 12, 2024 5:06 PM
To: Kenneth Phung <Kphung@cityofperris.org>; City Clerk <CityClerk@cityofperris.org>
Subject: Public Comment for City Council Agenda Item 11H, 11I, 11J

Dear City Officials,

I am a resident of North Perris writing in opposition to the proposed permits and zone changes that are on tonight's agenda that will allow the construction of warehouses in our city. As a reminder, all three of these projects have been recommended for denial by the Planning Commission. If the City Council votes to approve them, which has happened several times, I believe it will further erode public trust in the city's local government, particularly if this decision disregards the concerns of the community and established procedures. All three projects will significantly alter the intended land use, prioritizing warehouses over other types of businesses that could better serve the needs of local residents. This shift in development will discourage the establishment of more diverse businesses in the area, potentially leading to the construction of additional warehouses instead. Furthermore, all three projects are located near sensitive receptors, including homes and parks, raising serious concerns about their potential impact on the surrounding community. The residents of Perris are asking for and deserve more than just warehouses. It would be a waste of space and opportunity to create a better community for the city's residents.

I urge the Perris City Council to deny the Conditional Use Permit for Items 11.I and 11.H, as well as the zone change for Item 11.J. Instead, I encourage the Council to support developments that will positively impact the community and prioritize the health and well-being of residents, such as commercial and recreational spaces that foster a vibrant, thriving environment.

Thank you for your attention to this important matter,

Silvia Tercero
92571

15.1

Comment 15.1: The commenter expresses opposition to the warehouse component of the Project and urges the City Council to deny the appeal for the Conditional Use Permits. The comment also suggests that the Project would significantly alter the intended land use and potentially impact the surrounding community.

Response 15.1: The comment expresses opposition to the Project. The comment is noted for consideration by the City of Perris City Council. A complete EIR was prepared by the City for the entire GVSP. With the current Addendum to the GVSP EIR, multiple reports by expert consultants confirm that the Project would not result in any new or more severe significant impacts than were disclosed in the GVSP EIR. In fact, those reports show that in key areas such as air quality, greenhouse gas (GHG) emissions, and traffic, the Project would result in far fewer impacts than were disclosed in the GVSP Final EIR. (See EIR Addendum, pages 4-22, 4-64, 4-114 to 4-115 [showing reduced air quality emissions to all criteria pollutants, approximately 25,000 less metric tons of GHG emissions, and 17,069 fewer trips]).

In addition, a Mobile Source Health Risk Assessment was prepared for the Project. (EIR Addendum, Appendix C.) The Health Risk Assessment concluded that the maximum potential cancer risk exposure was 1.23 in one million, which is substantially below the South Coast Air

Quality Management District's significance threshold of 10 in one million. (EIR Addendum, p. 4-25.) In other words, the Project's calculated health risk is 87 percent below the applicable significance threshold.

The Project site is comprised of Planning Areas 40, 41, and 44 of the Green Valley Specific Plan (GVSP). The industrial portion of the Project is located within Planning Area 40. Planning Area 40 is designated Business and Professional by the GVSP. (GVSP, page 2-3.) In the Business Professional designation, various uses are permitted provided that a conditional use permit is first obtained. (GVSP, page 3-35.) Such uses include Business Park uses requiring a conditional use permit per Perris Municipal Code Section 19.44. (Id.) Perris Municipal Code Section 19.44 is the City's zoning code for industrial uses and includes three industrial zoning districts: Business Park, Light Industrial, and General Industrial. Under the Business Park zoning designation, warehouse and warehouse distribution centers are allowed with a conditional use permit. (Perris Municipal Code Section 19.44.020.) Business Park is defined to include uses generally served by arterial roadways and freeways and including, among others, warehousing/distribution, wholesaling, and large-scale warehouse. (Perris Municipal Code Section 19.44.010.) Warehousing and distribution is defined as "a building or premises in which goods, merchandise or equipment are stored for eventual distribution." (Perris Municipal Code Section 19.08.010.) Thus, the industrial building portion of the Project is a conditionally permitted use per the GVSP.

Comment Letter No. 16

Marven E. Norman, Center for Community Action and Environmental Justice, November 12, 2024

CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE
“Bringing People Together to Improve Our Social and Natural Environment”

November 12, 2024

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

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

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

16.1

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

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

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

16.1
cont.

Dear Perris Mayor Vargas and Council Members,

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

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

16.2

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

16.3

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

16.4

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

16.5

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

16.6

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

Sincerely,



Marven E. Norman
Policy Coordinator

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

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Comment 16.1: The comment provides a description of three agenda items that were on the City Council Agenda for consideration by the City Council on November 12, 2024. The Proposed Project is Agenda item I, and agenda items H and J are different projects.

Response 16.1: This comment is informational only and does not question the content or conclusions of the EIR Addendum. No further response is required.

Comment 16.2: The comment requests that the City Council uphold the Planning Commission's decision and deny the appeals under consideration for agenda items H, I, and J.

Response 16.2: This comment is noted for consideration by the City of Perris City Council.

Comment 16.3: The comment requests that the items under consideration be tabled to allow for robust outreach.

Response 16.3: This comment is noted for consideration by the City of Perris City Council. The comment does not question the content or conclusions of the EIR Addendum. No further response is required.

Comment 16.4: The comment states that the region suffers from poor air quality, traffic congestion, and noise pollution, and that the decisions will have implications on the community's well-being. The comment suggests the decision should not be rushed and be given thoughtful examination.

Response 16.4: This comment is noted for consideration by the City of Perris City Council. The comment does not question the content or conclusions of the EIR Addendum. No further response is required.

Comment 16.5: The comment states an opinion that the EIRs for the projects on the agenda do not adequately address the full spectrum of negative impacts that could disproportionately affect the residents of Perris and requests more detailed and inclusive analysis.

Response 16.5: The comment does not provide specific comments on the analysis that are supported by facts or otherwise substantiate inadequacies regarding the conclusions of the EIR Addendum. No further response is required.

Comment 16.6: The comment requests that the decision on the items be deferred to allow more community input.

Response 16.6: This comment is noted for consideration by the City of Perris City Council. The comment does not question the content or conclusions of the EIR Addendum. No further response is required.