

**RESOLUTION NUMBER 4962**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING AN APPEAL BY BRIAN MOENING OF THE PLANNING COMMISSION CONDITIONS OF APPROVAL FOR DEVELOPMENT PLAN REVIEW CASE 14-03-0025 TO ALLOW AN AUCTION FACILITY USING MODULAR BUILDINGS, TOTALING 4,900 S.F., LOCATED AT 2021 GOETZ ROAD, AND MAKING FINDINGS IN SUPPORT THEREOF.**

**WHEREAS**, on March 31, 2014 the applicant Brian Moening of Western Construction Auctions filed a Development Plan Review application to request approval of an auction facility located at 2021 Goetz Road; and

**WHEREAS**, the proposed location of the use is in accordance with the objectives of the Zoning Ordinance and the purpose of the Light Industrial zone of the Perris General Plan; and

**WHEREAS**, the proposed project is consistent with the City's General Plan and conforms to all zoning standards and other Ordinances and Resolutions of the City; and

**WHEREAS**, the proposed project has been duly noticed; and

**WHEREAS**, a public hearing was held on September 16, 2015, at which time all interested persons were given full opportunity to be heard and to present evidence; and

**WHEREAS**, on September 16, 2015, the Planning Commission continued the project at the request of the applicant to the November 4, 2015 public hearing; and

**WHEREAS**, a public hearing was held on November 4, 2015, at which time all interested persons were given full opportunity to be heard and to present evidence; and the project was approved by the Planning Commission by 5-0-1 vote, with conditions; and

**WHEREAS**, the applicant filed an appeal of condition no. 3 of Development Review Case 14-03-0025 related to "Building Permits for Modular Buildings and Completion of Parking Lot, Landscaping and Street Improvements; and

**WHEREAS**, a public hearing was held by the City Council on February 9, 2016, at which time all interested persons were given full opportunity to be heard and to present evidence; and approving the applicant's appeal of condition no. 3, to allow the applicant to obtain permits within one year of entitlement approval, complete on-site improvements within two years of entitlement approval, and complete off-site improvements within 3 years of entitlement approval;

***NOW, THEREFORE, BE IT RESOLVED*** by the City Council of the City of Perris, as follows:

***Section 1.*** The above recitals are all true and correct.

***Section 2.*** The City Council hereby determines that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines pursuant to Article 19 Section 15301 for a proposed project out of an existing facility that has been in operation since November 2008 under temporary use permits with a previously approved Development Plan Review application as a framework for interim operation. An Initial Study and Negative Declaration (ND 2273) was prepared for the original Development Review (DPR 08-04-0004) which determined that no significant environmental effects would be caused by the project.

***Section 3.*** Based on the information contained in the staff report and supporting exhibits and plans for the Development Plan Review, the City Council hereby finds:

- a) The location, size, design, density and intensity of the proposed development and improvements are consistent with the City's General Plan, the purposes and provisions of this Title, the purposes of the zone in which the site is located, and the development policies and standards of the City.
- b) The subject site is physically suitable, including but not limited to parcel size, shape, access, and availability of utilities and services, for the type of development proposed.
- c) The proposed development and the conditions under which it would be operated or maintained is compatible with the vision set forth in the General Plan for all new future developments, and will therefore not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- d) The proposed modular buildings and improvements to the site are considered appropriate for an auction facility that will protect the character of adjacent development which is currently undeveloped land to the west and north, non-conforming residential use to the south and the Perris Valley Airport runway to the east.
- e) The landscaping plan ensures visual relief and provides an attractive environment for the public's enjoyment.
- f) The safeguards necessary to protect the public health, safety and general welfare have been required for the proposed project.

***Section 4.*** For the foregoing reasons the City Council hereby approves appeal of Planning Condition No. 3 for Development Plan Review 14-03-0025, to allow "Western Construction Auction" located at 2021 Goetz Road to pay all necessary permits within 1 year of

entitlement approval and build out of the project within 3 years, based on the information and findings presented in the staff report and the attached Conditions of Approval.

**Section 5.** The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Resolution shall remain in full force and effect.

**Section 6.** The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Resolution.

**ADOPTED, SIGNED, and APPROVED** this 9<sup>th</sup> day of February 2016.

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Daryl R. Busch, Mayor

ATTEST:

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Nancy Salazar, City Clerk

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE    ) §  
CITY OF PERRIS            )

I, Nancy Salazar, City Clerk of the City of Perris do hereby certify that the foregoing Resolution Number 4962 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 9<sup>th</sup> day of February 2016, by the following vote:

AYES: ROGERS, YARBROUGH, BURKE, RABB, BUSCH  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

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Nancy Salazar, City Clerk

**Attachments:**

Planning Conditions  
Engineering Conditions  
Public Works Conditions