

## RESOLUTION NUMBER 2025-02

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (PEN24-0082) TO ALLOW THE OFF-SALE OF BEER, WINE AND DISTILLED SPIRITS (TYPE 21 – OFF-SALE GENERAL) AT AN EXISTING CONVENIENCE STORE (JACKSONS FOOD STORE) LOCATED WITHIN 300 FEET FROM A RESIDENTIAL ZONE LOCATED AT 15980 PERRIS BOULEVARD (APN: 486-211-021)**

**WHEREAS**, the City of Moreno Valley (“City”) is a general law city and a municipal corporation of the State of California, and

**WHEREAS**, Steve Rawlings of Rawlings Consulting (“Applicant”) applied for a Conditional Use Permit PEN24-0082 to allow the off-sale of beer, wine and distilled spirits (Type 21 – Off-Sale General) at an existing 1,600 square foot convenience store (Jacksons Food Store) (“Proposed Project”) located at 15980 Perris Boulevard (APN: 486-211-021) (“Project Site”); and

**WHEREAS**, the application for the Proposed Project was evaluated in accordance with Section 9.02.060 (Conditional Use Permit) of the Moreno Valley Municipal Code with consideration given to the Moreno Valley General Plan and other applicable laws and regulations; and

**WHEREAS**, consistent with the requirements of Section 9.02.060 (Conditional Use Permit) of the Moreno Valley Municipal Code, at a public hearing, the Planning Commission considered Conditions of Approval to be imposed upon Conditional Use Permit PEN24-0082 (“Conditional Use Permit”), which conditions were prepared by the Planning Division staff who deemed said conditions to be necessary to protect public health, safety, and welfare and to ensure the Proposed Project will be developed in accordance with the purpose and intent of Title 9 (“Planning and Zoning”) of the Moreno Valley Municipal Code; and

**WHEREAS**, at the public hearing on February 27, 2025, in accordance with the provisions of the California Environmental Quality Act (CEQA<sup>1</sup>) and CEQA Guidelines<sup>2</sup>, the Planning Commission determined that the Proposed Project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 for Existing Facilities, which is applicable to the Proposed Project since the Proposed Project involves interior alterations and no expansion of use; and

**WHEREAS**, pursuant to the provisions of Section 9.02.200 (Public Hearing and Notification Procedures) of the Moreno Valley Municipal Code and Government Code Section 65905, a public hearing was scheduled for February 27, 2025, and notice thereof

---

<sup>1</sup> Public Resources Code §§ 21000-21177

<sup>2</sup> 14 California Code of Regulations §§15000-15387

was duly published in the Press Enterprise Newspaper, posted at the Project Site, and mailed to all property owners of record within 600 feet of the Project Site; and

**WHEREAS**, on February 27, 2025, the public hearing to consider the Proposed Project was duly conducted by the Planning Commission, at which time all interested persons were provided with an opportunity to testify and present evidence; and

**WHEREAS**, at the public hearing, the Planning Commission considered whether each of the requisite findings specified in Section 9.02.060 of the Moreno Valley Municipal Code and set forth herein could be made concerning the Proposed Project as conditioned.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. Recitals and Exhibits**

That the foregoing Recitals and attached exhibits are true and correct and are hereby incorporated by this reference.

**Section 2. Notice**

That pursuant to Government Code Section 66020(d)(1), notice is hereby given that the Proposed Project is subject to certain fees, dedications, reservations, and other exactions as provided herein, in the staff report and conditions of approval (collectively, "Conditions"); and these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions, and pursuant to Government Code Section 66020(d)(1) the applicant is hereby further notified that the 90 day approval period in which you may protest these fees, dedications, reservations, and other exactions, has commenced upon the date of adoption of this Resolution.

**Section 3. Evidence**

That the Planning Commission has considered all evidence submitted into the Administrative Record for the Proposed Project, including, but not limited to, the following:

- a. Moreno Valley General Plan and all other relevant provisions contained therein;
- b. Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all other relevant provisions referenced therein;
- c. Applications for Conditional Use Permit (PEN24-0082), and all documents, records, and references contained therein;
- d. Conditions of Approval for Conditional Use Permit (PEN24-0082), attached hereto as Exhibit A;
- e. Staff Report prepared for the Planning Commission's consideration and all documents, records, and references related thereto, and Staff's presentation at the public hearing;

- f. Testimony, and/or comments from Applicant and its representatives during the public hearing; and
- g. Testimony and/or comments from all persons provided in written format or correspondence, at, or prior to, the public hearing.

**Section 4. Findings**

That based on the foregoing Recitals and the Evidence contained in the Administrative Record as set forth above, the Planning Commission makes the following findings in approving the Proposed Project:

- a. The Proposed Project is consistent with the goals, objectives, policies and programs of the General Plan;
- b. The Proposed Project complies with all applicable zoning and other regulations;
- c. The Proposed Project will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity; and
- d. The location, design and operation of the Proposed Project will be compatible with existing and planned land uses in the vicinity.

**Section 5. Determination of Categorical Exemption**

That the Planning Commission hereby determines that the Proposed Project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities) since the Proposed Project involves interior alterations and no expansion of use.

**Section 6. Notice of Exemption**

That the Planning Division is hereby directed to prepare, execute, and file a Notice of Exemption as required by Section 5.2 (Noticing Requirements) of the City's Rules and Procedures for the Implementation of the California Environmental Quality Act and CEQA Guidelines Section 15062.

**Section 7. Approval**

That based on the foregoing Recitals, Administrative Record and Findings, the Planning Commission hereby approves the Proposed Project, Conditional Use Permit PEN24-0082, subject to the Conditions of Approval, attached hereto as Exhibit A and incorporated herein and as shown on the approved plan.

**Section 8. Repeal of Conflicting Provisions**

That all the provisions as heretofore adopted by the Planning Commission that conflict with the provisions of this Resolution are hereby repealed.

**Section 9.                  Severability**

That the Planning Commission declares that, should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

**Section 10.                 Effective Date**

That this Resolution shall take effect immediately upon the date of adoption.

**Section 11.                 Certification**

That the Secretary of the Planning Commission shall certify to the passage of this Resolution.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

**PASSED AND ADOPTED THIS 27<sup>th</sup> DAY OF FEBRUARY 2025.**

CITY OF MORENO VALLEY  
PLANNING COMMISSION

---

Alvin DeJohette, Chairperson

ATTEST:

---

Angelica Frausto-Lupo  
Community Development Director

APPROVED AS TO FORM:

---

Steven B. Quintanilla,  
City Attorney

Exhibits:

Exhibit A: Conditions of Approval for Conditional Use Permit PEN24-0082

RESOLUTION JURAT

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF MORENO VALLEY)

I, \_\_\_\_\_, Planning Commission Secretary of the City of Moreno Valley, California, do hereby certify that Planning Commission Resolution No. 2025-02 was duly and regularly adopted by the Planning Commission of the City of Moreno Valley at a regular meeting thereof held on the 27th day of February 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Planning Commission Members, Vice Chair, and Chair)

\_\_\_\_\_  
PLANNING COMMISSION SECRETARY

**Exhibit A**

**Conditions of Approval**  
Conditional Use Permit (PEN24-0082)

## **CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN24-0082)

Page 1

CITY OF MORENO VALLEY  
CONDITIONS OF APPROVAL  
Conditional Use Permit (PEN24-0082)

EFFECTIVE DATE:

EXPIRATION DATE:

### **COMMUNITY DEVELOPMENT DEPARTMENT**

#### **Planning Division**

1. A change or modification to the land use or the approved site plans may require a separate approval. Prior to any change or modification, the property owner shall contact the City of Moreno Valley Community Development Department to determine if a separate approval is required.
2. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.
3. Any expansion to this use or exterior alterations will require the submittal of a separate application(s) and shall be reviewed and approved under separate permit(s), per the Municipal
4. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion, and dust per the Municipal Code.
5. This approval shall expire after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise, it shall become null and void and of no effect whatsoever. "Use" means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval per the Municipal Code.
6. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs



## CONDITIONS OF APPROVAL

Conditional Use Permit (PEN24-0082)

Page 2

of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

7. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris per the Municipal Code.
8. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to occupancy or any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Planning Official per the Municipal Code.

### Special Conditions

9. The site has been approved for PEN24-0082, Conditional Use Permit (CUP) to allow the off-sale of beer, wine, and distilled spirits (Type 21– Off-Sale General), within 300 feet from a residential zone, at an existing convenience store (Jacksons Food Store) located at 15980 Perris Boulevard (APN: 486-211-021). The Type 20 alcohol license will be surrendered upon issuance of the Type 21 alcohol license. For a Conditional Use Permit, violation may result in revocation of the Conditional Use Permit.
10. The owner or owner's representative shall establish and maintain a relationship with the City of Moreno Valley and cooperate with the Police Department.

## **CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN24-0082)

Page 3

### **Building & Safety Division**

11. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, workspaces, trash enclosures, etc.
12. All remodeled structures shall be designed in conformance to the latest design standards adopted by the State of California in the California Building Standards Code, (Code of Regulations, Title 24) including requirements for allowable area, occupancy separations, fire suppression systems, accessibility, etc.
13. Any construction within the city shall only be completed between the hours of seven a.m. to seven p.m. Monday through Friday, excluding holidays, and from eight a.m. to four p.m. on Saturday, unless written approval is first obtained from the Building Official or City Engineer per City of Moreno Valley Municipal Code (MC 8.14.040E).
14. The proposed non-residential project shall comply with California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Stations (EVCS).
15. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
16. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code. Electronic/Digital signature is acceptable as all plan submittals are electronic reviews.

### **FIRE DEPARTMENT**

#### **Fire Prevention Bureau**

17. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[1])
18. Bulk Storage/Use of Hazardous Materials - A Separate submittal for the use and storage of CO2 shall be required.

**CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN24-0082)

Page 4

19. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)