



Report to City Council

TO: Mayor and City Council

FROM: Angelica Frausto-Lupo, Community Development Director

AGENDA DATE: April 15, 2025

TITLE: (PAA25-0001) APPEAL OF PLANNING COMMISSION DENIAL OF CUP (PEN24-0082) (REPORT OF: COMMUNITY DEVELOPMENT)

TITLE SUMMARY: Appeal Of Planning Commission Denial Of Conditional Use Permit To Replace A Type 20 Off-Sale Beer And Wine License With A Type 21 Off-Sale General License To Allow The Additional Off-Sale Of Distilled Spirits At An Existing Convenience Store (Jacksons Food Store).

Recommendation(s)

That the City Council:

1. ADOPT Resolution No. 2025-XX, attached hereto, DENYING Appeal PAA25-0001.

OR

2. ADOPT Resolution No. 2025-XX, attached hereto:

3. Determining that Conditional Use Permit PEN24-0082 is Categorically Exempt from the provision of the California Environmental Quality Act (CEQA) and CEQA Guidelines as a Class 1 Exemption (Existing Facilities), in accordance with CEQA Guidelines Section; and

4. APPROVING Conditional Use Permit PEN24-0082, subject to the attached conditions of approval included as Exhibit A of Resolution No. 2025-02 and as shown on the approved plan.

SUMMARY

Steve Rawlings of Rawlings Consulting (“Appellant”) is requesting approval of a Conditional Use Permit (PEN24-0082), to replace a Type 20 Off-Sale Beer and Wine License with a Type 21 Off-Sale General License to allow the additional off-sale of distilled spirits at an existing convenience store (Jacksons Food Store) (“Proposed Project”). The Proposed Project is located at 15980 Perris Boulevard (“Project Site”), situated at the northeast corner of Perris Boulevard and Iris Avenue (APN: 486-211-021), within the Community Commercial (CC) zone.

DISCUSSION

Planning Commission Decision

The Planning Commission held a duly noticed public hearing on February 27, 2025, where the Commission voted 4-3 to deny Planning Commission Resolution No. 2025-02. The Planning Commission denied the project based on the finding that the Proposed Project will be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

Project Description

The Proposed Project is an appeal of Planning Commission Denial of a Conditional Use Permit to replace a Type 20 Off-Sale Beer and Wine License with a Type 21 Off-Sale General License to allow the additional off-sale of distilled spirits at an existing 1,600-square-foot convenience store (Jacksons Food Store), located at 15980 Perris Boulevard (APN: 486-211-021), within 300 feet from a residential zone.

Jacksons Food Store operates daily from 5:00 a.m. to 11:00 p.m. and employs 2 to 4 employees per shift. Beer, wine, and packaged ready-to-drink mixed drinks will be stored and displayed in the existing walk-in coolers, located to the right and rear of the building. Distilled spirits will only be displayed in a locked glass cabinet that is approximately 8 square feet and will be located behind the cashier station, out of reach of customers. Alcohol consumption is not permitted on the premises.

Jacksons Food Stores implements several safety and security measures as part of their standard business practice. First, the store’s Point-of-Sale (POS) system automatically requires that a date of birth be entered into the system when alcohol is purchased. The transaction cannot be completed unless a valid ID is scanned and verified to confirm the individual is at least 21 years of age. Additionally, distilled spirits will be locked in a cabinet behind the cashier station, out of reach of customers. Lastly, Jacksons Food Store has state-of-the-art cameras and surveillance systems, with footage available to law enforcement upon request.

The Project Site is located within Census Tract 489.02. Per the California Department of Alcoholic Beverage Control (ABC), there are four (4) authorized Off-Sale licenses within

the tract. There are five (5) active licenses. Census Tract 489.02 is overconcentrated by one (1) license.

The Appellant is requesting to replace the current Type 20 license with a Type 21 license, allowing the additional off-sale of distilled spirits. As a matter of information, the proposed request to upgrade the license will not add any additional licenses above the overconcentration or the number of active licenses.

Site and Surrounding Area

The Project Site is on a developed parcel with a fueling station, a car wash, and the Jacksons Food Store convenience store. The Project Site is surrounded by commercial development to the north, south, east, and west. There is an established single-family residential development within 300 feet northeast of the Project Site.

Access/Parking

Access to the Project Site is provided via two (2) shared driveways with an adjacent commercial center along Iris Avenue on the south side of the property and along Perris Boulevard on the west side of the property. Pedestrian walkways are provided throughout the Project Site for adequate pedestrian circulation. There are 10 existing parking spaces at the Proposed Project site.

Design Landscaping

The Proposed Project is located within an existing commercial building. The existing convenience store is designed with full-height glass windows to provide clear and unobstructed views of the inside and outside. The site is equipped with indoor and outdoor lighting to provide a safe environment for customers and employees and to discourage loitering.

The existing landscape includes turf, shrubs, street trees, palm trees, and other landscape treatments around the perimeter of the Project Site that meets the Municipal Code requirements.

REVIEW PROCESS

As part of the standard review process, all appropriate outside agencies have considered the Proposed Project. The Proposed Project's application materials were circulated and reviewed by all appropriate City Departments and Divisions. Following subsequent revisions and staff review, the Project was deemed complete.

The Riverside County Sheriff's Department reviewed the application materials as part of the standard review process. As part of the review process, the Sheriff's Department assessed factors that may decrease levels of public safety. Evaluation factors include,

but are not limited to, calls for service to people and traffic, and proximity to sensitive receptors, such as schools and churches. Calls for service related to people analyze excessive safety concerns regarding gatherings that may create a nuisance or that may lead to increased criminal activity due to the type of business. Whereas an evaluation of traffic assesses whether the proposed use will increase area traffic or whether additional people and vehicles will disrupt the flow of traffic.

After a thorough review of the Proposed Project, the Riverside County Sheriff's Department expressed no issues or concerns and has determined that 1) The business already has a license and there has been no notable calls for service in the areas of people or traffic; and 2) Considering there are no notable calls for service in the area, there is no reason to assume measurable changes due to the change in ABC license.

Pursuant to Section 9.02.020 (Conditional Use Permits) of Chapter 9.02 (Permits and Approvals) of Title 9 (Planning and Zoning) of the Municipal Code, the Planning Commission must make the following findings before approving in whole or in part the subject CUP:

1. That the Proposed Project is consistent with the goals, objectives, policies, and programs of the general plan;
2. That the Proposed Project complies with all applicable zoning and other regulations;
3. That the Proposed Project will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity;
4. The location, design and operation of the Proposed Project will be compatible with existing and planned land uses in the vicinity.

ENVIRONMENTAL

The Proposed Project has been evaluated in compliance with the criteria set forth in the California Environmental Quality Act (CEQA) and the CEQA Guidelines, and staff has determined that the Proposed Project is exempt from the provisions of CEQA as a Class 1 Categorical Exemption in accordance with CEQA Guidelines Section 15301 for Existing Facilities. Pursuant to the California Code of Regulations, a Class 1 Exemption can be applied to a project when the project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The Existing Facilities exemption is applicable to the Proposed Project since the Proposed Project involves interior alterations and no expansion of use.

ALTERNATIVES

1. Uphold the Planning Commission's decision to deny the Proposed Project.
2. Overrule the Planning Commission's decision; Determining that Conditional Use Permit PEN24-0082 is Categorically Exempt from the provisions of California Environmental Quality Act (CEQA) and CEQA Guidelines as a Class 1 Exemption

(Existing Facilities), in accordance with CEQA Guidelines Section 15301; and Approving Conditional Use Permit PEN24-0082, subject to the attached conditions of approval included as Exhibit A of Resolution No. 2025-02 and as shown on the approved plan.

FISCAL IMPACT

There are no fiscal impacts anticipated from the approval or disapproval of the Proposed Project.

NOTIFICATION

Consistent with the Moreno Valley Municipal Code provisions and exceeding the posting and distance requirement of applicable state law, a public notice was sent to all property owners of record within 600 feet of the Project Site, and notices were posted on the Project Site and published in the Press Enterprise Newspaper, at least 10 days prior to the appeal hearing. As of the preparation of this Staff Report, one public inquiry has been received regarding the Proposed Project.

PREPARATION OF STAFF REPORT

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Department Head Approval:
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CITY COUNCIL GOALS

Community Image, Neighborhood Pride and Cleanliness: Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

CITY COUNCIL STRATEGIC PRIORITIES

1. Economic Development
2. Public Safety
3. Library
4. Infrastructure
5. Beautification, Community Engagement, and Quality of Life
6. Youth Programs

Report Approval Details

Document Title:	STAFFREPORT_CDD_PAA25-0001_CUP APPEAL.docx
Attachments:	<ul style="list-style-type: none">- CC_RESOLUTION 2025-XX_APPROVING.docx- CC_RESOLUTION 2025-XX_DENYING.docx- PC_STAFFREPORT_PEN24-0082.pdf- PLANNING COMMISSION RESOLUTION_2025-02.pdf- Location Map.pdf- Project Plans.pdf- Zoning Map_CC.pdf
Final Approval Date:	Apr 9, 2025

This report and all of its attachments were approved and signed as outlined below:

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