

RESOLUTION NO. YYYY-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PAA25-0001 APPEAL OF PLANNING COMMISSION DENIAL OF CONDITIONAL USE PERMIT PEN24-0082 TO ALLOW THE ADDITIONAL OFF-SALE OF DISTILLED SPIRITS AT AN EXISTING CONVENIENCE STORE (JACKSONS FOOD STORE) 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, on March 10, 2025, Steve Rawlings of Rawlings Consulting (“Appellant”) applied for PAA25-0001 Appeal of Planning Commission Denial of Conditional Use Permit PEN24-0082 to allow the additional off-sale of distilled spirits 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”) pursuant to Section 9.02.240 (Appeals) of the Moreno Valley Municipal Code; and

WHEREAS, at the public hearing on February 27, 2025, the Planning Commission voted 4-3 to deny the Appellant’s request to approve 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); and

WHEREAS, the application for Appeal of Planning Commission Denial of Conditional Use Permit PEN24-0082 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 an appeal hearing, the City Council 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 appeal hearing on April 15, 2025, in accordance with the provisions of the California Environmental Quality Act (CEQA¹) and CEQA Guidelines²,

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

the City Council 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, an appeal hearing was scheduled for April 15, 2025, and notice thereof 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 April 15, 2025, the appeal hearing to consider PAA25-0001 Appeal of Planning Commission Denial of Conditional Use Permit PEN24-0082 was duly conducted by the City Council, at which time all interested persons were provided with an opportunity to testify and present evidence; and

WHEREAS, at the appeal hearing, the City Council 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 CITY COUNCIL 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 Appellant 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 City Council 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 City Council's consideration and all documents, records, and references related thereto, and Staff's presentation at the appeal hearing;
- f. Testimony, and/or comments from Appellant and its representatives during the appeal hearing; and
- g. Testimony and/or comments from all persons provided in written format or correspondence, at, or prior to, the appeal hearing.

Section 4. Findings

That, based on the foregoing Recitals and the Evidence contained in the Administrative Record as set forth above, the City Council makes the following findings in approving the Appeal of Planning Commission Denial of Conditional Use Permit PEN24-0082:

- 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 City Council hereby approves the Appeal of Planning Commission Denial of 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 City Council that conflict with the provisions of this Resolution are hereby repealed.

Section 9. Severability

That the City Council 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 City Clerk shall certify to the passage of this Resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

APPROVED AND ADOPTED this _____ day of _____, YYYY.

Ulises Cabrera
Mayor
City of Moreno Valley

ATTEST:

M. Patricia Rodriguez, City Clerk

APPROVED AS TO FORM:

Steven B. Quintanilla, City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF MORENO VALLEY)

I, M. Patricia Rodriguez, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. YYYY-__ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the ____ day of _____, YYYY by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

M. PATRICIA RODRIGUEZ, CITY CLERK

(SEAL)