

RESOLUTION NO. 2025-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING APPEAL (PAA25-0002) OF THE PLANNING COMMISSION’S APPROVAL OF CONDITIONAL USE PERMIT (PEN24-0013) FOR THE DEVELOPMENT OF A 950 SQUARE FOOT COMMERCIAL BUILDING (DUTCH BROS COFFEE) SITUATED ON THE NORTH SIDE OF ALESSANDRO BOULEVARD, EAST OF PERRIS BOULEVARD AT 25040 ALESSANDRO BOULEVARD (APN: 479-220-017) IN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE.

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

WHEREAS, on July 18, 2025, Sean Refahiat of Blake & Ayaz, A Law Corporation (“Appellant”) (PAA25-0002) appealed the Planning Commission’s decision, approving Conditional Use Permit (PEN24-0013) for the development of a 950 square foot commercial building (Dutch Bros Coffee).

WHEREAS, at the public hearing on July 10, 2025, the Planning Commission voted 7-0 to approve Conditional Use Permit (PEN24-0013) for the development of a 950 square foot commercial building (Dutch Bros Coffee) with a drive-through, associated parking and landscape improvements on a 0.51-acre parcel, situated at 25040 Alessandro Boulevard (APN: 479-220-017); and

WHEREAS, the application for Appeal of Planning Commission Approval of Conditional Use Permit (PEN24-0013) 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, at the appeal hearing on August 19, 2025, in accordance with the provisions of the California Environmental Quality Act (CEQA¹) and CEQA Guidelines², the City Council determined that the Proposed Project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15332 for In-Fill Development Project, which is applicable to the Proposed Project since: 1) the Proposed Project is consistent with the applicable General Plan designation and policies and all applicable zoning designation and regulations and applicable policies; 2) the Project Site is no more than five acres in size substantially surrounded by urban uses; 3) the Project Site has no value, as habitat for rare, threatened or endangered species; 4) the Proposed Project will not result in any significant effects related to traffic, noise, air

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

quality, or water quality; and 5) the Project Site can be adequately served by all required utilities and public services; 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 August 19, 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 August 19, 2025, the appeal hearing to consider PAA25-0002 Appeal of Planning Commission Approval of Conditional Use Permit PEN24-0013 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, on August 19, 2025, a duly noticed appeal hearing was conducted by the City Council regarding the above issues raised by the Appellant.

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. Evidence

That the City Council has considered all evidence submitted into the Administrative Record for Appeal (PAA25-0002), 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 (PEN24-0013, and all documents, records, and references contained therein;
- d. Conditions of Approval for Conditional Use Permit (PEN24-0013), attached hereto as Exhibit A;
- e. Appeal PAA25-0002
- f. 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;

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

Section 3. 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 Approval of Conditional Use Permit PEN24-0013:

- a. The Proposed Project is inconsistent with the goals, objectives, policies and programs of the General Plan;
- b. The Proposed Project does not comply with all applicable zoning and other regulations;
- c. The Proposed Project will 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 not be compatible with existing and planned land uses in the vicinity.

Section 4. Approval of Appeal

That, based on the foregoing Recitals, Administrative Record and Findings, the City Council hereby approves the Appeal of Planning Commission Approval of Conditional Use Permit (PEN24-0013) and thereby denying the entire Proposed Project.

Section 5. 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 6. 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 7. Effective Date

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

Section 8. 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:

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APPROVED AND ADOPTED this 19th day of August, 2025.

Ulises Cabrera
Mayor
City of Moreno Valley

ATTEST:

M. Patricia Rodriguez, CMC, 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. 2025-XX was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 19th day of August, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

M. PATRICIA RODRIGUEZ,
MANAGER OF THE OFFICE OF MAYOR AND CITY COUNCIL/CITY CLERK

(SEAL)