

## RESOLUTION NO. PC 22-

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENIFEE, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. PLN22-0123 FOR THE QUAIL VALLEY MARKET TYPE 21 LICENSE FOR THE SALE OF DISTILLED SPIRITS FOR OFF-SITE CONSUMPTION**

**WHEREAS**, on May 5, 2022, the applicant, Muti Alnakoud, filed a formal application with the City of Menifee for a Conditional Use Permit for the sale of distilled spirits (in addition to beer and wine) for off-site consumption within an existing neighborhood market located at 23980 Newport Drive at the northwest corner of Newport Drive and Palm Drive within the City of Menifee; and

**WHEREAS**, pursuant to the requirements of the California Environmental Quality Act (CEQA) the project has been determined to be exempt from CEQA review pursuant to Section 15301 "Existing Facilities"; and

**WHEREAS**, on August 10, 2022, the Planning Commission of the City of Menifee held a public hearing on the Project, considered all public testimony as well as all materials in the staff report and accompanying documents for Conditional Use Permit No. PLN22-0123, which hearing was publicly noticed by a publication in a newspaper of general circulation (*The Press Enterprise*), an agenda posting, and notice to property owners within 1,000 feet of the Project boundaries, and to persons requesting public notice; and

**WHEREAS** the Planning Commission of the City of Menifee makes the following Findings:

1. *Consistency with the General Plan. The proposed design and location of the conditional use is consistent with the adopted General Plan and any applicable specific plan:*

The General Plan land use of the site is Commercial Retail (CR). The proposed project, a request to upgrade the existing ABC License from Type 20 to Type 21 for the sale of distilled spirits for off-site consumption at an existing neighborhood market, meets the requirements of the Commercial Retail land use designation with the approval of a conditional use permit.

Surrounding general plan land use designations include Commercial Retail to the north, south, east and west. The project, for a neighborhood market, is compatible with the surrounding general plan land uses.

2. *The proposed design and location of the conditional use meet all applicable standards of development and operation of the City's Zoning Code, including any applicable specific use regulations.*

The project is zoned General Commercial (CR). The sale of distilled spirits for off-site consumption at the neighborhood market is allowed in the Commercial Retail zone with approval of a conditional use permit. The proposed project is consistent with the development standards of the Commercial Retail zone.

Title 9 Article 5 Section 9.255 "Alcoholic Beverage Sales" regulates the sale of alcohol in the City of Menifee. The project is not situated in a manner that vehicle traffic from the facility may reasonably be believed to be a potential

hazard to a school, church, public park or playground. The project site is not located 600 feet as measured between the main entrance of the alcohol selling business and the closest public entrance to the religious or educational institution (K-12), day care or public park. There is no other liquor store, convenience store, mini-mart or service station selling *distilled spirits* within the vicinity of the proposed project. Therefore, the proposed project is consistent with Title 9 Article 5 Section 9.255 "Alcoholic Beverage Sales, Consumption and Manufacturing".

3. *That the proposed site is adequate in size and shape to accommodate the conditional use in a manner that is compatible with existing and planned uses in the vicinity.*

The project proposes the sale of distilled spirits for off-site consumption at a neighborhood market. There are existing single family residential uses to the north and west of the site, Palm Drive and the Quail Valley Fire Station to the east, and Newport Drive and a vacant commercial office building and vacant properties to the south. The residential uses to the north are buffered from the site by mature trees and the homes are setback between 40 and 50 feet from the property. The rear setback for the market is vacant and is approximately 45 feet that buffers the existing residence to the west. The market is intended to serve as a small market serving the neighborhood. The sale of distilled spirits at the market is not anticipated to result in substantial impacts to surrounding residential uses due to the buffering between the uses.

The project site is not located within 600 feet of the nearest boundary of a public or private school, church (or similar facility for the sole purpose of the exercise of religion) or public or private park or playground. There is no other liquor store, convenience store, mini-mart or service station selling distilled Spirits within the vicinity of the proposed project, with exception of a Circle K southeast of the project site, which only sales beer and wine.

4. *That the proposed design and location of the conditional use will not be detrimental to the public health, safety or welfare, or materially injurious to uses, properties or improvements in the vicinity.*

The establishment is existing, and the proposed ABC License upgrade will not be detrimental to the public health, safety and welfare. The improvements to the site were reviewed and approved by the County of Riverside when the market was originally established.

The Project has been reviewed by Menifee Police Department and conditions of approval as appropriate will be enforced to ensure compliance with applicable regulations. The applicant will be required to submit an application and received approval with the California Department of Alcoholic Beverage Control (ABC) prior to sale of distilled spirits as required by a Type 21 License.

5. *The project is exempt from CEQA per Section 15301 "Existing Facilities"*

The project is exempt from CEQA per Section 15301 Existing Facilities, which 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

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beyond that existing at the time of the lead agency's determination. This exemption includes (a) interior or exterior alterations involving such things as

interior partitions, plumbing and electrical conveyances; (e) Additions to existing structures provided that the additions will not result in an increase of more than: (1) 50% of the floor area of the structures before the addition or 2,500 square feet, whichever is less.

The project is to allow for the sale of beer, wine and distilled spirits for off-site consumption. The project does not involve changes or alterations to the existing building/structure on-site. Therefore, the project qualifies for the exemption under Section 15301.

**NOW, THEREFORE**, the Planning Commission of the City of Menifee resolves and orders as follows:

1. The Findings set out above are true and correct.
2. Conditional Use permit PLN22-0123 is hereby approved subject to the Conditions of Approval Exhibit "1" to this Resolution.

**PASSED, APPROVED AND ADOPTED** this the 10<sup>th</sup> day of August 2022.

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David White, Chairman

Attest:

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Rachel Valencia, Acting Deputy City Clerk

Approved as to form:

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Thai Phan, Assistant City Attorney