

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

616B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
January 11, 2008

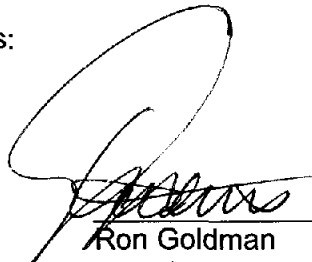
SUBJECT: DENIAL OF CHANGE OF ZONE NO. 7431 / PLOT PLAN NO. 22089 – Applicant: Marcelo Doffo – Engineer / Representative: Hunsaker & Associates - Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Agriculture: Agriculture (A-AG) (10 Acre Minimum) – Location: Southeasterly corner of Summitville Road and Warren Road – 15.19 Gross Acres - Zoning: Residential Agricultural - 2½ Acre Minimum (R-A-2½) - **REQUEST:** The Change of Zone proposes to change the site's current zoning classification from Residential Agricultural - 2½ Acre Minimum (R-A-2½) to Citrus/Vineyard (C/V). The Plot Plan proposes to legalize an existing 1,518 square foot winery and tasting room. A 2,719 square foot single family residence exists and will remain on the project site.

BACKGROUND:

Change of Zone No. 7431 and Plot Plan No. 22089, were heard by the Planning Commission on September 19, 2007. The Planning Department recommended approval, and the Planning Commission denied a Mitigated Negative Declaration and denied the Change of Zone No. 7431 and Plot Plan No. 22089. The project was received and filed by the Board of Supervisors on November 6, 2007. The appellant filed an appeal on November 13, 2007 challenging the denial of the project. The project was set for a public hearing before the Board of Supervisors on December 18, 2007. The Board of Supervisors tentatively denied Change of Zone 7431 and Plot Plan 22089 and directed County Counsel to prepare formal findings for denial.

RECOMMENDED MOTION:

The Planning Department recommends:


Ron Goldman
Planning Director

Damian Meins for

RG:cv

REVIEWED BY EXECUTIVE OFFICE

DATE 1/14/08 Tina Grande
Departmental Concurrence

Dept't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref. 1.2 (11/6/07) and 15.5 (12/18/07) | District: Third | Agenda Number:

3.55

The Honorable Board of Supervisors

RE: DENIAL OF CHANGE OF ZONE NO. 7431 / PLOT PLAN NO. 22089

January 11, 2008

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DENIAL of **CHANGE OF ZONE NO. 7431**, based upon the findings and conclusions incorporated in the staff report and formal findings from County Counsel; and,

DENIAL of **PLOT PLAN NO. 22089**, based upon the findings and conclusions incorporated in the staff report and formal findings from County Counsel.

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE

IN THE MATTER OF CHANGE OF)
ZONE CASE NO. 7431; PLOT PLAN)
NO. 22089)
_____)

FINDINGS

The Board of Supervisors of the County of Riverside (the "Board") heard the above-referenced matters (the "project") in regular session assembled on December 18, 2007, after giving the required notice. The Planning Department made a presentation and the applicant and his representative gave oral testimony, as did various members of the public. Following the presentation and oral testimony, the Board tentatively denied the project and directed the Planning Department and Office of the County Counsel to prepare the following findings. The Board has reviewed the findings and hereby denies the project based thereon.

1. The applicant seeks approval of Change of Zone Case No. 7431 and Plot Plan No. 22089.
2. Change of Zone Case No. 7431 would, if approved, change the zoning classification on the project site from Residential Agricultural-2 ½ Acre Minimum (R-A-2½) to Citrus Vineyard (C/V).
3. Plot Plan No. 22089 would, if approved, allow continued operation of a 1,518 square foot winery and wine sampling room. Although the facility has been operating for several years, it has been doing so illegally because it is located in the R-A-2½ zone classification and a use of this nature is not allowed in that zone classification.
4. The project site is 15.19 acres in size and contains an existing 2,719 square foot single family residence in addition to the winery and wine sampling room indicated above.
5. The area north of the project site is currently zoned R-A-2½ and is occupied by rural residences. The area south of the project site is currently zoned Light Agriculture-10-Acre Minimum (A-1-10) and is vacant land. The area east of the project site is currently zoned R-A-2½ and is occupied by rural residences. The area west of the project site is currently zoned C/V and is vacant land previously approved for 216 rural residences, 8 winery lots and open space lots as part of Tract No. 34466. No other area in the immediate vicinity of the project site is zoned C/V.
6. The C/V zone allows a much larger and more intensive range of land uses than the R-A-2½ zone. In addition to wineries, for example, the C/V zone allows, with

- appropriate permits, public utility facilities, special occasion facilities, bed and breakfast inns, day spas, cooking schools, country inns, wine sampling rooms, retail wine and/or gift sales, delicatessens, restaurants, hotels, permanent stands for the display and sale of agricultural products, eighteen (18) hole golf courses, commercial stables and equestrian training facilities, commercial horse, sheep, goat and/or cattle breeding operations and farm labor camps. These commercial/utility uses would be entirely incompatible with the surrounding agricultural and residential uses.
7. Even if such commercial/utility uses were never actually permitted on the project site, the mere fact that they could be permitted would exert pressure on surrounding parcels to transition from agricultural and residential uses, thereby setting an undesirable area-wide precedent. The Board believes that the project site and surrounding areas should remain agricultural and residential in character. The propriety of these uses is reflected in the fact that the project site and surrounding areas have been designated Agriculture (AG)(10 Acre Minimum) in both the County's current and proposed General Plans. Accordingly, the Board declines to apply the C/V zoning classification to the project site and denies Change of Zone Case No. 7431. This decision is a legislative act.
 8. The Board's denial of Change of Zone Case No. 7431 necessitates the denial of Plot Plan No. 22089 because a winery and wine sampling room is not an allowed use in the current R-A-2½ zone. Assuming arguendo that the Board erred in denying Change of Zone Case No. 7431 or erred in determining that the project is not an allowed use in the R-A-2½ zone, the Board denies Plot Plan No. 22089 based on the concerns and findings stated below as required by Section 18.30c. of Ordinance No. 348.
 9. The applicant conceded during the hearing, through testimony and a letter prepared by his representative, the concerns raised by the residential opponents with regard to traffic, parking, noise and safety and requested that the applications be sent back to the Planning Commission for consideration of new and additional conditions of approval proposed by the applicant in an attempt to address the concerns of concerned residents. In addition, the applicant also conceded during the hearing, through testimony and the same letter prepared by his representative, that he does not currently have an established on-site vineyard. The letter from attorney S. Douglas Kerner, dated December 17, 2007, provides in pertinent part "3. Pursuant to the C/V zone, a minimum of seventy-five percent (75%) of the net lot area (15.79 Acres) shall be planted in vineyards. At this time, the project has thirty-eight percent (38%) planted in vineyards."
 10. During the hearing, evidence was presented by members of the public indicating that they had concerns with regard to the proposed facility related to traffic, parking, safety, noise and litter issues. Mr. Robert Radican testified that he was concerned with alcohol consumption, the volume of traffic and lack of parking associated with the facility that caused difficulties for access to the driveway of his home. Mr.

Radican indicated that he had gotten into arguments in the past with bus drivers bringing patrons to the facility, because the buses were blocking his home driveway access. Mr. Radican was also concerned about the exposure of his children to inebriated people coming from the facility that were trespassing on his property and wandering around the neighborhood. Mrs. Diane Radican testified that she was concerned with the traffic problems associated with the facility because limousines carrying patrons to the facility would park on the street in front of their home, block the driveway and not move. Mrs. Radican also testified that they live in a residential community that has been that way for 20 years and that it was not appropriate to have the facility where alcohol is being served combined with traffic and parking caused by the visiting limousines. Mr. and Mrs. Radican also submitted a letter dated December 11, 2006 indicating the foregoing concerns as well as documenting instances where drunken revelers were looking in their home windows, knocking on their doors to see if they had a "wine tasting room", parking in their driveway and leaving trash on the street.

11. Mr. Sean McGovern testified that he was very concerned with the negative impacts of the facility in his residential neighborhood. Mr. McGovern also submitted a letter dated December 9, 2006 that indicated his concerns about the facility. Mr. McGovern was specifically concerned with the large volume of traffic and lack of parking associated with the facility that caused difficulties for access to the driveway of his home. Mr. McGovern indicated that the applicant's facility would have numerous visits by cars, limousines and tour buses all of which were trying to park and/or turn around on their residential street. Mr. McGovern also indicated that on weekends it was common for neighborhood residents not to be able to drive up their own street or have tour buses blocking their driveways. Mr. McGovern finally indicated that the residents and their children were being exposed to drunken persons coming from the facility who would wander around the neighborhood, park in driveways and leave trash behind.
12. Mr. Charles Pitkin testified that he has lived in the neighborhood for 12 years, that it is residential in character, and that he is concerned about alcohol being served in a residential neighborhood where 75% of the homes have children or grandchildren residing. Mr. Pitkin also testified that helicopters have hovered over his home and landed at the applicant's facility causing noise, patrons from the facility have wandered through the residential neighborhood and become vulgar when confronted over trespassing, and that the facility suffers from a lack of adequate parking. Mr. Pitkin testified that the applicant has failed to plant any grape vineyards on the facility property as required for a winery. Other members of the public echoed the foregoing concerns as indicated in letters submitted at the time of the hearing.
13. Based on the above, the Board finds that there is no established vineyard or any other agricultural operation on the project site as required by the C/V zone. Accordingly, the Board finds that the project is inconsistent with the C/V zone.

14. Based on the foregoing concerns relating to zoning inconsistency, traffic, parking, safety, noise and litter, the Board finds that the public health, safety, and welfare are not protected through the proposed project's design as required by Section 18.30c. of Ordinance No. 348.

15. Based on the foregoing concerns relating to zoning inconsistency, traffic, parking, safety, noise and litter, the Board finds that the proposed project is not compatible with the present and future logical development of the subject parcel and surrounding property as required by Section 18.30c. of Ordinance No. 348.