

Agenda Item No.: 4.4
Area Plan: Southwest
Zoning Area: Rancho California
Supervisory District: Third
Project Planner: Kinika Hesterly
Directors Hearing: February 8, 2010
Continued From: 1/25/10, 1/11/10, 11/30/09,
11/16/09, 11/02/09, 10/19/09 and 7/27/09

Plot Plan No. 23819
Variance No. 1865
E.A. Number 42047
Applicant: Wilfredo Ventura P.E.
Engineer/Representative: Wilfredo Ventura
P.E.

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

Miramonte Winery – The plot plan proposes to use a 6,595 square foot building for a winery. In addition, the project proposes to add restrooms (283 sq. ft.) to the winery building, 5,530 sq. ft. of terrace and patio with a trellis, and provide a total of 82 parking spaces.

The variance proposes to defer the 75% vineyard planting requirement until after building permits are issued (planting will occur no later than March 2011) to allow for planting to occur after construction thereby preventing damage to vineyard planting during construction.

The winery proposes special events up to three events a month ranging in size from 15-150 attendees, which will include wine club appreciation events, catered dinners, private tasting for Valley tour groups, and private or corporate parties.

The project site is located within the Community of Rancho California within the Southwest Area Plan; more specifically, the project is located northerly of Rancho California Road, easterly of Calle Contento and westerly of Reid Court.

ISSUES OF POTENTIAL CONCERN:

Code Violation

The project is for an existing winery and tasting room. A code violation was issued on September 2, 2006 for the operation of a winery and tasting room without land use approval. The Miramonte Winery has since continued to operate. The plot plan application was submitted on October 7, 2008.

The applicant requests an extension of time in accordance with the Board of Supervisors Policy A-57 Disposition Guideline which states *"It will be the responsibility of the hearing body to approve, deny, or grant a time extension to the review process at the time of the Initial Hearing"*. Since the initial submittal of this plot plan, the applicant has been diligently cooperating with the Transportation and Land Management Agency staff to resolve those issues preventing final approval of this plot plan.

Hours of Operation

The closing time for Friday and Saturday is an issue of concern due to the proximity to residential uses. Residential uses are located to the north and west of the property. Although music will be indoors, people will most likely also congregate on outdoor patio areas and this could be a potential disturbance to surrounding residents. In addition, lights and noise from vehicles leaving the winery may also cause conflicts with the neighboring residential. Staff recommends 10:00 pm closing time.

Parking - Resolved

The project proposes to have special events with up to 150 guests and up to 12 employees. Therefore, 82 parking spaces would be required for events up to this size. The project currently provides the required number of parking spaces.

FURTHER PLANNING CONSIDERATIONS:

On **January 25, 2010**, the project was continued due to a discrepancy with the number of events proposed in the project and the number of events currently being advertised on the applicant's website. Also, there was discussion about how to resolve the issue of finaling permits prior to the planting being completed.

On **December 10, 2009**, a variance application was submitted and the project was re-advertised.

The project was continued on 1/11/10, 11/30/09, 11/16/09, 11/02/09 and 10/19/09 to address conflicts with the 75% planting requirement and conditions of approval that require the restroom building permit to be submitted to the Department of Building and Safety. The representative expressed that the planting requirement will not be met prior to issuance of the restroom building permit.

On July 27, 2009, the project was continued to allow the applicant time to address departmental comments and allow the project to be advertised with the intent to adopt a mitigated negative declaration.

Plot Plan No. 22698

The eastern parcel included in this project (APN: 943-110-008) was previously approved for a Lavender Farm on March 10, 2008. With approval of this project, the lavender farm will be null and void.

SUMMARY OF FINDINGS:

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| 1. Existing General Plan Land Use: | Agriculture: Agriculture (AG: AG) (10 Acre Minimum) |
| 2. Surrounding General Plan Land Use: | Agriculture: Agriculture (AG: AG) (10 Acre Minimum) |
| 3. Existing Zoning: | Citrus Vineyard (C/V) |
| 4. Surrounding Zoning: | Citrus Vineyard -10 Acre Minimum (C/V-10) to the north and east, Citrus Vineyard (C/V) to the west, and Citrus Vineyard -20 Acre Minimum (C/V-20) to the south. |
| 5. Existing Land Use: | Winery, tasting room and vineyards within the western portion of the site and vacant land in the eastern portion of the site. |
| 6. Surrounding Land Use: | Surrounding land uses include rural residences to the west, vacant land and Mount Palomar Winery to the east, Stuart Cellars Winery and vacant land to the south, and vacant land and rural residences to the north. |
| 7. Project Data: | Total Acreage: 10.63 acres
Total Square Footage: 6,595 bldg – 5,530 patio |

3. The project site is surrounded by properties which are designated Agriculture: Agriculture (AG: AG) (10 Acre Minimum) to the north, south, east, and west.
4. The zoning for the subject site is Citrus Vineyard (C/V).
5. The project site is located within the Citrus Vineyard Rural Policy Area. The proposed project will provide vineyards within 75% of the site, produces over 3,500 gallons of wine annually, and is consistent with the Citrus Vineyard Rural Policy Area Design Guidelines. The proposed project is consistent with the Citrus Vineyard Rural Policy Area.
6. The proposed use, winery and tasting operations, sales, and special events, is a permitted use, subject to a plot plan, in the Citrus Vineyard (C/V) zone.
7. The proposed use, winery and tasting operations, sales, and special events, is consistent with the development standards set forth in the Citrus Vineyard (C/V) zone.
8. The topography of the subject parcels is such that man-made slopes and retaining walls are required to complete proposed renovations and compliance requirements. These include project features such as pad areas for the winery and parking spaces located on sloping terrain that gradually steepens toward the rear of the site. A variance is required for the deferral of the 75% planting requirement described in Ordinance No. 348, Article XIVb, Section 14.74, item d.(2), which states that 75% of the net lot area shall be planted in vineyards prior to issuance of a building permit.
9. The topography of the land will require future vineyard areas to be re-contoured, prior to any vineyard planting, by utilizing fill imported from the pad grading work for the winery and accompanying parking area, in order to protect vineyard employees' health and safety when working in such vineyard areas. A variance is required because of Ordinance No. 348, Article XIVb, Section 14.74, item d.(2), which states that 75% of the net lot area shall be planted in vineyards prior to issuance of a building permit.
10. Additional required restroom facilities require construction of a waste water system in the vineyard area. Accordingly, due to the project's topography, future vineyard areas must first be subject to grading to accommodate the installation of a waste water system that includes a leach field expansion to meet the County's sanitary waste disposal requirements prior to vineyard planting in the same location. A variance is required because of Ordinance No. 348, Article XIVb, Section 14.74, item d.(2), which states that 75% of the net lot area shall be planted in vineyards prior to issuance of a building permit.
11. The topography and location of the subject project would require that approximately 50% of the planned vineyard planting areas will face being damaged or destroyed, in some manner, during construction due to the need to access the areas where infrastructure improvement work will take place (winery, restrooms, retaining walls, parking, etc.). Several of the required improvements, including retaining walls, would force the applicant to replant such vineyard areas damaged or destroyed during the construction phase of the project. A variance is required because of Ordinance No. 348, Article XIVb, Section 14.74, item d.(2), which states that 75% of the net lot area shall be planted in vineyards prior to issuance of a building permit.

12. The topography and location of the subject property are such that the timing of initial vineyard planting is dependent on factors such as the climate zone, slope configuration and angles, and the type(s) of varietal grape to be planted. Such factors directly impact optimal vineyard planting conditions that are limited to only specific months of a calendar year. A variance is required because of Ordinance No. 348, Article XIVb, Section 14.74, item d.(2), which states that 75% of the net lot area shall be planted in vineyards prior to issuance of a building permit.
13. The project site is surrounded by properties which are zoned Citrus Vineyard -10 Acre Minimum (C/V-10) to the north and east, Citrus Vineyard (C/V) to the west, and Citrus Vineyard -20 Acre Minimum (C/V-20) to the south.
14. Similar uses have been constructed and are operating in the project vicinity.
15. This project is not located within a Criteria Area of the Multi-Species Habitat Conservation Plan.
16. The following environmental impacts have been found to be less than significant with mitigation incorporated through those measures identified in Environmental Assessment No. 42047:
 - a. Cultural Resources
 - b. Hydrology and Water Quality
 - c. Land Use/Planning
 - d. Noise
 - e. Transportation/Traffic

INFORMATIONAL ITEMS:

1. As of this writing, nine (9) letters, in support of the project have been received.
 - a. Letter in support from Joe T. Hart, owner of Hart Winery, not dated.
 - b. Letter in support from Dan and Cathy Gibson, not dated.
 - c. Letter in support from Ben Drake, President of Drake Enterprises, Inc, dated April 17, 2009.
 - d. Letter in support from Ben Fraleigh of Rancon Real Estate, dated April 20, 2009.
 - e. Letter in support from Ken Grill, President of Lighthouse Marketing Group, LLC, dated August 13, 2009.
 - f. Letter in support from Marshall and Susan Stuart, neighbor, dated August 21, 2009.
 - g. Letter in support from John McFarlin, neighbor, dated September 7, 2009.
 - h. Letter in support from Craig Holt, neighbor, dated September 10, 2009.
 - i. Letter in support from Kevin Heitritter, owner of Innovative Document Solutions in Murrieta, dated October 27, 2009.
 - j. E-mail of concerns with the project, from Felicitas Yakut, dated on January 15, 2010.
2. The project site is not located within:
 - a. A Fault zone;
 - b. A High Fire Area;
 - c. A Liquefaction Potential;
 - d. A City sphere of influence;
 - e. A WRCMSHCP Criteria Cell;
 - f. A Specific Plan;
 - g. A General Plan Overlay;
 - h. A FTL fee area Ord. 457 & 460;

- i. A Redevelopment area;
 - j. An Agricultural Preserve; or,
 - k. An Airport Influence Area/Zone.
3. The project site is located within:
- a. The Community of Rancho California;
 - b. The Southwest Area Plan;
 - c. The Third Supervisorial District;
 - d. The Agriculture (AG) (10 Acre Minimum) General Plan Land Use Designation;
 - e. The Citrus Vineyard (C/V) Ordinance 348 Zoning Designation;
 - f. The Citrus Vineyard Rural Policy Area;
 - g. Ordinance 659 (DIF) Fee Area and subject to mitigation fees;
 - h. Ordinance 810 (MSHCP) Fee area and subject to mitigation fees;
 - i. Ordinance 824 (TUMF) Fee Area and subject to mitigation fees;
 - j. The Temecula Valley Unified School District;
 - k. Circulation Element Road: Rancho California Road;
 - l. The Rancho California Water District;
 - m. The Santa Margarita Watershed;
 - n. SKR fee area Ord. 663.10;
 - o. An area susceptible to subsidence;
 - p. Lighting Ordinance 655 Zone B, 16.77 miles;
 - q. County Service No. 149 Area; and,
 - r. A High Paleontological Sensitivity Area.
4. The subject site is currently designated as Assessor's Parcel Numbers 943-110-007 and 943-110-008.
5. This project was filed with the Planning Department on October 7, 2008.
6. This project was reviewed by the Land Development Committee three (3) times on the following dates November 6, 2008, May 28, 2009, and August 27, 2009.
7. Deposit Based Fees charged for this project, as of the time of staff report preparation, total \$34,009.02.