

P09-0550/0551, Exhibit 3 - 2008 Aerial Photo



P09-0550/0551, Exhibit 4 - Proposed Zoning

Established in 1966, La Bodega is Riverside's premier wine and spirits retailer. This is a Riverside business and we have been involved in and a part of this community for many years. La Bodega has supported many important local organizations and charities. We are now serving our second generation of customers. We have changed along with the Magnolia Center redevelopment and the next stage of our evolution is a wine tasting bar.

This tasting bar will provide a venue where the number one objective will be wine education. No other business selling alcohol in Riverside provides the service that we intend to provide. This includes things such as weekly events where our customers will have the opportunity to sample beers and wines from around the world that they would previously not have access to within the Riverside area. As of now the only option for someone looking for a glass of wine is to go to a bar or restaurant. We feel this is an opportunity to provide a new option, something that has been missing in this area, a chance to visit an upscale venue where wine culture is the primary focus.

The proposed site currently consists of a house built in 1948 and the property extends from Central Avenue back to Laura Lane. We plan on renovating the existing house, keeping the original Spanish architecture. We will also be landscaping the front and back yards with the intent of creating a botanical garden feel to the back, where most of the events will be held. The remaining back half of the lot will be paved for parking.

Though we will be serving alcohol, we do not intend to be the type of establishment where people come to get intoxicated. This is intended to be an upper-income, carriage trade type business with an atmosphere of refinement and class. La Bodega was established over four decades ago and we have extensive experience in the alcohol beverage industry. Over the years we have provided a safe and friendly environment for people to shop and we plan to apply that business model to this new venture. As this is an extension of our existing business we plan to operate with the same level of adherence to laws and guidelines to help benefit this area and keep it safe.

P09-0550/0551, Exhibit 5
Applicant's Project Description

Bodega Bar and Tasting Room

A) Hours of Operation

Monday thru Sunday 11am to 9pm

B) Number of Employees

4 part time 4 full time

C) Facility will be Open Daily

D) Customers Experience

The wine Bar and tasting room will be an extension of our retail store. Located next door to La Bodega Wine and Spirits our wine bar will provide an opportunity for our customers to taste from over 50 wines by the glass before they purchase it at retail.

We will be holding special tasting events and catered wine and beer maker dinners where our customers will have the opportunity to meet the wine makers and brew masters at these events.

Tasting groups will have the opportunity to hold events at one of our two private tasting rooms.

Customers will be able to relax and enjoy a glass of wine in our outdoor patio and garden.

E) Food Service

Food will be catered.

F) Entertainment

No Entertainment will be offered.

G) Privet Parties

We will be holding private parties related to wine tasting only.

H) License Type # 41

I) We will not be using music or speakers in patio or garden area.

P09-0550/0551, Exhibit 5

Applicant's Project Description



Front of Property



Front Yard (Central Avenue Looking East)

P09-0550/0551, Exhibit 7
Site Photos
4-46



Existing Driveway off Central Avenue

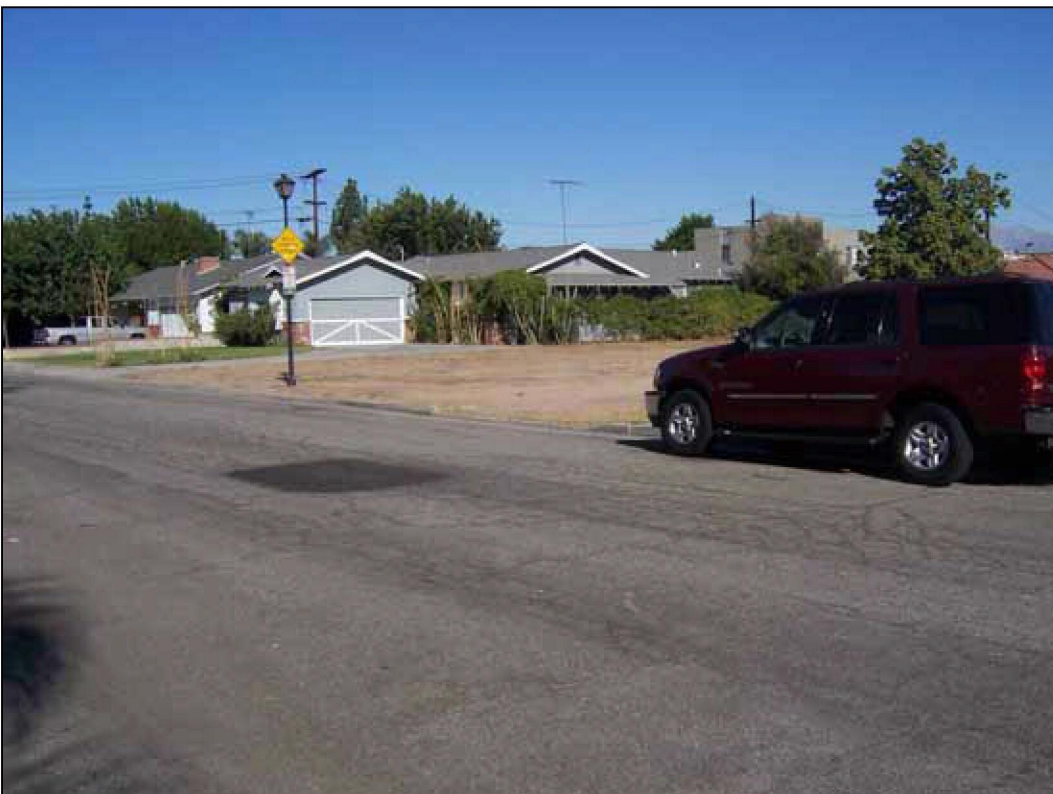


Laura Lane Looking West

**P09-0550/0551, Exhibit 7
Site Photos
4-47**

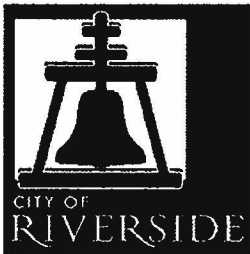


Rear of Property Looking North



View from Laura Lane Looking Northwest

**P09-0550/0551, Exhibit 7
Site Photos
4-48**



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

VARIANCE JUSTIFICATION FORM

PLEASE TYPE OR PRINT CLEARLY

Project Description: La Bodega Wine Bar

Project Location: 3524 Central Avneue

Assessor's Parcel Number (APN): 225-250-004

VARIANCES REQUESTED – State variance(s) requested specifically and in detail. Please attach separate sheets(s) as necessary.

To allow alcohol sales within 100' of a residential property.

REQUIRED FINDINGS – Answer each of the following questions yes or no and then explain your answer in detail. Questions 1 and 2 must be answered “yes” and 3 and 4 “no” to justify granting of a variance. Attach written details if insufficient space is provided on this form. Economic hardship is not an allowable justification for a variance.

1. Will the strict application of the provisions of the Zoning Code result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code? Explain in detail.

Yes. This business would not be allowed to operate should this variance be denied.

2. Are there special circumstances or conditions applicable to your property or to the intended use or development of your property that do not apply generally to other property in the vicinity and under the identical zoning classification? Explain in detail.

Yes. The affected properties are to the rear of the property and adjacent to the parking lot of the business as opposed to the Wine Bar itself.

3. Will the granting of such variance prove materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which your property is located? Explain in detail.

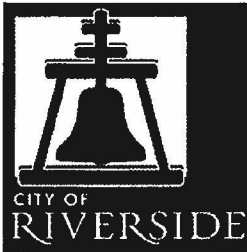
No. There is a long history of great management of this similar facility. The owners of La Bodega have a great relationship with the adjoining neighborhood and will maintain that relationship.

4. Will the granting of such variance be contrary to the objectives of any part of the General Plan? Explain in detail.

No. Since there is really only one adjacent resident that will be directly affected, and they are in complete support of this proposal, we see no conflicts arrising as a result of approvals.

P09-0550/0551, Exhibit 9

Applicant's Variance Justifications 4-50



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

VARIANCE JUSTIFICATION FORM

PLEASE TYPE OR PRINT CLEARLY

Project Description: La Bodega Wine Bar

Project Location: 3524 Central Avenue

Assessor's Parcel Number (APN): 225-250-004

VARIANCES REQUESTED – State variance(s) requested specifically and in detail. Please attach separate sheets(s) as necessary.

To allow sale of alcohol within 1000' of an existing establishment.

REQUIRED FINDINGS – Answer each of the following questions yes or no and then explain your answer in detail. Questions 1 and 2 must be answered “yes” and 3 and 4 “no” to justify granting of a variance. Attach written details if insufficient space is provided on this form. Economic hardship is not an allowable justification for a variance.

1. Will the strict application of the provisions of the Zoning Code result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code? Explain in detail.

Yes, it would not allow the expansion/existence of this use.

2. Are there special circumstances or conditions applicable to your property or to the intended use or development of your property that do not apply generally to other property in the vicinity and under the identical zoning classification? Explain in detail.

Yes, the proposed Wine Bar will be under the same name and managed by the same La Bodega Wine Shop which is adjacent to the proposed Wine Bar.

3. Will the granting of such variance prove materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which your property is located? Explain in detail.

No. The proposed use will be very closely managed and maintained to the same high quality standards as the current Wine Shop.

4. Will the granting of such variance be contrary to the objectives of any part of the General Plan? Explain in detail.

No. It is merely an expansion of a similar use that is currently permitted.

P09-0550/0551, Exhibit 9

Applicant's Variance Justifications



Staff Prepared Variance Justifications

CASE NUMBERS: P09-0550 & P09-0551

HEARING DATE: March 18, 2010

STAFF PREPARED VARIANCE JUSTIFICATION FINDINGS:

- VARIANCE A:** To allow alcohol sales within 22 feet of a single family residentially zoned property and 45 feet from a single family residence, where the Zoning Code would require a minimum distance of 100 feet from a residential dwelling or property zoned for residential uses as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line.
- VARIANCE B:** To allow alcohol sales within 1,000 feet of other businesses licensed by the State of California for off-sale general alcoholic beverage sales with less than 15,000 square feet of gross floor area or which sells alcoholic beverages as its principal business.
- VARIANCE C:** To allow the project site to be approximately 18,200 square feet where a minimum of 20,000 square feet is required for new lots in the CR – Commercial Retail Zone.

FINDINGS:

- 1. The strict application of the provisions of the Zoning Regulations would result in practical difficulties or unnecessary hardships in the development of this property.**

Variance A: The proposal complies with this finding. The Zoning Code requires a 100 foot separation between alcohol-related uses and residential property lines. The proposed project is directly adjacent to two residentially zoned properties along the sites westerly property line. Without a variance, the project site could not serve alcohol, which would not fulfill the applicant's request. In this instance, the the subject site will be separated from the residential properties by a 6-foot high decorative block wall and landscape planter as required by the Zoning Code for commercial uses adjacent to residentially zoned properties. Also, the proposed project will be conditioned to address potentially detrimental neighborhood compatibility concerns including management, traffic, noise and security. Based on the above and application of the recommended conditions of approval, it would be an unnecessary hardship to not allow for the sale of alcohol as requested by the applicant and based on the project description.

Variance B: The proposal complies with this finding. The Zoning Code prohibits additional alcohol licenses within 1,000 feet of other businesses licensed by the State of California for off-sale general alcoholic beverage sales with less than 15,000 square feet of gross floor area or

which sells alcoholic beverages as its principal business. In this instance, the site is within 1,000 feet of three businesses under 15,000 square feet which are licensed by the State of California for the off-sale of alcohol: La Bodega Wines and Spirits, located at 3512 Central Ave (directly adjacent to the project site), Arco am/pm located at 3570 Central Avenue, approximately 380 feet from the project site, and Trader Joe's located at 3690 Riverside Plaza, approximately 740 feet from the project site. While technically an on and off-sale alcohol establishment, the proposed project will provide wine tasting in a traditional environment with minimal/incidental off-sale of alcohol. The proposed use is quite specialized and will likely cater to a different customer base than the nearby Arco am/pm convenience store. Further, the proposed project is on the opposite side of Central Avenue from Trader Joe's and the Arco am/pm convenience store. Due to the traffic volumes on Central Avenue and limitations on turning movements in the area, it is practically difficult at peak hours to access all of these sites, even if in the same census tract. Finally, the proposed wine tasting facility will be operated by the same management as the adjacent La Bodega liquor store and will, in effect, operate in concert with the adjacent off-sale establishment. Based on the above and application of the recommended conditions of approval, it would be an unnecessary hardship to apply the strict site separation provision of the Zoning Code in this instance.

Variance C: The proposal complies with this finding. The development standards of the requested CR – Commercial Retail Zone require a minimum lot size of 20,000 square feet for all new lots in the CR Zone. In this case, the parcel in question is an approximately 19,200 square foot lot, such that it is only substandard by approximately 800 square feet at this time. Also, the site meets the minimum lot width and depth requirements for new lots in the CR Zone and the project would meet all other development criteria to establish a commercial use on the property,. For these reasons, it would be an unnecessary hardship to apply the strict minimum lot size provision in this instance.

2. There are exceptional circumstances or conditions applicable to this property or to the intended use or development of this property which do not apply generally to other property in the same zone or neighborhood.

Variations A & B: The proposal complies with this finding. In addition to the facts provided under Finding 1 above, the proposed use is not a liquor store or liquor department with convenient sales of alcohol, and the facility will function primarily as a wine tasting facility with incidental off-sale of alcohol. The requested alcohol related use is not similar to a night club or other alcohol related uses which, in specific cases, have been problematic in other parts of the City. With the recommended conditions of approval, The above factors represent unique circumstances applicable to this request.

Variance C: The proposal complies with this finding. The project site is an existing parcel surrounded by existing development, including existing commercial parcels which are less than 20,000 square feet. Application of the recommended conditions of approval will result in a feasible commercial use on the approximately 18,200 square foot site. while the parcel will be approximately 1,800 square feet short (after dedication) of the minimum lot size requirement, the site meets the minimum lot width and depth requirements, such that the rezoning of the site will not lead to an over abundance of driveways along Central Avenue, for instance, ample area exists on site to provide parking in compliance with the Zoning Code as a stand alone use. Based on the above, Staff can find justification of the requested variance.