



*Community Development Department  
Planning Division*

*Conditional Use Permit & Rezoning*

AGENDA ITEM NO.: 2

WARD NO: 3

NEIGHBORHOOD: Magnolia Center

PLANNING COMMISSION HEARING DATE: March 18, 2010

**I. CASE NUMBER(S):** P09-0550 (Conditional Use Permit) & P09-0551 (Rezoning)

**II. PROJECT SUMMARY:**

- 1) **Proposal:** To consider an amendment of the Municipal Code (Title 19) to rezone approximately 0.44 acres from the R-1-7000-SP – Single Family Residential and Specific Plan (Magnolia Avenue) Overlay Zones to the CR-SP - Commercial Retail and Specific Plan (Magnolia Avenue) Overlay Zones and to consider a Conditional Use Permit to allow the on and off-sale of beer and wine in conjunction with the establishment of a Wine Tasting facility within an existing 1,490 square-foot structure on the subject property.
- 2) **Location:** 3542 Central Avenue, situated on the southerly side of Central Avenue, westerly of Riverside Avenue, easterly of San Diego Avenue
- 3) **Applicant:** Hardie D. Lewis on behalf of Mohammad A.R. and Hoda Dahdul
- 4) **Case Planner:** Kyle Smith, Associate Planner  
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**III. RECOMMENDATION:**

**That the City Planning Commission:**

1. Determine that this proposed cases will not have a significant effect on the environment based on the findings set forth in the case record and recommend City Council adoption of a Negative Declaration;
2. **RECOMMEND APPROVAL** of Planning Cases **P09-0551** (Rezoning) and **P09-0550** (Conditional Use Permit) to the City Council, based on the findings outlined in the staff report and summarized in the following and subject to the recommended conditions attached:

- a. The proposed CR - Commercial Retail Zone will be consistent with the goals, policies and objectives of the General Plan, as it will provide for the establishment of uses compatible with and complimentary to the Magnolia Center Neighborhood;
- b. The proposed CR - Commercial Retail Zone will not adversely affect surrounding properties, as it will allow uses that will be consistent with the existing commercial uses along Central Avenue without impacting other existing residential character of the neighboring area to the south;
- c. The proposed CR - Commercial Retail Zone will promote public health, safety, and general welfare and serve the goals and purposes of the Zoning Code;
- d. The proposed use will be substantially compatible with other existing and proposed uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts, with implementation of the recommended conditions of approval;
- e. The proposed use will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area, with implementation of the recommended conditions of approval;
- f. The proposed use will be consistent with the purposes of the Zoning Code and the application of any required development standards is in the furtherance of a compelling governmental interest;
- g. The proposed use is in compliance with all requirements of the General Plan and Zoning Code, and any variances related to the proximity of residential uses and to other businesses licensed for off-sale general alcoholic beverage sales with less than 15,000 square feet of gross floor area and subject lot size can be justified based on the facts presented to the Planning Commission in this report; and
- h. The proposed wine tasting facility will serve the public convenience of residents within the surrounding area.

#### **IV. BACKGROUND/HISTORY:**

The subject site is 19,166 square feet in size and is currently zoned R-1-7000-SP – Single Family Residential and Specific Plan (Magnolia Avenue) Overlay Zones. The existing structure on the property is an approximately 1,490 square foot single family residence constructed in 1948. An approximately 800 square foot detached garage also exists on the property. According to a Cultural Resource Study prepared for this project by Wilkman Historical Services on January 14, 2010, the residence was designed in a Spanish Colonial Revival style and was likely a part of fruit or nut tree grove and was an indistinguishable part of a small farm, situated at the southwest corner of Riverside and Central Avenues, which dominated the area now known as the Magnolia Center neighborhood. This neighborhood has long been an important commercial hub of Riverside, sometimes considered a second downtown. Several of Riverside's major streets converge at Magnolia Center, including Central Avenue where the subject site is located, making it a natural location for commercial activities. In addition to the commercial development now found along Central Avenue, between Magnolia Avenue and the Riverside (91) Freeway, well-established residential neighborhoods of

varying densities are found within the Magnolia Center. In this case, a residential neighborhood, consisting of single family residences, is located to the south of the subject site.

## **V. DETAILED PROJECT DESCRIPTION:**

The applicant (the operators of La Bodega Wines & Spirit, which has been operating in Riverside since 1966 and is adjacent to the project site on the easterly side) is seeking approval of a Conditional Use Permit (CUP) to allow for the establishment and operation of a wine and beer tasting facility within the existing Spanish Colonial Revival structure on the subject property. The tasting room will be operated in conjunction with the adjoining retail store. The applicant has indicated that licenses from the California Department of Alcoholic Beverage Control (ABC) have been requested to sell and serve beer and wine for on-site consumption and to sell beer and wine for off-site consumption. Concurrent with this CUP request is a Zoning Code amendment to rezone the subject property from the R-1-7000-SP – Single Family Residential and Specific Plan (Magnolia Avenue) Overlay Zones to the CR-SP – Commercial Retail and Specific Plan (Magnolia Avenue) Overlay Zones to allow the proposed wine and beer tasting facility and the off-sale of beer and wine on the subject property.

The applicant is planning to be open to the public from 11:00 a.m. to 9:00 p.m. seven days a week. The facility will provide customers the opportunity to sample various beers and wines either as part of a private event or as “walk-ins”. The areas for tastings will be provided inside the building in three areas as shown on the submitted floor plan (Exhibit 6). During regular business hours, the applicant proposes weekly events where wine and beer makers will provide samplings and information on their products. Additionally, the applicant has indicated their intent to hold private tasting events and receptions from time to time for no more than 20 people. The facility will not offer any entertainment (e.g. live music or dancing) and no outdoor speakers will be installed on the patio areas. The facility has an area set aside for the final preparation of catered food and cleanup; no cooking or other food preparation is proposed in conjunction with this use at this time.

Physical improvements to the site include the construction of the outdoor patio in the rear of the property, demolition of the detached garage to allow for the installation and striping of the rear parking lot and related parking lot landscaping, a trash enclosure, as well as a decorative walkway and new landscaping in the front yard area, facing Central Avenue. Modifications to the exterior of the building are limited to the installation of exterior lighting as appropriate.

As the subject structure has been identified as an excellent and highly intact example of Spanish Revival Colonial Revival architecture. As such, the proposed exterior modifications to the building and site as described below are subject to review and approval of a Certificate of Appropriateness, which is being processed administratively concurrently with the CUP and Rezoning under Planning Case P10-0108. Any comments from the Planning Commission relative to the project design will be addressed in the analysis and final recommendations for the related Certificate of Appropriateness case.

Implementation of this request will require Public Convenience and Necessity (PCorN) findings to be made for this use, as data obtained from the California Department of Alcoholic Beverage Control (ABC) indicates that the subject site is located within an over-concentrated census tract (Census Tract 0311). As well, the project does not meet all applicable standards related to the sale

of beer and wine, or the lot size minimum standard of the requested CR – Commercial Retail Zone. Therefore, the following variances are being requested in conjunction with this project:

1. To allow alcohol sales within 22 feet and 45 feet of two single family residentially zoned properties where the Zoning Code requires a minimum separation 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 residential property line.
2. 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. The Zoning Code requires a minimum distance of 1,000 feet as measured from any point upon the outside walls of the building or building lease space applying for the discretionary permit to the nearest property line of the site containing the existing off-site alcoholic beverage sales business.
3. To allow the project site to be approximately 18,200 square feet in area (after dedication of right of way along Central Avenue) where a minimum lot size of 20,000 square feet is required for new lots in the CR – Commercial Retail Zone.

#### VI. LOCATION/SURROUNDING LAND USES:

	Existing Land Use	General Plan Designation	Zoning Designation
<b>Project Site</b>	Single Family Residence	C - Commercial	R-1-7000-SP – Single Family Residential and Specific Plan (Magnolia Avenue Specific Plan) Overlay Zones
<b>North</b> (across Central Avenue)	Riverside Plaza	CRC – Commercial Regional Center	CR- SP- Commercial Retail and Specific Plan (Magnolia Avenue Specific Plan) Overlay Zones
<b>East</b>	La Bodega Wines & Spirit	C - Commercial	CR- SP- Commercial Retail and Specific Plan (Magnolia Avenue Specific Plan) Overlay Zones
<b>South</b> (across Laura Lane)	Single Family Residence and Office	MDR – Medium Density Residential & O - Office	R-1-7000 – Single Family Residential & O - Office
<b>West</b>	Office and Single Family Residence	C - Commercial	R-1-7000-SP – Single Family Residential and Specific Plan (Magnolia Avenue Specific Plan) Overlay Zones

**VII. PROJECT ANALYSIS:**

- **General Plan / Zoning/Specific Plan Conformance:**

	<b>Existing</b>	<b>Proposed</b>
<b>General Plan</b>	C - Commercial	No Change Proposed
<b>Specific Plan</b>	Magnolia Avenue Specific Plan – Magnolia Center District	No Change Proposed
<b>Zoning</b>	R-1-7000 – Single Family Residential	CR – Commercial Retail

The proposed wine and beer tasting facility is consistent with the intent of the C – Commercial General Plan land use designation, as it provides for retail, sales, service and office uses. The proposed use is also consistent with objectives and policies of the Magnolia Center District of the Magnolia Avenue Specific Plan (MASP), which are intended to revitalize Magnolia Center in its role as a sub-regional retail and business center, while maintaining and preserving the low scale character of surrounding residential areas.

The proposed CR – Commercial Retail Zone would be consistent with the General Plan, MASP and the existing development pattern on Central Avenue, a commercial corridor. As well, the proposed wine and beer tasting facility in conjunction with the on and off-sale of alcoholic beverages is permitted in the CR Zone, subject to the granting of a Conditional Use Permit and compliance with a site location, operation and development standards for alcohol sales pursuant to Section 19.450 of the Zoning Code.

*Lot Size Variance*

While 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, the parcel, which is currently about 19,200 square feet in area, would be reduced to approximately 18,200 square feet in size after dedication of the ultimate right of way along Central Avenue. In any event, a variance to allow a parcel less than 20,000 square feet to be established in the CR Zone will be required. Staff has provided facts to justify this variance component in Exhibit 10. The parcel will be only approximately 1,800 square feet short (after dedication) of the minimum lot size requirement and meets the minimum lot width and depth requirements. For all intents and purposes, the use will be in conjunction with the adjoining retail store (La Bodega). The rezoning of the site will not lead to an over abundance of driveways along Central Avenue and ample area exists on site to provide parking in compliance with the Zoning Code as a stand alone use.

- **Conformance with Standards for Alcohol Sales**

The project complies with most of the applicable standards for the establishment of alcohol sales contained in Section 19.450 of the Zoning Code, except for minimum distances required from a residential use or residentially zoned property and from other businesses with off-sale of alcoholic beverages. The applicant has prepared findings in support of the requested variances (Exhibit 9) and staff has prepared supplemental variance justifications with facts to further justify the requested variances (Exhibit 10). An analysis of all applicable standards is provided below:

*Site Location Standards for On- and Off-Sale of Alcoholic Beverages*

1. **Standard:** The business shall not be located within 600 feet of a hospital, public or private school (pre-school through twelfth grade), assemblies of people - non-entertainment or public park, as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the hospital, school, assemblies of people - non-entertainment or park site.

Evaluation: The project *complies* with this standard. The project site is not within 600 feet of a hospital, assembly of people – non-entertainment or Public Park. The site is approximately 860 feet from the nearest school, Pachappa Elementary School, on Riverside Avenue, northerly of Central Avenue.

2. **Standard:** The business shall not be located within 100 feet of any existing 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 of the residential property. This provision shall not be mandatory with regard to residential uses that are a part of a mixed use zone or mixed use project approved under a conditional use permit.

Evaluation: The project *does not comply* with this standard. The structure in which the wine and beer tasting room is proposed is situated approximately 22 feet from the westerly property line, which is shared with a property currently within the R-1-7000 Zone. To the southwest, the structure in question is approximately 45 feet from a single family residence that fronts onto and located on the north side of Laura Lane. A variance from this standard has been requested, and the necessary variance findings in support of the variance have been made, as proposed use is expected to have a low impact on the surrounding neighborhood, based on the activity description provided by the applicant. The applicant has circulated a petition (Exhibit 13) through the adjacent single family residential neighborhood to the south and a majority of the residents in the immediate area, including those in closest proximity to the proposed wine tasting facility, have signed the petition, indicating that they have no objections to the applicant’s proposal. Furthermore, the proposed wine tasting facility will be used in conjunction with the adjoining store, La Bodega, which has a long history of problem-free operation at this location. As such, the use is not expected to generate the same amount of noise generally associated in other alcohol related establishments, such as restaurants or night clubs, and thus should not be detrimental to any adjacent or nearby sensitive receptors. The proposed conditions of approval will help ensure that it stays this way. Additionally, 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. Further detailed findings regarding this variance component can be found in Exhibits 9 and 10.

- 3. Standard: The business shall be located a minimum distance of 1,000 feet from any existing parolee/probationer home or drop-in, permanent emergency, homeless or transitional shelters or 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 as measured from any point upon the outside walls of the building or building lease space of the business applying for the discretionary permit to the nearest property line of the site containing the existing off-site alcoholic beverage sales business.**

Evaluation: The project *partially complies* with this standard. The business will not be located within 1,000 feet of a no parolee/probationer home or drop-in, permanent emergency, homeless or transitional shelters. However, 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 (Exhibit 12). While technically an on and off-sale alcohol establishment, the proposed project will provide wine and beer tasting in a traditional environment with minimal/incidental off-sale of alcohol. It will be operated in conjunction with the adjoining liquor store, La Bodega, a long established business in the City. 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. As the proposed wine and beer tasting facility will be operated solely as described in the body of this report, supplemental to and connected in perpetuity to the operation of the adjacent liquor store, this variance can be justified (Also see Exhibits 9 and 10).

*Operational and Development Standards for Entertainment:*

- 4. Standard: No sale of alcoholic beverages shall be made from a drive-thru lane or drive-thru window.**

Evaluation: The project *complies* with this standard. No drive-thru lane or window is proposed as part of this project.

- 5. Standard: The business shall be in a location that is fully visible from a public street with an unobstructed view from the public street for public safety.**

Evaluation: The project *complies* with this standard. The subject site has frontage on Central Avenue, a 120-foot arterial street. The parking lot in the rear portion of the site will be visible from Laura Lane, a local street and accessible from both Central Avenue and Laura Lane.

6. **Standard:** Lighting, as certified by a qualified lighting engineer, shall be provided at a level no less than one foot candle of lighting throughout private parking lots and access areas serving the business.

Evaluation: The project *conditionally complies* with this standard. A condition of approval will require on-site lighting in compliance with illumination throughout the parking and public access areas serving the business. An exterior lighting plan will be required to verify compliance with the applicable lighting standards, subject to review and approval by Planning Staff.

7. **Standard:** The business shall have lighting to provide illumination for security and safety of parking and access areas. On-site lighting plans shall be submitted for review and approval.

Evaluation: The project *conditionally complies* with this standard. Please refer to Standard 6 above.

8. **Standard:** The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with Section 9.05.020 of the Municipal Code.

Evaluation: The project *conditionally complies* with this standard. The applicant will be conditioned to comply with this requirement.

9. **Standard:** The management at each location of off-sale of alcoholic beverages pursuant to this section shall be responsible for educating the public regarding drunk driving laws and the related penalties for breaking those laws. (This includes minimum age law, open container law and driving while intoxicated law.) This can be accomplished by posting prominent signs, decals or brochures at the point of purchase and providing adequate training for employees.

Evaluation: The project *conditionally complies* with this standard. The applicant will be conditioned to comply with this requirement.

10. **Standard:** Soundproofing shall be provided sufficient to prevent noise and vibrations from penetrating into surrounding properties or building lease space.

Evaluation: The project *conditionally complies* with this standard. The applicant is proposing to be open to the public until 9:00 .pm. and hold wine tasting events for no more then about 20 people within the existing building and on the outdoor patio area, ending by 9:00 p.m. While the proposed use is directly on a property adjacent to existing single family residences to the west, the applicant is not proposing amplified noise and the use is not expected to generate the same amount of noise generally associated in other alcohol-related establishments, such as restaurants or night clubs. However, the applicant will be required to meet the minimum standards of the City's Noise Code related to the interior and exterior noise levels. The conditions for this project stipulate that if there are three or more complaints within any 12-month period received and verified by the City Staff regarding disturbances caused at the site by patrons or staff, this shall automatically be grounds for CUP revocation proceedings before the City Council. Also, the

project has been conditioned to not allow for amplified music outdoors in a manner that would cause a disturbance on any residential property.

- ***Conformance with the Department of Alcoholic Beverage Control:***

The on and off-site consumption of beer and wine at the proposed facility requires a Finding of Public Convenience or Necessity (PCorN). PCorN findings are required by the State Department of Alcohol and Beverage Control (ABC) when the number of alcohol licenses issued within a given Census tract exceeds the number of licenses anticipated for the Census tract, generally based on population and size of the tract. PCorN findings require facts to justify the need for a new alcohol license within a tract that is already over concentrated with alcohol sales facilities, while at the same time providing facts to prove that the granting of an additional alcohol license will not be a detriment to the census tract and neighborhood. A maximum of 5 off-sale licenses and 5 on-sale licenses are allocated for Census Tract 0311. There are currently 26 licenses for the on-site sale and consumption of alcohol and 8 licenses for the off-site consumption of alcohol within Census tract 0311 (See Exhibit 11 for locations of all alcohol sales facilities). Thus, the number of existing on and off sale licenses already exceeds the maximum numbers allowed, primarily due to the presence of the Riverside Plaza regional commercial center within the same census tract. As the proposed project will constitute an additional license to the already over-concentrated tract, findings of Public Convenience or Necessity pursuant to Section 23958.4 of the Business and Professional Code.

In the judgment of staff, the required PCorN findings can be made in this instance to support the establishment of the proposed wine tasting facility, based on the facts below:

1. The proposed wine and beer tasting venue will introduce customers to beers and wines sold at La Bodega Wines & Spirit, the applicant of this request. Thus, the facility will function as an extension of an already existing business adjacent to the facility that already has an off-sale alcohol license;
2. As the subject site is located along a major arterial roadway (Central Avenue) in a heavily commercialized area of the City, it is expected that there would be a concentration of businesses with alcohol licenses along this corridor and in the commercial “hub” area that includes the Riverside Plaza regional commercial center;
3. The proposed wine tasting facility will enhance or facilitate the vitality of an existing commercial area without presenting a significant impact on public health or safety. This type of tasting room is a complement to the Riverside Plaza/Magnolia Center entertainment district;
4. Planning staff and the Police Department have reviewed the history of the applicant’s other facility (La Bodega Wines & Spirit), established in 1966, and found that there have been no problems associated with the sale of alcohol beverages at the establishment;
5. The proposal contemplates a logical adaptive re-use of an existing eligible historic resource. The proposed use will prolong the viability of the historic former residence in what is otherwise a commercialized corridor in the city for enjoyment of a larger segment of the City’s population base;

6. The proposed venue is located within an established commercial area. Adequate parking, visibility, access, and lighting will provide a safe and secure environment in which to conduct alcohol sales of the nature proposed; and
7. The proposed venue will be required to provide a security plan which will include, but not be limited to, the installation of a closed circuit video monitoring system, posting signage regarding alcohol consumption, prohibition of loitering on the premises and employee training programs for alcoholic beverage sales. Additionally, the Police Department does not oppose the sale of alcohol at this location; provided certain conditions are required in order to insure the business is operated in a manner which is compatible with the surrounding businesses and will assist in crime prevention.

• **Design Considerations:**

*Circulation & Access:*

The site has been designed to provide vehicular ingress only from the existing driveway on Central Avenue, with site ingress and egress available from an existing driveway on Laura Lane. To insure that the driveway along Central Avenue is used for ingress only, the new driveway approach will be limited to a width of 16 feet and “entrance only” signage installed on-site to direct motorists to utilize the driveway off of Laura Lane to exit the site. To minimize impacts to the residential neighborhood to the south, “Left Turn Only” signs are recommended to be installed at the Laura Lane driveway exit.

As a matter of information, an offer of dedication for 17 feet of right-of-way along the entire frontage of Central Avenue is required in conjunction with this project. This will allow for compliance with the General Plan Master Plan of Roadways, which calls for Central Avenue to be a 120-foot wide arterial street between Magnolia Avenue and the Riverside Freeway. With the dedication, the existing building will be approximately 13 feet from the front property line. Approval of the rezoning request to establish the CR-Commercial Retail Zone on the project site will not create substandard setbacks or the need for additional variances.

*Parking:*

Use	Area (In SF)	Parking Ratio	Parking Spaces Required	Proposed Parking Spaces
Tasting facility	1,600	1:100	16	20
Outdoor patio	400	1:100	4	4
<b>Total</b>			<b>20</b>	<b>20</b>

Parking calculations are based on the parking ratio for bars or restaurants. Based on the size of the existing structure and the area in which outdoor seating will be provided on the rear patio, the facility will be required to have 20 parking spaces. As 20 parking spaces will be provided in the on-site parking area, adequate on-site parking will be provided for the subject use.

*Open Space/Landscaping:*

The proposal includes landscaping and hardscape enhancements throughout the front and rear of the property. The conceptual landscape plan shows decorative hardscape along the pedestrian walkways in the front and side yards; as well as the outdoor patio area to the rear of the structure. A variety of shrubs and ground covers are proposed to enhance the front yard such as, dwarf bottlebrush, blue oat grass, twin flower agaves, red hot poker shrubs, and sweet olive in front of the building, facing Central Avenue. Several different species of trees throughout the front yard, outdoor patio area, and rear parking lot to create an inviting atmosphere. The rear of the site, facing Laura Lane, is proposed to include a 15 foot landscaped setback as required per the Zoning Code. As well, the proposal includes a 5 foot landscape setback from the residences to the west and a 10 foot landscape setback from the adjacent La Bodega Wines & Spirit parking lot to the east.

The conceptual landscape plan can generally be supported, with a few minor exceptions. First, a fairly substantial band of decomposed granite is proposed in the front yard, which is uncharacteristic of other properties in the neighborhood and would not necessarily be complementary to the historic nature of the structure on the property. Thus, it is recommended that a thematic landscaping complementing the use be utilized and shown on the required detailed landscape/irrigation plans, subject to staff approval. Second, the existing pedestrian walkways will be retained if feasible in an effort to preserve the existing historic front yard walkway and that it be treated to match other proposed hardscape. Finally, as this parking lot will be visible from Laura Lane, a local street serving single family residences, a condition of approval has been included requiring the parking lot to be properly screened, through the use of shrubbery, berming, low walls or a combination thereof, to the satisfaction of Design Review staff.

*Walls & Fences:*

An approximately 3 to 4 foot high block wall exists along the rear portion of the easterly property line, adjacent to La Bodega Wines & Spirit. On the westerly side, adjacent to the existing residential uses, there is an approximately 6 foot high wood fence. A provision in the Zoning Code requires that where any commercial zone adjoins any lot zoned for residential use, a minimum 6-foot high decorative masonry wall shall be erected and maintained along such property line. Further, the Police Department recommends that the existing block wall along the easterly side property line adjacent to La Bodega be increased in height to six feet to address security concerns. Thus, conditions of approval have been included requiring 6-foot high decorative masonry walls along the westerly and easterly property lines for compliance with these requirements, except along the required front setback of the two properties to west, the wall will step down to 3 feet in height at the southern edge of the parking lot to allow better visibility onto the property from the street and vice versa.

- **Neighborhood Compatibility Considerations**

The proposed wine and beer tasting facility will provide a unique opportunity for the community to enjoy premium wine and beer tasting in a safe and traditional environment. The subject site fronts on Central Avenue, near the Riverside Plaza in a primarily commercial neighborhood. However, the rear of the site abuts a residential neighborhood. Balancing the needs of the project proponent and the desirability of this use for the community with the sensitive receptors in the adjacent residential neighborhood can be accomplished by fulfillment of the recommended conditions of approval. While this use involves the sale and on-site consumption, it is not similar to a night club or other alcohol related uses which have in certain cases been problematic in other parts of the City.

The applicant has met with many residents in the immediate neighborhood and provided signatures of eight property owners on the adjacent segment of Laura Lane and Coby Circle. The signatures stated that they had no objections to the project as presented (Exhibit 13). Additionally, La Bodega Wines & Spirit has operated a liquor store in Riverside since 1966 without any problems and its management has historically been cooperative with City Staff and adjacent neighbors. To ensure the proposed wine and beer tasting facility is operated at the same standards as La Bodega Wines & Spirit, a Covenant & Agreement is recommended to be recorded requiring the tasting facility to operate solely in conjunction with La Bodega Wines & Spirit. With the recommended conditions of approval, the proposed project will not be detrimental to the adjacent residential neighborhood and will be complimentary to the existing sub-regional commercial center.

#### **VIII. PUBLIC NOTICE AND COMMENTS:**

Public notices were mailed to property owners and occupants within 1,000 ft of the subject site. As of this writing, one letter has been received in favor of the project from the Greater Riverside Chambers of Commerce (Exhibit 14). The Police Department was contacted regarding this proposal and has no objections, subject to the specific recommended conditions of approval contained in the attached conditions.

#### **IX. EXHIBITS:**

1. Location/Zoning Map
2. General Plan Map
3. Aerial Photo
4. Proposed Zoning Map
5. Applicant Prepared Project Description
6. Proposed Floor, Site and Grading Plan
7. Existing Site Photos
8. Conceptual Landscape Plans
9. Applicant Prepared Variance Justifications
10. Staff Prepared Variance Justifications
11. Active ABC License Map
12. 100', 600, & 1,000' Radius Map
13. Adjacent residential property owner signatures
14. Public Correspondence