



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Jon Sanabria

Acting Director of Planning

March 19, 2009

TO: Leslie G. Bellamy, Chair
Wayne Rew, Vice Chair
Esther L. Valadez, Commissioner
Harold V. Helsely, Commissioner
Pat Modugno, Commissioner

FROM: Mitch Glaser, AICP, Supervising Regional Planner
Countywide Studies Section

**SUBJECT: MARCH 25, 2009 – AGENDA ITEM #7
PROJECT NO. 2009-00022-(1-5)
ENVIRONMENTAL ASSESSMENT CASE NO. 2009-00022-(1-5)
AMENDMENT TO TITLE 22 (ZONING ORDINANCE) OF THE COUNTY
CODE TO MODIFY THE DEVELOPMENT STANDARDS AND
PERMITTING PROCEDURES FOR WINERIES AND TASTING ROOMS**

Staff has received additional correspondence regarding this matter, which is attached for your consideration. Should you have any questions, please contact me at (213) 974-6476 or mglaser@planning.lacounty.gov.

MWG:mwg

Attachments

AGUA DULCE TOWN COUNCIL

33201 Agua Dulce Canyon Road * Box Number 8 * Agua Dulce, CA 91390

Website: www.AguaDulce-ca.com

March 16, 2009

Ms. Emma Howard ehoward@planning.lacounty.gov
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

**RE: Proposed Amendment to Zoning Ordinance
For Wineries and Tasting Rooms
Public Hearing: March 25, 2009**

Dear Ms. Howard:

The Regional Planning Commission is scheduled to conduct a public hearing on the proposed amendment to modify the development standards and permitting procedures for wineries and tasting rooms on March 25, 2009. Agua Dulce Town Council received notice of the public hearing, and discussed the proposed amendment at our regular March 13th meeting. After much discussion, the Council respectfully requests a continuance on this item and outreach to the community by Regional Planning staff to properly educate the community of the possible impacts of the proposed amended ordinance.

The proposed amendment is a significant modification to the existing winery ordinance and we ask for additional outreach by Regional Planning to allow further community participation in the development of this ordinance. A new permitting option, Minor Use Permit, is introduced that eliminates public hearings unless concerns are raised by staff or the public. The ordinance eliminates an LA County alcohol sales Conditional Use Permit, but requires a Type 2 License from California State Alcohol Control Board. The purpose for this change was not clearly identified in the summary sheet. Additional education on requirements of a Type 2 ABC License is requested.

Agua Dulce has one large active and properly permitted winery and tasting room in our community and another local winery has received a Conditional Use Permit. The community was actively involved in the permitting process for both of these permits.

The proposed amendment has raised many concerns. The Council is apprehensive that the proposed amendment as written, may allow commercial wineries and tasting rooms in established residential neighborhoods thereby jeopardizing the use, enjoyment, or valuation of the properties located in the vicinity of proposed projects. The quality of life for nearby residents may be compromised.

Cumulative affects of many "boutique wineries" popping up are not addressed. Increased traffic and potential impacts to public safety and general welfare are not examined.

The ordinance does not address a limit on the maximum amount of imported agricultural products for wine production. A parcel with an apple tree or a couple of grape vines could become a winery facility and tasting room.

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Minimum parcel size of net 2 acres is inadequate for the growing of agricultural winery products, winery production facilities and required parking area. A minimum parcel size of 10 acres is more appropriate.

As written, the amendment does not require physical public notice of the application on the property, only notice by first class mail to property owners within 300 feet from the proposed project. Physical public notice is a key part of any permitting process that should not be omitted.

The reduced cost of a minor use permit versus the cost of a full conditional use permit may encourage unrestrained development of wineries and tasting rooms on small properties. The reduced cost does not outweigh the benefits of a full conditional use permit for public notice.

One of the ordinance objectives was “to protect and enhance the remaining agricultural lands for the County.” A winery and tasting room is essentially a commercial enterprise. This does not **protect** the agricultural land; instead it modifies the agricultural zoning to commercial. There are not enough safeguards in the ordinance to protect the agricultural lands from becoming commercial districts.

Another of the objectives was “to avoid regulating wineries more excessively than other agricultural supportive uses, while remaining aware of the sensitivity of alcohol use.” Because of the sensitivity of alcohol use, wineries **should** have more strict regulations.

Respectfully,

Mary Johnson

Mary Johnson, President
Agua Dulce Town Council - 2009

Cc: Paul Novak, Fifth District Planning Deputy pnovak@lcbos.org
Rosalind Wayman, Fifth District Deputy rwayman@lcbos.org



United States Department of the Interior

NATIONAL PARK SERVICE
Santa Monica Mountains National Recreation Area
401 West Hillcrest Drive
Thousand Oaks, California 91360-4207

In reply refer to:
L76

March 17, 2009

Los Angeles County Regional Planning Commission
320 West Temple Street
Los Angeles, CA 90012

Dear Commissioners:

The National Park Service has received the notice of public hearing for a proposed amendment to Title 22 of the Los Angeles County Code (Zoning Ordinance) for wineries and tasting rooms. The amendment proposes several revisions. In particular the amendment would eliminate the previous requirement that wineries source at least 50% of their input from conjoined vineyards. Also, the amendment proposes that areas of slope less than 25% be excluded from calculations of area for winery and tasting room construction. We thank the county for this opportunity to provide input during the amendment process. We assume a neutral position and do not support or oppose land development, although at the invitation of permitting agencies, we provide comment on issues concerning park resources of the Santa Monica Mountains National Recreation Area. To this end, we offer the following comments on the proposed amendment.

We find the proposed amendments would have a neutral potential for negative impacts on park resources compared to the original approved Wineries Ordinance. It is possible the proposed amendments may lessen the potential for direct and indirect negative impacts. The proposed amendment to include only areas on slopes less than 25% (as opposed to the previous 50% threshold) in the calculated acreage for winery facilities may result in a smaller development footprint and thus, reduce direct impacts of winery construction. The removal of the 50% adjacent-source requirement may lessen the pressure to develop vineyards adjacent to a winery, thus reducing indirect impacts of vineyard proliferation that can remove swaths of contiguous native habitat for grape cultivation near the subject winery.

While we understand vineyard development is addressed and managed by the county under separate planning ordinances, we find wineries and vineyards are closely associated and should be managed together. When the Wineries Ordinance was originally approved in 2000, we were concerned that wineries would lead to the proliferation of vineyards in the Santa Monica Mountains. These concerns were voiced in our letters dated July 18, 2000, September 22, 2000, as well as our testimony before the commission on May 23, 2000. Since 2000, we have observed vineyard proliferation throughout the mountains. Significant negative impacts to scenic resources have resulted and are especially noticeable along the Kanan Dume Road and Mulholland Highway corridors. Kanan Dume Road is designated as a scenic route in the

County of Los Angeles's Santa Monica Mountains North Area Plan (NAP). Mulholland Highway is even more valuable from a scenic resource standpoint, being identified as a scenic route in virtually all agencies' planning documents that include Mulholland Highway within their jurisdiction.

Potential negative impacts to biological and water resources have not been quantified by our agency; however, we remain concerned that impacts are occurring. For example, park biologists have visually observed increased turbidity in Zuma Creek in recent years, some of which could be associated with new vineyards in the upper Zuma Creek Watershed. We would appreciate understanding how vintners are maintaining their vineyards, including how weeds are being controlled beneath the vines – mowing, herbicide application, etc., as well as how erosion is being controlled. Such vineyard management practices have considerable potential to impact water quality, while identified best management practices for vineyards may significantly reduce the potential for negative impacts.

We continue to maintain that vineyards displace native habitat on steep terrain in the Santa Monica Mountains and can result in significant negative impacts to the park's scenic, biological, and water resources. Indeed, the proliferation of vineyards in other Mediterranean ecosystems, including South Africa and Chile, has led to several efforts currently underway to evaluate impacts and to develop best management practices (BMPs) for vineyards. Therefore, we suggest the county monitor the proliferation of vineyards associated with wineries in order to evaluate the need to adjust policies applicable to vineyards if significant negative impacts are observed. The National Park Service stands ready to cooperate.

Thank you for the opportunity to comment. If you have questions, please call Melanie Beck, Outdoor Recreation Planner, at (805) 370-2346.

Sincerely,

for 
Woody Smeck
Superintendent

cc: Joe Edmiston, Executive Director, Santa Monica Mountains Conservancy
Ron Schafer, Superintendent, Angeles District, State Department of Parks and Recreation
Executive Officer, District Manager, Resource Conservation District of the Santa Monica Mountains