

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

913B



FROM: TLMA - Planning Department

SUBMITTAL DATE:  
June 7, 2011

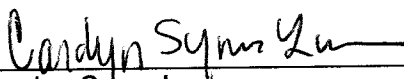
**SUBJECT: APPEAL OF PLOT PLAN NO. 23896** – Mitigated Negative Declaration – Applicant: Ron Vergilo Designs – Engineer/Representative: Ron Vergilo Designs - Third Supervisorial District – Rancho California Zoning Area - Southwest Area Plan: Agriculture: Agriculture (AG: AG) (10 Acre Minimum) – Location: Northwesterly of De Portola Road and easterly of Camino Arroyo Seco – 10.4 Gross Acres - Zoning: Citrus Vineyard (C/V) - **REQUEST:** An appeal was filed on January 20, 2011 based on the Planning Commission's decision to approve PLOT PLAN NO. 23896 and DENY the appellant's request for the project to take access off of Cushman Circle. The plot plan proposes to convert an existing 6,983 square foot residence into a winery and tasting room with a gift shop, along with hosting special events and proposing 72 parking spaces. The address is 39788 Camino Arroyo Seco, Temecula, CA 92592.

**RECOMMENDED MOTION:**

**ADOPTION** of a **MITIGATED NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. 42098**, based on the findings incorporated in the initial study and the conclusion that the project will not have a significant effect on the environment; and,

**UPHOLD the APPEAL** of **PLOT PLAN NO. 23896**, relating to the appellant's request that project access be taken off of Cushman Circle.

**APPROVAL** of **PLOT PLAN NO. 23896**, subject to the attached Conditions of Approval, and based upon the findings and conclusions incorporated in the staff report.


  
Carolyn Syms Luria  
Planning Director

Initials:  
CSL:vc

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Buster and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone and Benoit  
Nays: None  
Absent: Ashley  
Date: June 14, 2011  
xc: Planning, Applicant

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

Prev. Agn. Ref.

District: Third

Agenda Number:

3.63

REVIEWED BY EXECUTIVE OFFICE

DATE

Tina Grande

Departmental Concurrence

Policy



Consent



Dep't Recomm.:

Policy



Consent



Per Exec. Ofc.:

## **BACKGROUND**

The project was set for a Board of Supervisor's hearing on April 26, 2011. The Board directed staff to add language to conditions of approval reflecting the change in access to the project site and that wine tasting and special events cease and desist until specific project requirements have been met, specifically:

*- 75% of the net lot area has been planted in vineyard, the trash enclosure has been completed and finalized, and the southerly entrance to the project site off of Camino Arroyo Seco has been fenced with a white, three (3) rail fence.*

This Board package includes the new and revised conditions of approval only. The new and revised conditions are from the Transportation and Planning Departments.

### **Reverse Chronology**

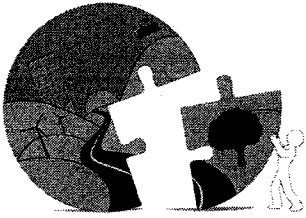
On January 20, 2011, the appellant filed an appeal of the Planning Commission's decision to approve the project and deny the request for the project's access to be off of Cushman Circle and allow access off of Camino Arroyo Seco.

On January 5, 2011, the appeal was denied in-part regarding the appellant's request for the project's access to be off of Cushman Circle and the current access off of Camino Arroyo Seco was upheld. The appeal was approved in-part regarding the correction of the drainage calculation and the plot plan was then approved at Planning Commission.

On December 1, 2010, the project was continued at the request of the Planning Commission to allow Commissioner Petty to conduct a site visit with the appellant and applicant.

On August 9, 2010, an appeal to the Planning Commission was filed. The reasons for the appeal, as listed by the appellant, are as follows: 1) too much traffic is being generated on Camino Arroyo Seco by the winery. The initial subdivision creating the parcel showed access off of Cushman Circle, and; 2) the amount of drainage on the property was incorrectly calculated at 22 acres and should have been 4,000 acres. The drainage calculations have been corrected and conditions were revised to reflect this correction and require a culvert to assist with drainage.

On August 2, 2010, the project was approved at Director's Hearing on August 2, 2010. The Planning Director reduced the number of events per year from 50 to 25.



Carolyn Syms Luna  
Director

# RIVERSIDE COUNTY PLANNING DEPARTMENT

Original Negative Declaration/Notice of  
Determination was routed to County  
Clerks for posting on.

6/22/11  
Date

KS  
Initial

TO: ☐ Office of Planning and Research (OPR)  
P.O. Box 3044  
Sacramento, CA 95812-3044  
☒ County of Riverside County Clerk

FROM: Riverside County Planning Department  
☒ 4080 Lemon Street, 12th Floor  
P. O. Box 1409  
Riverside, CA 92502-1409

☐ 38686 El Cerrito Road  
Palm Desert, California 92211

SUBJECT: Filing of Notice of Determination in compliance with Section 21152 of the California Public Resources Code.

"Masia De Yabar Winery" EA42098 and PP23896

Project Title/Case Numbers

Kinika Hesterly  
County Contact Person

(951) 955-1888  
Phone Number

N/A

State Clearinghouse Number (if submitted to the State Clearinghouse)

Ron Vergilio  
Project Applicant

508 S. Smith Ave, Suite 206, Corona, CA 92882  
Address

The project site is located in the Rancho California Community of the Southwest Area Plan, more specifically, at the northeasterly corner of De Portola Road and Camino Arroyo Seco.

Project Location

Plot Plan No. 23896 proposes to convert an existing 6,983 square foot residence into a winery, tasting room with a gift shop and 72 parking spaces.

Project Description

This is to advise that the Riverside County Board of Supervisors, as the lead agency, has approved the above-referenced project on June 14, 2011, and has made the following determinations regarding that project:

1. The project WILL NOT have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared for the project pursuant to the provisions of the California Environmental Quality Act (\$2,044.00 + \$64.00).
3. Mitigation measures WERE made a condition of the approval of the project.
4. A Mitigation Monitoring and Reporting Plan/Program WAS adopted.
5. A statement of Overriding Considerations WAS NOT adopted for the project.

This is to certify that the Mitigated Negative Declaration, with comments, responses, and record of project approval is available to the general public at: Riverside County Planning Department, 4080 Lemon Street, 12th Floor, Riverside, CA 92501.

Signature

Board Assistant  
Title

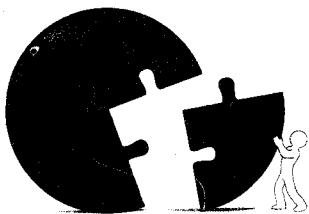
JUN 14 2011  
Date

Date Received for Filing and Posting at OPR: \_\_\_\_\_

Please charge deposit fee case#: ZEA42098 ZCFG05452 .

FOR COUNTY CLERK'S USE ONLY

JUN 14 2011 3.63



# RIVERSIDE COUNTY PLANNING DEPARTMENT

Carolyn Syms Luna  
Director

9138

DATE: June 7, 2011

TO: Clerk of the Board of Supervisors

FROM: Planning Department - Riverside Office

SUBJECT: APPEAL OF PLOT PLAN NO. 23896 – Mitigated Negative Declaration  
(Charge your time to these case numbers)

**The attached item(s) require the following action(s) by the Board of Supervisors:**

- |   |   |
|---|---|
| <input type="checkbox"/> Place on Administrative Action (Receive & File; EOT)                   | <input type="checkbox"/> Hearing Item   |
| <input type="checkbox"/> Labels provided If Set For Hearing                                     | <input type="checkbox"/> Publish in Newspaper:  |
| <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day | (3rd Dist) Press Enterprise and The Californian   |
| <input type="checkbox"/> Place on Consent Calendar  | <input checked="" type="checkbox"/> Mitigated Negative Declaration                              |
| <input checked="" type="checkbox"/> Place on Policy Calendar*                                   | <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day |
| <input type="checkbox"/> Place on Section Initiation Proceeding (GPIP)                          | <input type="checkbox"/> Notify Property Owners (app/agencies/property owner labels provided)   |
|   | Controversial: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO              |

**Designate Newspaper used by Planning Department for Notice of Hearing:**  
(3rd Dist) Press Enterprise and The Californian

**Need Director's signature by June 7, 2011**  
**Please schedule on the June 14, 2011 BOS Agenda**

**Documents to be sent to County Clerk's Office for Posting within five days:**

Notice of Determination and Mit Neg Dec Forms  
Fish & Game Receipt (CFG5452)

**\*BACKGROUND**

The project was set for hearing with the Board of Supervisors on April 26, 2011. The Board directed staff to add language to conditions of approval reflecting the change in access to the project site and that wine tasting and special events cease and desist until specific project requirements have been met. The Board requested that the item come back with the revised conditions of approval.

Riverside Office • 4080 Lemon Street, 12th Floor  
P.O. Box 1409, Riverside, California 92502-1409  
(951) 955-3200 • Fax (951) 955-1811

Desert Office • 38686 El Cerrito Road  
Palm Desert, California 92211  
(760) 863-8277 • Fax (760) 863-7555

*"Planning Our Future... Preserving Our Past"*

06/07/11  
14:40

Riverside County LMS  
CONDITIONS OF APPROVAL

Page: 1

PLOT PLAN:TRANSMITTED Case #: PP23896

Parcel: 941-100-002

10. GENERAL CONDITIONS

EVERY DEPARTMENT

10. EVERY. 1 USE - PROJECT DESCRIPTION

RECOMMND

The use hereby permitted is for the conversion of an existing 6,983 square foot residence into a winery, tasting room and a gift shop, along with 72 parking spaces. In addition, up to 25 special occasions comprised of no more than 144 guests per occasion shall be allowed.

(CONDITION AMENDED AT DIRECTOR'S HEARING ON 8/02/10.  
SPECIAL OCCASIONS WERE REDUCED FROM 50 TO 25 PER YEAR.)

(CONDITION REVISED AT BOS ON 6/14/11.)

PLANNING DEPARTMENT

10.PLANNING. 6 USE- HOURS OF OPERATION

RECOMMND

Use of the facilities approved under this plot plan shall be limited to reduce conflict with adjacent residential land uses. Specifically, the tasting room shall be open from 10 a.m. to 6 p.m. daily and special occasions are permitted between the hours of 10:00 a.m. to 6:00 p.m. Sunday through Thursday and 10:00 a.m. to 10:00 p.m. Friday and Saturday.

The tasting room shall be closed to the public during special occasions when special occasions have 65 or more guests in attendance.

(CONDITION REVISED AT BOS ON 6/14/11)

10.PLANNING. 7 USE - BASIS FOR PARKING

RECOMMND

Parking for this project was determined primarily on the basis of County Ordinance No. 348, Section 18.12. a.(2).b), 1,158 sq.ft. Tasting Room = 26 spaces required for tasting

Special occasions 1 space/2 guests and 1 space/2 employees

144 guests proposed = 72 parking spaces required and provided

(CONDITION REVISED AT BOS ON 6/14/11)

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Riverside County LMS  
CONDITIONS OF APPROVAL

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PLOT PLAN:TRANSMITTED Case #: PP23896

Parcel: 941-100-002

10. GENERAL CONDITIONS

10.PLANNING. 46 USE - SPECIAL OCCASIONS

RECOMMND

Special occasions shall be limited to the following:

- Special occasions shall consist of weddings, wine club parties/festivals, winery association events, BBQ events, barrel tastings, birthday parties, corporate events, and wine education seminars.
- 25 special occasions shall be allowed per year.
- Maximum guests allowed are 144.
- The occasions may take place both inside and outside of the tasting room.
- No outside amplified music will be allowed.
- The tasting room shall be closed during special occasions with over 65 guests.

(AMENDED AT DIRECTOR'S HEARING ON 8/02/10. SPECIAL OCCASIONS WERE REDUCED FROM 50 TO 25 PER YEAR.)

(CONDITION REVISED AT BOS ON 6/07/11.)

10.PLANNING. 47 USE - MAINTAIN VNYRD PLANTING

RECOMMND

The permit holder shall plant vineyards in accordance with 80 Planning 024 and maintain 75% vineyard planting, 6.69 acres, throughout the life of the project.

(CONDITION ADDED PER THE BOARD OF SUPERVISORS HEARING ON 4/26/11.)

10.PLANNING. 49 USE - FENCE ENTRANCE ON CAMINO

RECOMMND

The southerly entrance to the project site, previously accessible off of Camino Arroyo Seco, shall be fenced with a white three (3) rail fence in accordance with 20. Planning 008. The public shall not use Camino Arroyo Seco for access to the project site. The entrance to the project site shall be located on Cushman Circle.

(CONDITION ADDED PER THE BOARD OF SUPERVISORS HEARING ON 4/26/11.)

TRANS DEPARTMENT

10.TRANS. 2 USE - NO ADD'L ON-SITE R-O-W

RECOMMND

No additional on-site right-of-way shall be required on De Portola Road and Camino Arroyo Seco since adequate

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CONDITIONS OF APPROVAL

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PLOT PLAN:TRANSMITTED Case #: PP23896

Parcel: 941-100-002

10. GENERAL CONDITIONS

10.TRANS. 2                      USE - NO ADD'L ON-SITE R-O-W (cont.)                      RECOMMND

right-of-way exists, per PM/195/1-2.

10.TRANS. 3                      USE - STD INTRO 3 (ORD 461)                      RECOMMND

With respect to the conditions of approval for the referenced tentative exhibit, the landowner shall provide all street improvements, street improvement plans in accordance with Riverside County Road Improvement Standards (Ordinance 461). It is understood that the exhibit correctly shows acceptable centerline elevations, all existing easements, traveled ways, and drainage courses with appropriate Q's, and that their omission or unacceptability may require the exhibit to be resubmitted for further consideration. This ordinance and all conditions of approval are essential parts and a requirement occurring in ONE is as binding as though occurring in all. All questions regarding the true meaning of the conditions shall be referred to the Transportation Department.

10.TRANS. 5                      USE - TRAFFIC MANAGEMENT PLAN                      RECOMMND

The following Traffic Management Plan was prepared by the applicant/engineer for PP 23896.

Project Description:

Plot Plan 23896 proposes to establish a 1,158 square foot tasting room plus a 282 square foot retail area in an existing 6,983 square foot structure. This tasting room and retail area will be open to the public. There will also be two outdoor areas for special events. One is adjacent to the structure at 5,154 sq. ft. concrete area and the other is below at 8,542 sq. ft. grass area.

Location:

Masia De Yabar vineyard and winery is located at 39788 Camino Arroyo Seco (approximately 10 miles east of the I-15 freeway). The site is located South of Glen Oaks Road and West of De Portola Road. APN No. 941-100-002, Parcel 1 of Parcel Map No. 27151, Temecula Area, County of Riverside.

Ingress/Egress:

The project takes access from Cushman Circle. An independent, stand alone left turn lane will be constructed on the north bound traffic lane of De Portola Rd.

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Riverside County LMS  
CONDITIONS OF APPROVAL

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PLOT PLAN:TRANSMITTED Case #: PP23896

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10. GENERAL CONDITIONS

10.TRANS. 5

USE - TRAFFIC MANAGEMENT PLAN (cont.)

RECOMMND

De Portola Road will include a left turn pocket and A.C. pavement transition to taper between the existing road and Cushman Circle, in accordance with the following design parameters:

1. Edge of pavement returns shall be a 35 foot radius.
2. The left turn pocket shall be 12-foot wide and 100 feet long, with a 120-foot transition.
3. Provide 330-foot A.C. pavement transitions on each side of the left turn pocket. Sight distance analysis is required and may increase the transition length.
4. Provide acceleration/deceleration lanes per County Std. 803.

Parking:

Refer to Planning Department conditions of approval for parking requirements.

Hours of operation/Average number of visitors:

Refer to Planning Department conditions of approval.

Special events:

Refer to Planning Department conditions of approval.

Signage:

There will be a sign at the entrance to direct customers and vendors in and out of the parking area. A stop sign will be posted at the driveway entrance and one at De Portola Road for guests exiting the winery. There will be two winery signs on De Portola Rd. One located at Camino Arroyo Seco and one at Cushman Circle. Appropriate signage shall be provided to inform winery traffic to take access on Cushman Circle.

20. PRIOR TO A CERTAIN DATE

PLANNING DEPARTMENT

20.PLANNING. 6

USE - EXISTING STRUCTURE CHECK

RECOMMND

In accordance with the timeline set forth in 20.Planning.8, the permittee or the permittee's successors-in-interest shall apply to the Building and Safety Department for all necessary permits, including the submission of all required documents and fees for any plan check review as determined by the Director of the Department of Building and Safety



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14:40

Riverside County LMS  
CONDITIONS OF APPROVAL

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PLOT PLAN:TRANSMITTED Case #: PP23896

Parcel: 941-100-002

20. PRIOR TO A CERTAIN DATE

20.PLANNING. 6                   USE - EXISTING STRUCTURE CHECK (cont.)                   RECOMMND

and/or the Code Enforcement Director, to ensure that all existing buildings, structures and uses are in compliance with Ordinance No. 348 and Ordinance No. 457 and the conditions of approval of this permit.

(CONDITION REVISED AT BOS ON 6/07/11)

20.PLANNING. 8                   USE - CEASE AND DESIST                   RECOMMND

Immediately upon approval of this permit, wine tasting and special occasions shall cease and desist. Prior to any wine tasting and special occasions being allowed on-site, the applicant shall submit proof that:

- 75% of the net lot area has been planted in vineyards;
- The trash enclosure has been completed and finaled;
- The southerly entrance to the project site off of Camino Arroyo Seco has been fenced with a white, three (3) rail fence.

(CONDITION ADDED AT BOS ON 4/26/11)

20.PLANNING. 9                   USE - COMMERCIAL UPGRADE                   RECOMMND

Within 6 months of the effective date of this permit, all building permits necessary to cause the wine tasting building to meet commercial standards shall be completed and finaled.

(CONDITION ADDED AT BOS ON 6/14/11)

TRANS DEPARTMENT

20.TRANS. 3                   USE - IMP PLANS                   RECOMMND

Within sixty (60) days of the effective date of this permit, improvement plans for the required improvements must be prepared and submitted to the Transportation Department and shall be based upon a design profile extending a minimum of 300 feet beyond the limit of construction at a grade and alignment as approved by the Riverside County Transportation Department. Completion of road improvements does not imply acceptance for maintenance by County.

NOTE: Before you prepare the street improvement plan(s),

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Riverside County LMS  
CONDITIONS OF APPROVAL

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PLOT PLAN:TRANSMITTED Case #: PP23896

Parcel: 941-100-002

20. PRIOR TO A CERTAIN DATE

20.TRANS. 3 USE - IMP PLANS (cont.)

RECOMMND

please review the Street Improvement Plan Policies and Guidelines from the Transportation Department Web site: [www.rctlma.org/trans/land\\_dev\\_plan\\_check\\_guidelines.html](http://www.rctlma.org/trans/land_dev_plan_check_guidelines.html).

20.TRANS. 4 USE - IMPROVEMENT (PLAN)

RECOMMND

Cushman Circle is designated as a Local road (privately maintained road) and shall be designed with full-width AC pavement (the entire cul-de-sac dedication as shown on PM 195/1-2 excluding a 2' parkway) and 6" AC dike within the existing full-width dedicated right-of-way in accordance with County Standard No. 105, Section D. (Modified for increased AC improvement up to 2' offset from right-of-way line.)

De Portola Road is a paved County maintained road and shall be improved along and outside project boundary with AC pavement, protected shoulders, and transitions AC pavement tapering for acceleration and deceleration lanes within the existing 110' dedicated right-of-way as follows:

1. The left turn pocket shall be 12 feet wide from the northerly centerline of De Portola Road and 100 feet long with a 120 foot reverse curve and transition tapers 330 feet long as approved by the Director of Transportation.
2. No parking signs shall be installed along De Portola Road as directed by the Transportation Department.
3. Construct AC pavement for acceleration and deceleration lane at the intersection of De Portola Road and Cushman Circle per County Standard No. 803 and as approved by the Director of Transportation.
4. Edge of pavement returns shall be a 35 foot radius.

20.TRANS. 7 USE - IMPROVEMENT (CONSTRUCT)

RECOMMND

Within nine (9) months of the effective date of this permit, the improvements described in this condition shall have been completed to the satisfaction of the Transportation Department.

The Transportation Director shall, at his sole discretion,

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14:40

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PLOT PLAN:TRANSMITTED Case #: PP23896

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20. PRIOR TO A CERTAIN DATE

20.TRANS. 7

USE - IMPROVEMENT (CONSTRUCT) (cont.)

RECOMMND

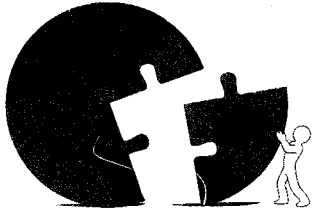
have the authority to approve up to two (2) separate three-month extensions, if the applicant can show good cause that the improvements are being delayed for reasons beyond applicant's control.

The applicant shall furnish bonds or other adequate security to the Transportation Department to guarantee the construction of these improvements.

Cushman Circle is designated as a Local road (privately maintained road) and shall be improved with full-width AC pavement (the entire cul-de-sac dedication as shown on PM 195/1-2 excluding a 2' parkway) and 6" AC dike within the existing full-width dedicated right-of-way in accordance with County Standard No. 105, Section D. (Modified for increased AC improvement up to 2' offset from right-of-way line.)

De Portola Road is a paved County maintained road and shall be improved along and outside project boundary with AC pavement, protected shoulders, and transitions AC pavement tapering for acceleration and deceleration lanes within the existing 110' dedicated right-of-way as follows:

1. The left turn pocket shall be 12 feet wide from the northerly centerline of De Portola Road and 100 feet long with a 120 foot reverse curve and transition tapers 330 feet long as approved by the Director of Transportation.
2. No parking signs shall be installed along De Portola Road as directed by the Transportation Department.
3. Construct AC pavement for acceleration and deceleration lane at the intersection of De Portola Road and Cushman Circle per County Standard No. 803 and as approved by the Director of Transportation.
4. Edge of pavement returns shall be 35 foot radius.



Carolyn Syms Luna  
Director

# RIVERSIDE COUNTY PLANNING DEPARTMENT

## Memorandum

**DATE:** June 14, 2011  
**TO:** The Board of Supervisors  
**FROM:** Kinika Hesterly, Planning Department Staff  
**RE:** Agenda Item No. 3.63, Appeal of Plot Plan No. 23896

The following conditions of approval have been revised:

COA 10.Planning.46 – Special Occasions and 20.Planning.6 – Existing Structure Check (Board of Supervisors date was changed from 6/07/11 to 6/14/11).

COA 20.Planning.6 – Existing Structure Check was also changed to delete the reference to timelines in COA 20.Planning.8 and to add that the permit holder shall apply for all necessary building permits within 30 days of the effective date of the permit.

Y:\Planning Case Files-Riverside offi

3.14.11.docx

Item 3.63

06/13/11  
16:27

Riverside County LMS  
CONDITIONS OF APPROVAL

Page: 1

PLOT PLAN:TRANSMITTED Case #: PP23896

Parcel: 941-100-002

10. GENERAL CONDITIONS

PLANNING DEPARTMENT

10.PLANNING. 46

USE - SPECIAL OCCASIONS

RECOMMND

Special occasions shall be limited to the following:

- Special occasions shall consist of weddings, wine club parties/festivals, winery association events, BBQ events, barrel tastings, birthday parties, corporate events, and wine education seminars.
- 25 special occasions shall be allowed per year.
- Maximum guests allowed are 144.
- The occasions may take place both inside and outside of the tasting room.
- No outside amplified music will be allowed.
- The tasting room shall be closed during special occasions with over 65 guests.

(AMENDED AT DIRECTOR'S HEARING ON 8/02/10. SPECIAL OCCASIONS WERE REDUCED FROM 50 TO 25 PER YEAR.)

(CONDITION REVISED AT BOS ON 6/14/11.)

20. PRIOR TO A CERTAIN DATE

PLANNING DEPARTMENT

20.PLANNING. 6

USE - EXISTING STRUCTURE CHECK

RECOMMND

Within thirty (30) days of the effective date of this permit, the permittee or the permittee's successors-in-interest shall apply to the Building and Safety Department for all necessary permits, including the submission of all required documents and fees for any plan check review as determined by the Director of the Department of Building and Safety and/or the Code Enforcement Director, to ensure that all existing buildings, structures and uses are in compliance with Ordinance No. 348 and Ordinance No. 457 and the conditions of approval of this permit.

(CONDITION REVISED AT BOS ON 6/14/11.)