

Bradford, Deborah

From: Bradford, Deborah
Sent: Thursday, February 15, 2018 5:14 PM
To: 'Debi'
Cc: Brady, Russell
Subject: RE: Los Nogales Rd Development - TR37254, GPA1202, EA42839, APN927450002

Please see my comments below in blue.

Thanks,
Deborah

Deborah Bradford, Planner
4080 Lemon Street, 12th Floor
Riverside, CA 92501
(951)955-6646
dbradfor@rivco.org

From: Debi [mailto:mrsmac9000@aol.com]
Sent: Friday, February 09, 2018 2:55 PM
To: Bradford, Deborah <DBradfor@RIVCO.ORG>; Brady, Russell <rbrady@RIVCO.ORG>; Ross, Larry <LROSS@RIVCO.ORG>
Cc: Comerchero, Jeff <JComerchero@RIVCO.ORG>
Subject: Los Nogales Rd Development - TR37254, GPA1202, EA42839, APN927450002

Dear Planning Commissioners and Members of the Board of Supervisors,

My name is Debra McCaslin and I live at 33965 Via Del Ponte, Temecula, CA 92592. My husband and I own a home behind the Ponte Vineyard Inn. Our home and land is very close to the Los Nogales Road project.

I **oppose** EA42839, GPA 1202, and TR 37254. The Owner must be required to follow County, State and Federal laws and rules for developing the Subject Property. To date they have not done so. I ask that you NOT adopt the Negative Declaration.

My specific concerns with the County's Environmental Assessment EA 42839 is the following. The Assessment:

1. Will cause a significant harmful impact on existing environment.

To ensure protection of the environment, discretionary projects are subject to the California Environmental Quality Act (CEQA) which through the preparation of an Initial Study/Environmental Assessment (EA) which determines whether the project may have a significant effect on the environment. If the initial study shows no substantial evidence that the project may have a significant impact through project design and **implementation** of standard regulations and

conditions of approval, a Negative Declaration is prepared. If the initial study shows that the project may have a significant impact, even through project design features and implementation of standard regulations and conditions of approval, then further unique mitigation is included and then determined if impacts are reduced to a less than significant impact, and a Mitigated Negative Declaration is prepared. If the Initial Study shows that the project may have a significant effect, even through project design features, implementation of standard regulations and conditions of approval, and all feasible mitigation measures, then an Environmental Impact Report (EIR) is prepared.

Staff prepared an Initial Study for this project and found that impacts may occur to the environment however, with the incorporation of conditions of approval that implement existing regulations, these impacts would be considered less than significant.

The southern portion of the project site is located within a flood plain and blue line stream. The Tentative Tract Map has delineated the Flood Plain area as well as noted this as Riparian Area - No Disturbance. The Initial Study prepared for the project was based on the area being avoided to not impact the area through the construction of bridges that would span the delineated drainage area to not impact it. Regardless of the Initial Study addressing the potential for impacts to the drainage area, existing regulations from California Fish & Wildlife and Army Corps of Engineers are in place for the project to comply with if such temporary or permanent direct or indirect impacts occur to the drainage area. Conditions of approval were also applied to ensure that the blue line stream and riparian area would be 100% avoided or else such permitting through California Fish & Wildlife and Army Corps of Engineers will be required. As these are existing regulations, these are not considered mitigation pursuant to CEQA.

Based on grading that has recently occurred on the site through an agricultural grading permit, such direct or indirect impacts to the drainage area may have occurred. These concerns are why a stop work order was issued by the County to halt all grading activities on the site. Based on staff inspection, it appeared that the grading encompassed more than what the agricultural permit allowed and a Stop Work Notice was issued. As a result, additional conditions of approval were added to ensure this area be protected and possibly be restored back to its original state. These conditions include that prior to the issuance of a grading permit a Determination of Biologically Equivalent or Superior Preservation (DBESP) be submitted to, reviewed and approved by EPD and the Wildlife Agencies. All riverine, riparian and jurisdictional features shall be mapped. Once the DBESP is forwarded to the Wildlife Agencies a 60-day review period will start which may result in a significant delay in implementing the project. EPD has also conditioned that a CDFW 1600 and USACE 404 permit be required prior to issuance of grading permits. The Department of Flood Control also conditioned the project that the floodplain for Long Valley Wash must be kept free of all fill, buildings, and obstructions in order to maintain the natural drainage patterns of the area and to prevent flood damage of new buildings. Although these impacts may have already occurred, this can still be addressed through proper permitting if deemed necessary prior to grading permit issuance for development of the Tentative Tract Map.

The proposed plan does call out for the construction of 4 bridges that will cross the riparian area. An additional condition of approval prior to the issuance of building permits has been added by EPD that requires the building plans for the construction of the four bridges over Long Valley Wash to be reviewed and approved by EPD. Additionally construction of the bridges must follow the "Guidelines for Construction of Wildlife Crossings".

2. Will cause a significant increase in traffic across Los Nogales and Camino Del Vino Roads.

The County's Transportation Senior Civil Engineer stated that the increase in tourist/visitor traffic would be minimal on Los Nogales Road. The road is currently not paved which discourages the use of the road by tourists/visitors. Additionally, the development proposal considers the subdivision of property into 8-lots. The threshold for a development to prepare a traffic study is 100 peak hourly trips. Using the Trip General Manual publication from the Institute of Transportation Engineers, the project is estimated to generate 8 peak hourly trips in the afternoon peak hour, therefore a traffic study was not required.

3. Failed to address culturally sensitive Native American land.

In regards to the protection of cultural and tribal resources, specifically the December 1846 Temecula Massacre, staff had not received any mention of this event and its occurrence on the Project site from the notified tribes or any other source. Additionally, the County's Chief Engineering Geologist and the County's Archeologist have been in direct contact with The Temecula Band of Luiseno Mission Indians (Pechanga) who stated that the 1846 Temecula Massacre did not occur on the Project site based on their professional research and tribal information. Additionally, representatives from Pechanga will be contacting the organization that has depicted this massacre site erroneously on their Website to have it removed.

Since the project involves a General Plan Amendment, SB 18 Tribal Consultation was required. The Native American Heritage Commission (NAHC) provides a list to the County of the tribes whose historical extent includes the project site. Notified tribes are given 90 days in which to request consultation regarding the proposed project. No consultation requests were received at the end of the 90 day noticing period. Additionally, AB 52 notices regarding this project were mailed to all requesting tribes. The Pala Band of Mission Indians requested consultation. Pala concluded their consultation and stated they had no concerns. Six other tribes that were noticed did not require consultation. However, during earth moving activities the project has been condition that a Native American Monitor be retained on site to ensure protection if any tribal resources are encountered.

My suggestions for the County to address these concerns are:

1. Do **NOT** approve changing the Property to the Residential District so a house can be put on a 5-acre lot. I think this change hurts Wine Country. Ensure development follows the Winery District rules (e.g., 10-acre lots for houses).
2. Require full environmental study with full inclusion of all interested parties and environmental authorities. Discussed in item #1.
3. Require full transportation study with plans to improve Los Nogales Rd. from Anza Rd. to Camino Del Vino Rd., Calle Toledo Rd. from Los Nogales Rd. to Via Anita, and the intersection of Los Nogales Rd. and Camino Del Vino Rd so it complies with present standards. Discussed in item #2
4. Require the Owner to set aside the eastern third of the Property as open space in respect to Native Americans and to honor their heritage. Discussed in item #3.

Thank you in advance for your consideration of my concerns. Our Wine Country is a wonderful tourist destination because it has been protected over the years. I hope you consider the detrimental impact the above mentioned project will have on our most valuable resource. We must protect our wine country & learn from the founders of Napa Valley.

Sincerely,

Debra McCaslin
951-515-4778
Sent from my iPhone

Bradford, Deborah

From: Bradford, Deborah
Sent: Thursday, February 15, 2018 4:55 PM
To: 'Meri R'
Cc: Brady, Russell
Subject: RE: Los Nogales Rd Development - TR37254, GPA1202, EA42839, APN927450002

Good Afternoon Ms. Rosa-Pyrce,
Thank you for your letter of opposition. I will try and address each of your comments and concerns in the following manner:

1. **Concerned that the County is not looking into the best interest of Wine Country and the Master Plan**
- Preservation of the Wine Country and its unique characteristics is the primary component of being able to recommend approval of the General Plan Amendment. To be able to approve the General Plan Amendment, certain justification is necessary for how this amendment complies with the findings of a foundation component amendment which are providing substantial evidence that **new conditions or circumstances** have occurred, the amendment **would not result in a conflict with the Riverside County Vision** and would not **create an internal inconsistency with the General Plan.**

The use of a certain baseline is not specified in Ordinance No. 348 Section 2.5.G for Regular Foundation General Plan Amendments. Therefore the findings do not require a circumstance to have occurred following a certain timeframe. Instead it is required "that new conditions or circumstances disclosed during the review process justify modifying the General Plan.

Although the applicant may have initially proposed other findings as the "new conditions or circumstances", staff has proposed that the new circumstance would be the change in the road classification of Camino Del Vino from a General Plan Circulation Element Secondary Highway to a Collector Road. This change in classification occurred in 2014 when the TVWCCP was adopted. This change, from a Secondary Highway to a Collector Road would reduce the capacity of more intensive traffic that would occur due to commercial wineries or other more intense uses that are encouraged in the Winery District.

The Riverside County Vision which states that "Riverside County is a family of special communities in a remarkable environmental setting". The Temecula Valley Wine Country Policy Area was developed to ensure the protection of this special community by ensuring long term viability of the wine industry while protecting the community's equestrian rural lifestyle. Three districts were established for this policy area, each having specific policies that relate to each district. The winery district encourage new wineries and the expansion of existing wineries, the equestrian district encourages the protection and promotion of equestrian uses, and the residential district encourages estate lot residential development to complement and balance the tourist related activities. These policies protect against the location of activities that are incompatible with existing residential and equestrian uses, which could lead to land use conflicts in the future. The boundary change from the Winery District, whose primary purpose is for the promotion and the establishment of commercial activities to the Residential District, whose primary purpose is to encourage permanent estate lots and to balance tourist related activities, is more compatible with the established residential neighborhood to the south and will be compatible with Riverside County's Vision as well as the vision of the Wine Country Community Plan.

Staff has determined that the General Plan Amendment meets the required findings as detailed in the staff report and will continue to ensure the protection and preservation of the Wine Country.

The project as proposed is consistent with and does not undermine the intent, goals, and policies of the TVWCCP. Although the project represents a change in the district boundaries of the TVWCCP, it is a well reasoned change in the district boundaries. As noted above, the change to a Collector Road would reduce the capacity to handle more intensive traffic that would occur from potential commercial wineries or other more intense uses that are encouraged in the Winery District. While the property could stay in the Winery District and a Tentative Tract Map could be proposed (with less units) in the Winery District, it would still allow the potential to develop larger scale wineries that would not likely be adequately served by a Collector Road. Additionally, by allowing primarily residential uses with the proposed Residential District rather than winery or other more intense uses that may be allowed under the Winery District, this project would better preserve the residential nature of the existing surrounding area.

2. **Double the residential density for this project** - Presently the project site is located in the Winery District and Citrus/Vineyard Zoning which allows one dwelling unit per 10 acres. With the General Plan Amendment and Change of Zone the applicant would be allowed to have one dwelling unit per 5 acres. The proposal is for 8 dwelling units. If the property remained in the Winery District the applicant would be allowed up to 5 dwelling units. Regarding large 10,000 square foot estate houses you are saying the applicant is proposing, the County does not limit square footage of residences. Limitations occur through setbacks, height, parking requirements and other constraints such as septic and topography of the site. The construction of a helipad would not be permitted. The applicant has not submitted any plans to the County regarding ultimate development of the site, but they would be subject to the same development standards as any other property under the same zoning.
3. **Negative Impacts (1) significant increase in traffic** - The County's Transportation Senior Civil Engineer stated that the increase in tourist/visitor traffic would be minimal on Los Nogales Road. The road is currently not paved which discourages the use of the road by tourists/visitors. Additionally, the development proposal considers the subdivision of property into 8-lots. The threshold for a development to prepare a traffic study is 100 peak hourly trips. Using the Trip General Manual publication from the Institute of Transportation Engineers, the project is estimated to generate 8 peak hourly trips in the afternoon peak hour, therefore a traffic study was not required.

The discussion of "McMansions" was discussed above in #2.

4. **Regarding a dangerous precedence** - Changes to Wine Country District boundaries are subject to the requirements of a Foundation General Plan Amendment. This includes such amendments only being accepted for application every 8 years, with the next window opening in 2024. Other property owners that may want a change similar to the one proposed would be subjected to the same process as this applicant. Additionally, although they may apply for a Foundation General Plan Amendment to change the district boundaries, specific findings will still have to be made as are being made for this proposed amendment, in particular what new circumstance or condition is identified to justify
5. **Existing Environment and Native American land** - Staff prepared an Initial Study for this project and found that impacts may occur to the environment however, with the incorporation of conditions of approval that implement existing regulations, these impacts would be considered less than significant.

The southern portion of the project site is located within a flood plain and blue line stream. The Tentative Tract Map has delineated the Flood Plain area as well as noted this as Riparian Area - No Disturbance. The Initial Study prepared for the project was based on the area being avoided to not impact the area through the construction of bridges that would span the delineated drainage area to not impact it. Regardless of the Initial Study addressing the potential for impacts to the drainage area, existing regulations from California Fish & Wildlife and Army Corps of Engineers are in place for the project to comply with if such temporary or permanent direct or indirect impacts occur to the drainage area. Conditions of approval were also applied to ensure that the blue line stream and riparian area

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6. **Temecula Wine Country is a very special area** - As stated above in #1 Preservation of the Wine Country and its unique characteristics is one of the primary components of being able to recommend approval of the General Plan Amendment, Change of Zone and the Tentative Tract Map.

Best Regards,
Deborah

Deborah Bradford, Planner
4080 Lemon Street, 12th Floor
Riverside, CA 92501
(951)955-6646
dbradfor@rivco.org

From: Meri R [mailto:merirosapyrce@gmail.com]
Sent: Friday, February 09, 2018 8:47 AM
To: Bradford, Deborah <DBradfor@RIVCO.ORG>; Brady, Russell <rbrady@RIVCO.ORG>; Ross, Larry <LROSS@RIVCO.ORG>
Cc: Comerchero, Jeff <JComerchero@RIVCO.ORG>
Subject: Los Nogales Rd Development - TR37254, GPA1202, EA42839, APN927450002

Ms. Bradford, Mr. Brady and Mr. Ross,

Please see attached letter regarding subject property.

Thank you,

Meri Rosa-Pyrce

Meri Rosa-Pyrce
Board President Siena Vineyard Estates Association
951-551-6374 cell

February 8, 2018

Riverside County Planning Department
Deborah Bradford, Planner
Russell Brady, Contract Planner
Larry Ross, Principal Planner
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Subject: Los Nogales Road Development Project – Wine Country
TR 37254, EA 42839, GPA 1202

Dear Ms. Bradford, Mr. Brady and Mr. Ross,

I am a property owner in the Siena Vineyard Estates Association which is a community in the Temecula Wine Country just behind Ponte and Wiens Wineries. I am also the President of this Homeowner's Association, so when I write to you, I am writing on behalf of myself and the other property owners in our Association. Each property in our community has 5 acres of land, and the property owner is allowed to build a home on only 1 acre, resulting in 80% of each 5 acre property being vines. Our community is located directly above the Subject Property. Some of the properties in our community have the Subject Property in their views.

As a reference, my husband and I have owned our property in the Siena Vineyard Estates Association for 13 years, and we are currently in the process of obtaining a building permit from the County to build on our property. Needless to say, I have a very good understanding of what the sequence of events that need to take place in order to get a building permit. The County is on top of me to see that I am in compliance at all times. There is no wiggle room or corners I can cut, period.

What prompts me to write this letter is I have become aware of some disturbing information on the Subject Property. I will be very troubled if I find out that the County is not looking into the best interest of Wine Country and the Master Plan that was set forth for it, a plan that many of us have counted on the County to follow for our best interests and the interests of Wine Country. I would also hate to think that politics and money are coming into play here at the expense of what is best for Wine Country.

I would like the County and its representatives to know that the Siena Vineyard Estates Association and its owners are opposed to the County changing the Subject Property from Winery District to Residential District which would allow double the residential density for this project. In addition, we are opposed to the 10,000 sq. foot homes that are proposed for each lot.

There are several negative impacts this would have. A few that come to mind are 1) a significant increase in traffic on Los Nogales Road and Camino Vino, 2) a deviation from the Wine Country Master Plan that was envisioned, 3) Wine Country was not set out to have McMansions allowed where the rural ambiance and country setting will be negatively impacted, and 4) the County would be setting a dangerous precedence by allowing this development that is currently in the Wine District to change to Residential District – I stress, a **dangerous precedence**. In addition, doubling the residential density would also have a significant negative impact on the existing environment and sensitive Native American land. All of the above just hurts Wine Country and goes directly against Wine Country's Master Plan.

I understand that the Owner/Developer has not been in compliance with County and State regulations and has even had a stop work order issued on the project. I also understand that the County's Transportation and Environmental Departments have had to get involved with this Owner/Developer to bring him in compliance, as he was not following rules and codes. This is concerning to all of us. I highly encourage the County to make sure this Owner/Developer follows County, State and Federal laws and rules for developing the Subject Property. Some developments need more County oversight for assurance of compliance, and this appears to be one of them. I get a feeling, a bad feeling, that this Owner/Developer could care less about Wine Country and cares only about padding his pockets. Do not let this happen.

The Temecula Wine Country is a very special area. The Wine Country Master Plan was specifically crafted and designed to prevent this kind of residential sprawl from occurring. The County should be doing all they can and everything within their power to protect and preserve the Master Plan set forth for Wine Country. This is the County's job, and the residents and winery owners entrust the County and its representatives to put Wine Country's best interest over and above some developer's agenda to make money.

Thank you for your time. I appreciate it. I am only concerned and looking out for what is in the best interest of one of this valley's most unique, loved and treasured land, Wine Country.

Respectfully Submitted,

Meri Rosa-Pyrce
Board President Siena Vineyard Estates Association
951-551-6374
merirosapvrce@gmail.com

cc: Jeff Comerchero

Letter Delivered by Email and First Class Mail

Bradford, Deborah

From: Debi <mrsmac9000@aol.com>
Sent: Friday, February 09, 2018 2:55 PM
To: Bradford, Deborah; Brady, Russell; Ross, Larry
Cc: Comerchero, Jeff
Subject: Los Nogales Rd Development - TR37254, GPA1202, EA42839, APN927450002

Dear Planning Commissioners and Members of the Board of Supervisors,

My name is Debra McCaslin and I live at 33965 Via Del Ponte, Temecula, CA 92592. My husband and I own a home behind the Ponte Vineyard Inn. Our home and land is very close to the Los Nogales Road project.

I **oppose** EA42839, GPA 1202, and TR 37254. The Owner must be required to follow County, State and Federal laws and rules for developing the Subject Property. To date they have not done so. I ask that you **NOT** adopt the Negative Declaration.

My specific concerns with the County's Environmental Assessment EA 42839 is the following. The Assessment:

1. Will cause a significant harmful impact on existing environment.
2. Will cause a significant increase in traffic across Los Nogales and Camino Del Vino Roads.
3. Failed to address culturally sensitive Native American land.

My suggestions for the County to address these concerns are:

1. Do **NOT** approve changing the Property to the Residential District so a house can be put on a 5-acre lot. I think this change hurts Wine Country. Ensure development follows the Winery District rules (e.g., 10-acre lots for houses).
2. Require full environmental study with full inclusion of all interested parties and environmental authorities.
3. Require full transportation study with plans to improve Los Nogales Rd. from Anza Rd. to Camino Del Vino Rd., Calle Toledo Rd. from Los Nogales Rd. to Via Anita, and the intersection of Los Nogales Rd. and Camino Del Vino Rd so it complies with present standards.
4. Require the Owner to set aside the eastern third of the Property as open space in respect to Native Americans and to honor their heritage.

Thank you in advance for your consideration of my concerns. Our Wine Country is a wonderful tourist destination because it has been protected over the years. I hope you consider the detrimental impact the above mentioned project will have on our most valuable resource. We must protect our wine country & learn from the founders of Napa Valley.

Sincerely,

February 8, 2018

Riverside County Planning Department
Deborah Bradford, Planner
Russell Brady, Contract Planner
Larry Ross, Principal Planner
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Subject: Los Nogales Road Development Project – Wine Country
TR 37254, EA 42839, GPA 1202

Dear Ms. Bradford, Mr. Brady and Mr. Ross,

I am a property owner in the Siena Vineyard Estates Association which is a community in the Temecula Wine Country just behind Ponte and Wiens Wineries. I am also the President of this Homeowner's Association, so when I write to you, I am writing on behalf of myself and the other property owners in our Association. Each property in our community has 5 acres of land, and the property owner is allowed to build a home on only 1 acre, resulting in 80% of each 5 acre property being vines. Our community is located directly above the Subject Property. Some of the properties in our community have the Subject Property in their views.

As a reference, my husband and I have owned our property in the Siena Vineyard Estates Association for 13 years, and we are currently in the process of obtaining a building permit from the County to build on our property. Needless to say, I have a very good understanding of what the sequence of events that need to take place in order to get a building permit. The County is on top of me to see that I am in compliance at all times. There is no wiggle room or corners I can cut, period.

What prompts me to write this letter is I have become aware of some disturbing information on the Subject Property. I will be very troubled if I find out that the County is not looking into the best interest of Wine Country and the Master Plan that was set forth for it, a plan that many of us have counted on the County to follow for our best interests and the interests of Wine Country. I would also hate to think that politics and money are coming into play here at the expense of what is best for Wine Country.

I would like the County and its representatives to know that the Siena Vineyard Estates Association and its owners are opposed to the County changing the Subject Property from Winery District to Residential District which would allow double the residential density for this project. In addition, we are opposed to the 10,000 sq. foot homes that are proposed for each lot.

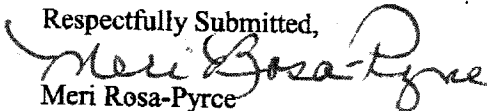
There are several negative impacts this would have. A few that come to mind are 1) a significant increase in traffic on Los Nogales Road and Camino Vino, 2) a deviation from the Wine Country Master Plan that was envisioned, 3) Wine Country was not set out to have McMansions allowed where the rural ambiance and country setting will be negatively impacted, and 4) the County would be setting a dangerous precedence by allowing this development that is currently in the Wine District to change to Residential District – I stress, a **dangerous precedence**. In addition, doubling the residential density would also have a significant negative impact on the existing environment and sensitive Native American land. All of the above just hurts Wine Country and goes directly against Wine Country's Master Plan.

I understand that the Owner/Developer has not been in compliance with County and State regulations and has even had a stop work order issued on the project. I also understand that the County's Transportation and Environmental Departments have had to get involved with this Owner/Developer to bring him in compliance, as he was not following rules and codes. This is concerning to all of us. I highly encourage the County to make sure this Owner/Developer follows County, State and Federal laws and rules for developing the Subject Property. Some developments need more County oversight for assurance of compliance, and this appears to be one of them. I get a feeling, a bad feeling, that this Owner/Developer could care less about Wine Country and cares only about padding his pockets. Do not let this happen.

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Thank you for your time. I appreciate it. I am only concerned and looking out for what is in the best interest of one of this valley's most unique, loved and treasured land, Wine Country.

Respectfully Submitted,



Meri Rosa-Pyrce

Board President Siena Vineyard Estates Association

951-551-6374

merirosapyrce@gmail.com

cc: Jeff Comerchero

Letter Delivered by Email and First Class Mail



Mr. Greg Koll
Koll Custom Homes
PO Box 1658
Temecula, CA 92593

Regarding Tract Map 37254

Board of Directors

Danny Martin
President

BJ Fazeli
Vice President

Robert Olson
Treasurer

Valerie Andrews
Secretary

Phil Baily
Director

Damian Doffo
Director

Ben Drake
Director

Jim Hart
Director

Bill Wilson
Director

Dear Greg:

On behalf of The Board of Directors for the Temecula Valley Winegrowers Association, we would like to show our support for your proposed change of zone from Wine Country Winery Zone to Wine Country Residential Zone for your project, Tract Map 37254.

We understand that the project area is surrounded by five-acre parcels and there is no viable arterial road in and out of the area, thus it would be difficult for the development of a winery project on this site. Our Board is also encouraged that your project proposal requires residents to plant vineyards and the CC & R's will mandate that the owners take proper care of these vineyards.

We wish you much success with your proposed change of zone and subsequent project.

Sincerely,

Krista Chaich
Executive Director

cc: Russell Brady, Planner, Riverside County Planning Commission
Deborah Bradford, Planner, Riverside County Planning Commission

3/27/2018

Riverside County Planning Commissioners
4080 Lemon Street
Riverside CA 92501

I am writing this letter in regards to the subdivision development located at 35576 Los Nogales road Temecula CA 92592 Tentative tract map 37254.

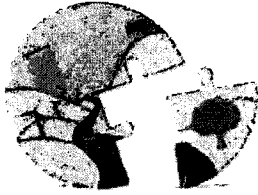
We are located at 35401 Los Nogales APN 927-470-007. Which is across the street from the subject property. In observing the grading that was completed from December 2017 to February 2018 the developer has established a main entrance to their property that is approximately 50 from our driveway, with no offsite parking of their own, since the developers construction is also posted there I believe it is safe to say that this is going to be the ingress and egress for the project, I would also say it is safe to say there will be a construction trailer set up near the location entrance. With this said we are receiving full blunt of all construction operations, now the question is how long must we endure this? It is safe to say anywhere from 1 to 5 years. I don't know how many home owners would be okay with this situation. We are one of two homes on Los Nogales that are at street level and have tractors and orange silt fencing staring them in the face every day, the other home owner, to the east doesn't own the home I suspect you will not here from them, along with the neighbor next to the east of them.

We also have the geographical topography situation that Los Nogales is its own valley and we are at the lowest point here, the noise from two bulldozers and two scrapers from 7 AM nonstop to 3 PM were deafening, also compounded that the tractors are started at 6:45 AM and any tractor maintenance or repair is done after 3 PM. Since we are in a low spot we also get a mild London fog effect, where the tractor exhaust gets trapped and really doesn't fully escape till the temperature warms up, we learned this years ago from neighbors with tractors.

With all this said we are not against the sub division or work being performed, actually we would have preferred they didn't stop it would mostly likely be far past our home, which helps a little. However this is going to be an incredible amount of noise and traffic to endure. In being I am a General contractor and Real Estate Broker I am all too familiar how new construction works, there will be a massive influx of traffic, which has already slightly started with many vehicles stopping and surveying the subject property.

Our main adamant request is that the staging area ingress and egress, construction storage, maintenance and repairs and construction trailer be re located to the east end of the subject property at Camino de Vino, where there are no homes directly across the street, and the Los Nogales valley tapers off into more flat and rolling terrain.

Daniel Willms
General contractor 641099
Real Estate Broker 01192011
951-326-6410



**RIVERSIDE COUNTY
PLANNING DEPARTMENT**

Steve Weiss, AICP
Planning Director

**APPLICATION FOR FOUNDATION COMPONENT
AMENDMENT TO THE RIVERSIDE COUNTY
GENERAL PLAN**

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

I. GENERAL INFORMATION:

APPLICATION INFORMATION:

Applicant Name: Koll Custom Homes, Inc.

Contact Person: Greg Koll E-Mail: Greg@KollCustomHomes.com

Mailing Address: PO Box 1658
Temecula ^{Street} CA 92593
City State ZIP

Daytime Phone No: (951) 225-1065 Fax No: (951) 225-1064

Engineer/Representative Name: Love Engineering

Contact Person: Tom Love E-Mail: Tom@LoveCivil.com

Mailing Address: 31915 Rancho California Road, Suite 200-166
Temecula ^{Street} CA 92591
City State ZIP

Daytime Phone No: (951) 440-8149 Fax No: (951) 303-6701

Property Owner Name: Heavenstone Corporation

Contact Person: William Sluss E-Mail: billsluss73@gmail.com

Mailing Address: 17800 Castleton Drive, Suite 300
City of Industry ^{Street} CA 91748
City State ZIP

Daytime Phone No: (626) 581-3335 Fax No: ()

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

Desert Office · 77-588 El Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

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APPLICATION FOR FOUNDATION COMPONENT AMENDMENT TO THE RIVERSIDE COUNTY GENERAL PLAN

Check this box if additional persons or entities have an ownership interest in the subject property(ies) in addition to that indicated above; and attach a separate sheet that references the General Plan Amendment type and number and list those names, mailing addresses, phone and fax numbers, and email addresses; and provide signatures of those persons or entities having an interest in the real property(ies) involved in this application.

AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN:

I certify that I am/we are the record owner(s) or authorized agent, and that the information filed is true and correct to the best of my knowledge, and in accordance with Govt. Code Section 65105, acknowledge that in the performance of their functions, planning agency personnel may enter upon any land and make examinations and surveys, provided that the entries, examinations, and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof.

(If an authorized agent signs, the agent must submit a letter signed by the owner(s) indicating authority to sign on the owner(s)'s behalf, and if this application is submitted electronically, the "wet-signed" signatures must be submitted to the Planning Department after submittal but before the General Plan Amendment is ready for public hearing.)

<i>William E. Sluss</i>	
PRINTED NAME OF PROPERTY OWNER(S)	SIGNATURE OF PROPERTY OWNER(S)
/	/
PRINTED NAME OF PROPERTY OWNER(S)	SIGNATURE OF PROPERTY OWNER(S)

The Planning Department will primarily direct communications regarding this application to the person identified above as the Applicant. The Applicant may be the property owner, representative, or other assigned agent.

AUTHORIZATION FOR CONCURRENT FEE TRANSFER

The applicant authorizes the Planning Department and TLMA to expedite the refund and billing process by transferring monies among concurrent applications to cover processing costs as necessary. Fees collected in excess of the actual cost of providing specific services will be refunded. If additional funds are needed to complete the processing of this application, the applicant will be billed, and processing of the application will cease until the outstanding balance is paid and sufficient funds are available to continue the processing of the application. The applicant understands the deposit fee process as described above, and that there will be **NO** refund of fees which have been expended as part of the application review or other related activities or services, even if the application is withdrawn or the application is ultimately denied.

APPLICATION FOR FOUNDATION COMPONENT AMENDMENT TO THE RIVERSIDE COUNTY GENERAL PLAN

PROPERTY INFORMATION:

Assessor's Parcel Number(s): 927-450-002

Approximate Gross Acreage: 51.52 Acres

General location (nearby or cross streets): North of Los Nogales Road, South of _____, East of _____, West of Camino Del Vino.

Existing General Plan Foundation Component(s): AG - Tr Wine Country - Winery District

Proposed General Plan Foundation Component(s): AG - Tr Wine Country - Residential District

Existing General Plan Land Use Designation(s): AG

Proposed General Plan Land Use Designation(s): AG

General Plan Policy Area(s) (if any): Temecula Valley Wine Country - Winery District

Existing Zoning Classification(s): C/V-10

Provide details of the proposed General Plan Amendment (attach separate pages if needed):

Our proposal is to change this parcel from the Temecula Valley Wine Country Policy Area - Winery District to the Temecula Valley Wine Country Policy Area - Residential District in order to be consistent with the usage of the surrounding properties.

Are there previous development application(s) filed on the same site: Yes No

If yes, provide Application No(s). TR36975, CZ07885
(e.g. Tentative Parcel Map, Zone Change, etc.)

Initial Study (EA) No. (if known) EA42839 EIR No. (if applicable): _____

Have any special studies or reports, such as a traffic study, biological report, archaeological report, geological or geotechnical reports, been prepared for the subject property? Yes No

If yes, indicate the type of report(s) and provide signed copy(ies): See Attached

Name of Company or District serving the area the project site is located (if none, write "none.")	Are facilities/services available at the project site?	
	Yes	No
Electric Company	<u>Southern California Edison</u>	<input checked="" type="checkbox"/>
Gas Company	<u>None - Propane</u>	<input type="checkbox"/>
Telephone Company	<u>Verizon / Frontier</u>	<input checked="" type="checkbox"/>
Water Company/District	<u>Rancho California Water District</u>	<input checked="" type="checkbox"/>

**APPLICATION FOR FOUNDATION COMPONENT AMENDMENT TO THE RIVERSIDE COUNTY
GENERAL PLAN**

Name of Company or District serving the area the project site is located (if none, write "none.")	Are facilities/services available at the project site?	Yes	No
Sewer District	None - Septic		

If "No," how far away are the nearest facilities/services? (No. of feet/miles):

Is the Foundation Component General Plan Amendment located within any of the following watersheds?

- Santa Ana River/San Jacinto Valley
- Santa Margarita River
- Whitewater River

Please refer to Riverside County's Map My County website to determine if the subdivision is located within any of these watersheds (using the Geographic Layer - Watershed)
(http://webintprod.agency.tlma.co.riverside.ca.us/MMC_Viewer/Custom/disclaimer/Default.htm)

If any of these watersheds are checked, click on the adjacent hyperlink to open the applicable Checklist Form. Complete the form and attach a copy as part of this application submittal package.

HAZARDOUS WASTE SITE DISCLOSURE STATEMENT

Government Code Section 65962.5 requires the applicant for any development project to consult specified state-prepared lists of hazardous waste sites and submit a signed statement to the local agency indicating whether the project is located on or near an identified site. Under the statute, no application shall be accepted as complete without this signed statement.

I (we) certify that I (we) have investigated our project with respect to its location on or near an identified hazardous waste site and that my (our) answers are true and correct to the best of my (our) knowledge. My (Our) investigation has shown that:

- The project is not located on or near an identified hazardous waste site.
- The project is located on or near an identified hazardous waste site. Please list the location of the hazardous waste site(s) on an attached sheet.

Owner/Representative (1) Wm E. Sa Date 7/5/16

Owner/Representative (2) _____ Date _____

**APPLICATION FOR FOUNDATION COMPONENT AMENDMENT TO THE RIVERSIDE COUNTY
GENERAL PLAN**

II. GENERAL PLAN FOUNDATION COMPONENT AMENDMENT JUSTIFICATION:

Pursuant to the Riverside County General Plan, Chapter 11: Administration Element, "Required and Optional Findings" subsection, evidence demonstrating new conditions or circumstances is required to justify a Foundation Component Amendment. Provide details of the new conditions or circumstances that would satisfy these required Foundation Component Amendment findings.
(Please be specific. Attach separate pages if needed.):

See attached.

**APPLICATION FOR FOUNDATION COMPONENT AMENDMENT TO THE RIVERSIDE COUNTY
GENERAL PLAN**

III. OTHER TYPES OF GENERAL PLAN AMENDMENTS:

Would the proposed Foundation Component Amendment result in a conflict with any part of the Riverside County General Plan? If so, describe in detail the conflict. (Attach separate pages if needed.)

No Conflict

NOTES:

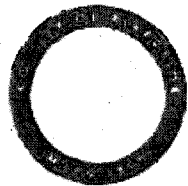
1. Please see the 2016 property owner initiated Regular General Plan Foundation Component Amendment (FGPA) Process approved by the Riverside County Board of Supervisors on March 8, 2016.
2. Most Riverside County entitlement application fees are Deposit Based Fees ("DBF"). The FGPA initial application filing fee is **\$10,000.00**. This application fee includes the review of the FGPA through the GPIP process only. Each case is unique; therefore, additional funds may be requested should unanticipated circumstances arise during the course of the GPIP review process.

Furthermore:

- o If an accompanying implementing project application is submitted concurrently, additional fees pursuant to Ordinance No. 348, which are specified on the Planning Department website and based upon the application type, shall be required upon submittal.
 - o Should the FGPA application be initiated by the Board of Supervisors at the conclusion of the GPIP process, additional General Plan Amendment fees, to complete the adoption process, shall be required.
3. Application submittal items a for Foundation General Plan Amendment:
 - o This completed application form.
 - o Application filing fees.
 - o Site map showing the project area and extent.
 - o Any additional maps/plans relevant to illustrate the project area location.



**COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY**



Juan C. Perez
Director of Transportation and Land Management Agency

Patricia Romo
Assistant Director,
Transportation Department

Steven A. Weiss
Planning Director,
Planning Department

Mike Lara
Building Official,
Building & Safety Department

Greg Flannery
Code Enforcement Official,
Code Enforcement Department

LAND USE and PERMIT APPLICATION PROCESSING AGREEMENT
Agreement for Payment of Costs of Application Processing

TO BE COMPLETED BY APPLICANT:

This agreement is by and between the County of Riverside, hereafter "County of Riverside",
and Koll Custom Homes, Inc. hereafter "Applicant" and Heavenstone Corporation "Property Owner".

Description of application/permit use:
Foundation Component General Plan Amendment

If your application is subject to Deposit-based Fee, the following applies

Section 1. Deposit-based Fees

Purpose: The Riverside County Board of Supervisors has adopted ordinances to collect "Deposit-based Fees" for the costs of reviewing certain applications for land use review and permits. The Applicant is required to deposit funds to initiate staff review of an application. The initial deposit may be supplemented by additional fees, based upon actual and projected labor costs for the permit. County departments draw against these deposited funds at the staff hourly rates adopted by the Board of Supervisors. The Applicant and Property Owner are responsible for any supplemental fees necessary to cover any costs which were not covered by the initial deposit.

Section 2. Applicant and Property Owner Responsibilities for Deposit-based Fee Applications

- A. Applicant agrees to make an initial deposit in the amount as indicated by County ordinance, at the time this Agreement is signed and submitted with a complete application to the County of Riverside. Applicant acknowledges that this is an initial deposit and additional funds may be needed to complete their case. The County of Riverside will not pay interest on deposits. Applicant understands that any delays in making a subsequent deposit from the date of written notice requesting such additional deposit by County of Riverside, may result in the stoppage of work.
- B. Within 15 days of the service by mail of the County of Riverside's written notice that the application permit deposit has been reduced to a balance of less than 20% of the initial deposit or that the deposit is otherwise insufficient to cover the expected costs to completion, the Applicant agrees to make an additional payment of an amount as determined by the County of Riverside to replenish the deposit. Please note that the processing of the application or permit may stop if the amount on deposit has been expended. The Applicant agrees to continue making such payments until the County of Riverside is reimbursed for all costs related to this application or permit. The County of Riverside is entitled to recover its costs, including attorney's fees, in collecting unpaid accounts that would have been drawn on the deposit were it not depleted.
- C. The Property Owner acknowledges that the Applicant is authorized to submit this agreement and related application(s) for land use review or permit on this property. The Property Owner also acknowledges that should the Applicant not reimburse the County of Riverside for all costs related to this application or permit, the Property Owner shall become immediately liable for these costs which shall be paid within 15 days of the service by mail of notice to said property Owner by the County.

- D. This Agreement shall only be executed by an authorized representative of the Applicant and the Property Owner. The person(s) executing this Agreement represents that he/she has the express authority to enter into this agreement on behalf of the Applicant and/or Property Owner.
- E. This Agreement is not assignable without written consent by the County of Riverside. The County of Riverside will not consent to assignment of this Agreement until all outstanding costs have been paid by Applicant.
- F. Deposit statements, requests for deposits or refunds shall be directed to Applicant at the address identified in Section 4.

Section 3. To ensure quality service, Applicant is responsible to provide one-week written notice to the County of Riverside Transportation and Land Management Agency (TLMA) Permit Assistance Centers if any of the information below changes.

Section 4. Applicant and Owner Information

1. PROPERTY INFORMATION:

Assessors Parcel Number(s): 927-450-002

Property Location or Address:

51.52 Acres, North of Los Nogales Road and West of Camino Del Vino

2. PROPERTY OWNER INFORMATION:

Property Owner Name: _____

Phone No.: 626-581-3335

Firm Name: Heavenstone Corporation

Email: billsluss73@gmail.com

Address: 17800 Castleton Drive, Suite 300

City of Industry, CA 91748

3. APPLICANT INFORMATION:

Applicant Name: _____

Phone No.: 951-225-1065

Firm Name: Koll Custom Homes, Inc.

Email: greg@KollCustomHomes.com

Address (if different from property owner)

PO Box 1658

Temecula, CA 92593

4. SIGNATURES:

Signature of Applicant: 

Date: 6/2/2016

Print Name and Title: Gregory S. Koll, President

Signature of Property Owner: 

Date: 6/2/2016

Print Name and Title: William Sluss, Chief Financial Officer

Signature of the County of Riverside, by _____

Date: _____

Print Name and Title: _____

FOR COUNTY OF RIVERSIDE USE ONLY

Application or Permit (s)#: _____

Set #: _____

Application Date: _____

Checklist for Identifying Projects Requiring a Project-Specific Water Quality Management Plan (WQMP) within the Santa Margarita River Region		
Project File No.		
Project Name:		
Project Location:		
Project Description:		
Project Applicant Information:		
Proposed Project Consists of, or includes:		YES NO
New Development. The creation of 10,000 square feet or more of impervious surfaces (collectively over the entire project site) including commercial, industrial, residential, mixed-use, and public projects.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Redevelopment. The creation, addition or replacement of at least 5,000 square feet of impervious surfaces on an already developed site and the existing development and/or the redevelopment project falls under the project categories or locations listed below in this table. Where redevelopment results in an increase of less than 50% of the impervious surfaces of previously existing development, and the existing development was not subject to WQMP requirements, the numeric sizing criteria [MS4 Permit requirement F.1.d. (6)] applies only to the addition or replacement, and not to the entire development. [Note: Where redevelopment results in an increase of more than 50% of the impervious surfaces of a previously existing development, the numeric sizing criteria applies to the entire development.]	<input type="checkbox"/>	<input type="checkbox"/>
Automotive repair shops. A facility that is categorized in any one of the following Standard Industrial Classification (SIC) Codes 5013 – Motor vehicle supplies or parts, 5014 – Tires & Tubes, 5541 – Gasoline Service Stations, 7532 – Top, Body & Upholstery Repair Shops and Paint Shops, 7533 – Automotive Exhaust System Repair Shops, 7534 – Tire Retreading and Repair Shops, 7536 – Automotive Glass Replacement Shops, 7537 – Automotive Transmission Repair Shops, 7538 – General Automotive Repair Shops, 7539 – Automotive Repair Shops, not elsewhere classified.	<input type="checkbox"/>	<input type="checkbox"/>
Restaurants. This Category is defined as a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods for immediate consumption (SIC Code 5812): Establishments primarily engaged in the retail sale of prepared food and drinks for on-premise or immediate consumption, including, but not limited to: Automats (eating places), Beaneries, Box lunch stands, Buffets (eating places), Cafes, Cafeterias, Carry-out restaurants, Caterers, Coffee shops, Commissary restaurants, Concession stands, prepared food (e.g., in airports and sports arenas), Contract feeding, Dairy bars, Diners (eating places), Dining rooms, Dinner theaters, Drive-in restaurants, Fast food restaurants, Food bars, Food service (institutional), Frozen custard stands, Grills, (eating places), Hamburger stands, Hot dog (frankfurter) stands, Ice cream stands, Industrial feeding, Lunch bars, Lunch counters, Luncheonettes, Lunchrooms, Oyster bars, Pizza parlors, Pizzerias, Refreshment stands, Restaurants, Sandwich bars or shops, Snack shops, Soda fountains, Soft drink stands, Submarine sandwich shops, and Tea rooms.) where the land area for development is greater than 5,000 square feet. Restaurants where land development is less than 5,000 square feet shall meet all WQMP requirements except for structural treatment control BMPs and numeric sizing criteria requirement F.1.d.(6) and hydro modification requirement F.1.h.	<input type="checkbox"/>	<input type="checkbox"/>
All Hillside development greater than 5,000 square feet. Any development that creates greater than 5,000 square feet of impervious surface which is located in an area with known erosive soil conditions, where the development will include grading on any natural slope that is 25% or greater.	<input type="checkbox"/>	<input type="checkbox"/>
Environmentally Sensitive Areas (ESAs)¹. All development located within or directly adjacent to or discharging directly to an ESA (where discharges from the development or redevelopment will enter receiving waters within the ESA), which either creates 2,500 square feet of impervious surface on a proposed project site or increases the area of imperviousness of a proposed project site to 10% or more of its naturally occurring condition. "Directly adjacent" means situated within 200 feet of the ESA. "Discharging directly to" means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.	<input type="checkbox"/>	<input type="checkbox"/>
Parking Lot. Impervious parking lots 5,000 sq. ft. or more and potentially exposed to runoff. Parking lot is defined as a land use or facility for the temporary parking or storage of motor vehicles	<input type="checkbox"/>	<input type="checkbox"/>

**Checklist for Identifying Projects Requiring a Project-Specific Water Quality Management Plan (WQMP)
within the Santa Margarita River Region**

used personally for business or commerce.		
Streets, roads, highways, and freeways. Includes any paved impervious surface that is 5,000 square feet or greater used for the transportation of automobiles, trucks, motorcycles, and other vehicles.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Retail Gasoline Outlets (RGOs). Includes RGOs that meet the following criteria: (a) 5,000 square feet or more, or (b) a projected Average Daily Traffic (ADT) of 100 or more vehicles per day.	<input type="checkbox"/>	<input type="checkbox"/>
Pollutant Generating projects disturbing over 1 acre. Development project that disturb over one acre of land, where the post-construction use of the site generate pollutants at levels greater than natural background levels.	<input type="checkbox"/>	<input type="checkbox"/>

*Land area is based on acreage disturbed.

DETERMINATION: Check the box for the appropriate determination.

If **any** question answered "YES" Project requires a project-specific WQMP.

If **all** questions answered "NO" Project requires incorporation of Site Design and Source Control BMPs imposed through Conditions of Approval or permit conditions.



Carolyn Syms Luna
Director

RIVERSIDE COUNTY PLANNING DEPARTMENT

APPLICATION FOR CHANGE OF ZONE

CHECK ONE AS APPROPRIATE:

Standard Change of Zone

There are three different situations where a Planning Review Only Change of Zone will be accepted:

- Type 1:** Used to legally define the boundaries of one or more Planning Areas within a Specific Plan.
- Type 2:** Used to establish or change a SP zoning ordinance text within a Specific Plan.
- Type 3:** Used when a Change of Zone application was conditioned for in a prior application.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

CASE NUMBER: _____ DATE SUBMITTED: _____

APPLICATION INFORMATION

Applicant's Name: Koll Custom Homes
Greg Koll E-Mail: greg@kollcustomhomes.com

Mailing Address: PO BOX 1658
Temecula CA 92593
City State ZIP

Daytime Phone No: (951) 225-1065 Fax No: (951) 225-1064
Love Engineering

Engineer/Representative's Name: Thomas Love E-Mail: Tom@LoveCivil.com

Mailing Address: 31915 Rancho California Rd, Suite 200-166
Temecula CA 92591
City State ZIP

Daytime Phone No: (951) 440-8149 Fax No: (951) 303-6701

Property Owner's Name: Heavenstone Corporation E-Mail: _____

Mailing Address: 17800 Castleton, Suite 300
City of Industry CA 91748
City State ZIP

Daytime Phone No: (____) _____ Fax No: (____) _____

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"

APPLICATION FOR CHANGE OF ZONE

If the property is owned by more than one person, attach a separate page that reference the application case number and lists the names, mailing addresses, and phone numbers of all persons having an interest in the real property or properties involved in this application.

The Planning Department will primarily direct communications regarding this application to the person identified above as the Applicant. The Applicant may be the property owner, representative, or other assigned agent.

AUTHORIZATION FOR CONCURRENT FEE TRANSFER

The signature below authorizes the Planning Department and TLMA to expedite the refund and billing process by transferring monies among concurrent applications to cover processing costs as necessary. Fees collected in excess of the actual cost of providing specific services will be refunded. If additional funds are needed to complete the processing of your application, you will be billed, and processing of the application will cease until the outstanding balance is paid and sufficient funds are available to continue the processing of the application. The applicant understands the deposit fee process as described above, and that there will be NO refund of fees which have been expended as part of the application review or other related activities or services, even if the application is withdrawn or the application is ultimately denied.

Gregory S. Kall

PRINTED NAME OF APPLICANT

Gregory S. Kall

SIGNATURE OF APPLICANT

AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN:

I certify that I am/we are the record owner(s) or authorized agent and that the information filed is true and correct to the best of my knowledge. An authorized agent must submit a letter from the owner(s) indicating authority to sign the application on the owner's behalf.

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.

PRINTED NAME OF PROPERTY OWNER(S)

SIGNATURE OF PROPERTY OWNER(S)

PRINTED NAME OF PROPERTY OWNER(S)

SIGNATURE OF PROPERTY OWNER(S)

If the property is owned by more than one person, attach a separate sheet that references the application case number and lists the printed names and signatures of all persons having an interest in the property.

PROPERTY INFORMATION:

Assessor's Parcel Number(s): 927-450-002

Section: 25 Township: 7S Range: 2W

Approximate Gross Acreage: 51.5 acres

General location (nearby or cross streets): North of Los Nogales Road, South of _____, East of _____, West of Camino Del Vino.

APPLICATION FOR CHANGE OF ZONE

Thomas Brothers map, edition year, page number, and coordinates: 2013, Page 960, Grids C2 & D2

Proposal (describe the zone change, indicate the existing and proposed zoning classifications. If within a Specific Plan, indicate the affected Planning Areas):

Change zone from existing zone of CV/10 to proposed zone of ~~WC-W~~ WC-R

Related cases filed in conjunction with this request:

TR 36975



RIVERSIDE COUNTY
PLANNING DEPARTMENT

Steve Weiss, AICP
Planning Director

APPLICATION FOR SUBDIVISION AND DEVELOPMENT

CHECK ONE AS APPROPRIATE:

- TENTATIVE TRACT MAP TENTATIVE PARCEL MAP
 REVERSION TO ACREAGE EXPIRED RECORDABLE MAP
 AMENDMENT TO FINAL MAP VESTING MAP

MINOR CHANGE Original Case No. _____

REVISED MAP Original Case No. _____

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

APPLICATION INFORMATION

Applicant Name: Koll Custom Homes, Inc.

Contact Person: Greg Koll E-Mail: Greg@KollCustomHomes.com

Mailing Address: PO Box 1658

Temecula CA 92593
City State ZIP

Daytime Phone No: (951) 225-1065 Fax No: (951) 225-1064

Engineer/Representative Name: Love Engineering

Contact Person: Tom Love E-Mail: Tom@LoveCivil.com

Mailing Address: 31915 Rancho California Road, Suite 200-166

Temecula CA 92591
City State ZIP

Daytime Phone No: (951) 440-8149 Fax No: (951) 303-6701

Property Owner Name: Heavenstone Ranch Corp

Contact Person: William Sluss E-Mail: billsluss73@gmail.com

Mailing Address: 17800 Castleton, Suite 300

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

Desert Office · 77-588 El Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

APPLICATION FOR SUBDIVISION AND DEVELOPMENT

General location (cross streets, etc.): North of Los Nogales Road, South of _____, East of _____, West of Camino Del Vino.

SUBDIVISION PROPOSAL:

Map Schedule: D Minimum Developable Lot Size: 5 Acres
Number of existing lots: 1 Number of proposed developable lots: 8
Planned Unit Development (PUD): Yes No Vesting Map: Yes No
Number of proposed non-developable lots (excluding streets): 0 Subdivision Density: _____ dwelling units per acre.

Is there previous development application(s) filed on the same site: Yes No

If yes, provide Application No(s). TR36975 0207895
(e.g. Tentative Parcel Map, Zone Change, etc.)

Initial Study (EA) No. (if known) _____ EIR No. (if applicable): _____

Have any special studies or reports, such as a traffic study, biological report, archaeological report, geological or geotechnical reports, been prepared for the subject property? Yes No

If yes, indicate the type of report(s) and provide signed copy(ies): _____

If the project located within either the Santa Ana River/San Jacinto Valley watershed, the Santa Margarita River watershed, or the Whitewater River watershed, check the appropriate checkbox below.

If not known, please refer to Riverside County's Map My County website to determine if the property is located within any of these watersheds (search for the subject property's Assessor's Parcel Number, then select the "Geographic" Map Layer - then select the "Watershed" sub-layer)

If any of the checkboxes are checked, click on the adjacent hyperlink to open the applicable Checklist Form. Complete the form and attach a copy as part of this application submittal package.

- Santa Ana River/San Jacinto Valley
- Santa Margarita River
- Whitewater River

If the applicable Checklist has concluded that the application requires a preliminary project-specific Water Quality Management Plan (WQMP), such a plan shall be prepared and included with the submittal of this application.

APPLICATION FOR SUBDIVISION AND DEVELOPMENT

HAZARDOUS WASTE AND SUBSTANCES STATEMENT

The development project and any alternatives proposed in this application are contained on the lists compiled pursuant to Section 65962.5 of the Government Code. Accordingly, the project applicant is required to submit a signed statement that contains the following information:

Name of Applicant: Greg Koll

Address: PO BOX 1658

Phone number: 951-225-1065

Address of site (street name and number if available, and ZIP Code): NW Corner Los Nogales & Camino Del Vino

Local Agency: County of Riverside

Assessor's Book Page, and Parcel Number: 927-450-002

Specify any list pursuant to Section 65962.5 of the Government Code: _____

Regulatory Identification number: _____

Date of list: _____

Applicant: Greg Koll

Date 11/3/16

This completed application form, together with all of the listed requirements provided on the Subdivision Application Filing Instructions Handout, are required in order to file an application with the County of Riverside Planning Department.

Y:\Current Planning\LMS Replacement\Condensed P.D. Application Forms\295-1011 Subdivision Condensed Application.docx
Created: 04/08/15 Revised: 06/07/16

INDEMNIFICATION AGREEMENT

This INDEMNIFICATION AGREEMENT ("Agreement"), made by and between the COUNTY OF RIVERSIDE, a political subdivision of the State of California ("COUNTY"), and Heavenstone Corporation, a Nevada Corporation, doing business in California as Heavenstone Ranch Corporation ("PROPERTY OWNER"), relating to the PROPERTY OWNER'S indemnification of the COUNTY under the terms set forth herein:

WITNESSETH:

WHEREAS, the PROPERTY OWNER has a legal interest in the certain real property described as APN 927-450-002 ("PROPERTY"); and,

WHEREAS, on September 24, 2015, PROPERTY OWNER filed an application for Change of Zone No. 7885, on July 5, 2016, PROPERTY OWNER filed an application for General Plan Amendment No. 1202 and on January 31, 2017, PROPERTY OWNER filed an application for Tentative Tract Map No. 37254 (collectively the "PROJECT"); and,

WHEREAS, judicial challenges of projects requiring discretionary approvals, including, but not limited to, California Environmental Quality Act determinations, are costly and time consuming. Additionally, project opponents often seek an award of attorneys' fees in such challenges; and,

WHEREAS, since property owners are the primary beneficiaries of such approvals, it is appropriate that such owners bear the expense of defending against any such judicial challenge; and bear the responsibility of any costs, attorneys' fees and damages which may be awarded to a successful challenger; and,

WHEREAS, in the event a judicial challenge is commenced against the PROJECT, the COUNTY has requested and the PROPERTY OWNER has agreed to defend, indemnify and hold harmless the COUNTY, its agents, officers, or employees from any claim, action or proceeding against the COUNTY, its agents, officers, or employees to attack, set aside, void or annul any approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning the PROJECT or its associated environmental documentation ("LITIGATION"); and,

WHEREAS, this Agreement is entered into by the COUNTY and PROPERTY OWNER to establish specific terms concerning PROPERTY OWNER'S indemnification obligation for the PROJECT.

NOW, THEREFORE, it is mutually agreed between COUNTY and PROPERTY OWNER as follows:

1. **Indemnification.** PROPERTY OWNER, at its own expense, shall defend, indemnify and hold harmless the COUNTY, its agents, officers, and employees from and against any claim, action or proceeding brought against the COUNTY, its agents, officers, and employees to attack, set aside, void or annul any approval of the PROJECT including any associated costs, damages, and expenses including, but not limited to, costs associated with Public Records Act requests submitted to the COUNTY related to the PROJECT and an award of attorneys' fees and costs incurred or arising out of the above-referenced claim, action or proceeding brought against the COUNTY ("Indemnification Obligation.")

2. **Defense Cooperation.** PROPERTY OWNER and the COUNTY shall reasonably cooperate in all aspects of the LITIGATION. Nothing contained in this Agreement, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, appeal or to decline to settle or to terminate or forego defense or appeal of the LITIGATION. It is also understood and agreed that all litigation pleadings are subject to review, revision and approval by COUNTY's Office of County Counsel.

3. **Representation and Payment for Legal Services Rendered.** COUNTY shall have the absolute right to approve any and all counsel retained to defend COUNTY in the LITIGATION. PROPERTY OWNER shall pay the attorneys' fees and costs of the legal firm retained by PROPERTY OWNER to represent the COUNTY in the LITIGATION. Failure by PROPERTY OWNER to pay such attorneys' fees and costs may be treated as an abandonment of the PROJECT and as a default of PROPERTY OWNER's obligations under this Agreement.

4. **Payment for COUNTY's LITIGATION Costs.** Payment for COUNTY's costs related to the LITIGATION shall be made on a deposit basis. LITIGATION costs include any associated costs, fees, damages, and expenses as further described in Section 1. herein as Indemnification Obligation. Within thirty (30) days of receipt of notice from COUNTY that LITIGATION has been initiated against the PROJECT, PROPERTY OWNER shall initially deposit with the COUNTY's Planning Department the total amount of Twenty Thousand Dollars (\$20,000). PROPERTY OWNER shall deposit with COUNTY such additional amounts as COUNTY reasonably and in good faith determines, from time to time, are necessary to cover costs and expenses incurred by the COUNTY, including but not limited to, the Office of County Counsel, Riverside County Planning Department and the Riverside County Clerk of the Board associated with the LITIGATION. Within ten (10) days of written notice from COUNTY, PROPERTY OWNER shall make such additional deposits. Collectively, the initial deposit and additional deposits shall be referred to herein as the "Deposit."

5. **Return of Deposit.** COUNTY shall return to PROPERTY OWNER any funds remaining on deposit after ninety (90) days have passed since final adjudication of the LITIGATION.

6. **Notices.** For all purposes herein, notices shall be effective when personally delivered, delivered by commercial overnight delivery service, or sent by certified or registered mail, return receipt requested, to the appropriate address set forth below:

COUNTY:
Office of County Counsel
Attn: Melissa Cushman
3960 Orange Street, Suite 500
Riverside, CA 92501

PROPERTY OWNER:
Heavenstone Ranch Corporation
Attn: William Sluss
17800 Castleton, Ste. 300
City of Industry, CA 91748

7. **Default and Termination.** This Agreement is not subject to termination, except by mutual agreement or as otherwise provided herein. In the event of a default of PROPERTY OWNER's obligations under this Agreement, COUNTY shall provide written notification to PROPERTY OWNER of such alleged default and PROPERTY OWNER shall have ten (10) days after receipt of written notification to cure any such alleged default. If PROPERTY OWNER fails to cure such alleged default within the specified time period or otherwise reach agreement with the COUNTY on a resolution of the alleged default, COUNTY may, in its sole discretion, do any of the following or combination thereof:

- a. Deem PROPERTY OWNER's default of PROPERTY OWNER's obligations as abandonment of the PROJECT and as a breach of this Agreement;
- b. Rescind any PROJECT approvals previously granted;
- c. Settle the LITIGATION.

In the event of a default, PROPERTY OWNER shall remain responsible for any costs and attorney's fees awarded by the Court or as a result of settlement and other expenses incurred by the COUNTY related to the LITIGATION or settlement.

8. **COUNTY Review of the PROJECT.** Nothing in this Agreement shall be construed to limit, direct, impede or influence the COUNTY's review and consideration of the PROJECT.

9. **Complete Agreement/Governing Law.** This Agreement represents the complete understanding between the parties with respect to matters set forth herein. This Agreement shall be construed in accordance with the laws of the State of California.

10. **Successors and Assigns.** The obligations specific herein shall be made, and are binding on the successors in interest of the PROPERTY OWNER, whether the succession is by agreement, by operation of law or by any other means.

11. **Amendment and Waiver.** No modification, waiver, amendment or discharge of this Agreement shall be valid unless the same is in writing and signed by all parties.

12. **Severability.** If any term, provision, covenant or condition of this Agreement is held to be invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder of this Agreement shall not be affected thereby, and each term, provision, covenant or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

13. **Survival of Indemnification.** The parties agree that this Agreement shall constitute a separate agreement from any PROJECT approval, and if the PROJECT, in part or in whole, is invalidated, rendered null or set aside by a court of competent jurisdiction, the parties agree to be bound by the terms of this Agreement, which shall survive such invalidation, nullification or setting aside.

14. **Interpretation.** The parties have been advised by their respective attorneys, or if not represented by an attorney, represent that they had an opportunity to be so represented in the review of this Agreement. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be applied in interpreting this Agreement.

15. **Captions and Headings.** The captions and section headings used in this Agreement are inserted for convenience of reference only and are not intended to define, limit or affect the construction or interpretation of any term or provision hereof.

16. **Jurisdiction and Venue.** Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed in the Courts of Riverside County, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court or jurisdiction.

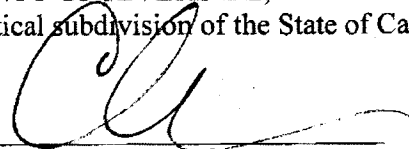
17. **Counterparts; Facsimile & Electronic Execution.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document. To facilitate execution of this Agreement, the parties may execute and exchange facsimile or electronic counterparts, and facsimile or electronic counterparts shall serve as originals.

18. **Joint and Several Liability.** In the event there is more than one PROPERTY OWNER, the liability of PROPERTY OWNER shall be joint and several, and PROPERTY OWNER each of them shall be jointly and severally liable for performance of all of the obligations of PROPERTY OWNER under this Agreement.

19. **Effective Date.** The effective date of this Agreement is the date the parties sign the Agreement. If the parties sign the Agreement on more than one date, then the last date the Agreement is signed by a party shall be the effective date.

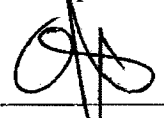
IN WITNESS WHEREOF, the parties hereto have duly caused this Agreement to be executed by their authorized representatives as of the date written.

COUNTY:
COUNTY OF RIVERSIDE,
a political subdivision of the State of California

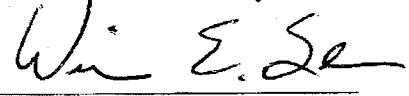
By: 
Charissa Leach
Assistant Director of TLMA – Community Development

Dated: 7/18/17

PROPERTY OWNER:
Heavenstone Corporation, a Nevada Corporation, doing business in California as Heavenstone Ranch Corporation

By: 
Jack J. Qin
Chief Executive Officer

Dated: 7/12/17

By: 
William E. Sluss
Chief Financial Officer

Dated: 7/12/17

~~FORM APPROVED COUNTY COUNSEL~~
BY:  7/18/17
DATE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Riverside)
On 07/12/2017 before me, Bianca Farkas, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared William Edward Sluss
Name(s) of Signer(s)
Jie Qin

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~ she/they executed the same in ~~his~~ her/their authorized capacity(ies), and that by ~~his~~ her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Signature [Handwritten Signature]
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document: Indemnification Agreement
Document Date: _____ Number of Pages: 5 pgs
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)
Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

NOTICE OF PUBLIC HEARING
and
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

A **PUBLIC HEARING** has been scheduled, pursuant to Riverside County Land Use Ordinance No. 348, before the **RIVERSIDE COUNTY PLANNING COMMISSION** to consider the project shown below:

GENERAL PLAN AMENDMENT NO. 1202/CHANGE OF ZONE NO. 7885/TENTATIVE TRACT MAP NO. 37254 – Intent to Adopt a Mitigated Negative Declaration – EA42839 – Applicant: Koll Custom Homes, Inc. c/o Greg Koll – Engineer/Representative: Love Engineering, Tom Love – Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Agricultural: Agricultural (AG-AG) (10 acre lot minimum) – Location: Northerly of Los Nogales Road and westerly of Camino Del Vino – 51.5 Acres – Zoning: Citrus/Vineyard (C/V-10) – REQUEST: General Plan Amendment No. 1202 proposes to amend the General Plan Policy Area from the Temecula Valley Wine County Policy Area – Winery District to the Temecula Valley Wine Country Policy Area – Residential District. Change of Zone No. 7885 proposes to amend the zoning classification for the subject property from Citrus/Vineyard, 10-acre lot minimum lot size (C/V-10) to Wine Country – Residential (WC-R) – Tentative Tract Map No. 37254 a Schedule "D" subdivision proposes to subdivide approximately 51.5 acres into eight (8) single-family residential lots. The lots range in size from 6 to 8.5 gross acres.

TIME OF HEARING: 9:00 a.m. or as soon as possible thereafter.
DATE OF HEARING: **APRIL 4, 2018**
PLACE OF HEARING: RIVERSIDE COUNTY ADMINISTRATIVE CENTER
BOARD CHAMBERS, 1ST FLOOR
4080 LEMON STREET, RIVERSIDE, CA 92501

For further information regarding this project please contact Project Planner Deborah Bradford at (951) 955-6646 or email at dbradfor@rivco.org, or go to the County Planning Department's Planning Commission agenda web page at <http://planning.rivco.org/PublicHearings.aspx>

The Riverside County Planning Department has determined that the above project will not have a significant effect on the environment and has recommended adoption of a mitigated negative declaration. The Planning Commission will consider the proposed project and the proposed mitigated negative declaration, at the public hearing. The case file for the proposed project and the proposed mitigated negative declaration may be viewed Monday through Friday, 8:30 a.m. to 5:00 p.m., at the County of Riverside Planning Department, 4080 Lemon Street, 12th Floor, Riverside, CA 92501. For further information or an appointment, contact the project planner.

Any person wishing to comment on a proposed project may do so, in writing, between the date of this notice and the public hearing or appear and be heard at the time and place noted above. All comments received prior to the public hearing will be submitted to the Planning Commission, and the Planning Commission will consider such comments, in addition to any oral testimony, before making a decision on the proposed project.

If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing, described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Be advised that, as a result of public hearings and comment, the Planning Commission may amend, in whole or in part, the proposed project. Accordingly, the designations, development standards, design or improvements, or any properties or lands, within the boundaries of the proposed project, may be changed in a way other than specifically proposed.

Please send all written correspondence to:
RIVERSIDE COUNTY PLANNING DEPARTMENT
Attn: Deborah Bradford
P.O. Box 1409, Riverside, CA 92502-1409

PROPERTY OWNERS CERTIFICATION FORM

I, VINNIE NGUYEN certify that on Sept 6, 2017,

The attached property owners list was prepared by Riverside County GIS,

APN (s) or case numbers CZ07885/GPA01202/TR37254 For

Company or Individual's Name RCIT - GIS,

Distance buffered 800'

Pursuant to application requirements furnished by the Riverside County Planning Department. Said list is a complete and true compilation of the owners of the subject property and all other property owners within 600 feet of the property involved, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum notification area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the project is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or incomplete information may be grounds for rejection or denial of the application.

TITLE: GIS Analyst

ADDRESS: 4080 Lemon Street 9TH Floor

Riverside, Ca. 92502

TELEPHONE NUMBER (8 a.m. - 5 p.m.): (951) 955-8158

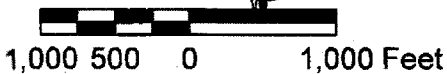
D. Bradford 9/6/17

CZ07885 GPA01202 TR37254 (800 feet buffer)



Selected Parcels

941-230-006	927-460-004	927-480-005	927-460-012	927-340-023	927-470-006	927-470-007	927-470-010	927-480-003	927-460-011
927-460-007	942-210-015	942-210-016	942-210-017	927-460-003	927-460-002	927-450-002	927-340-024	927-480-004	927-460-019
927-490-002	927-460-001	927-460-014	927-460-013	927-480-006	927-490-001	927-340-022	927-470-011	927-490-003	927-460-005
941-320-002	941-230-004	927-470-008	927-470-009	927-470-012	927-470-013				



Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

D. Bradford 7/6/17

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and
INTENT TO ADOPT A NEGATIVE DECLARATION

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TIME OF HEARING:	9:00 am or as soon as possible thereafter
DATE OF HEARING:	FEBRUARY 21, 2018
PLACE OF HEARING:	RIVERSIDE COUNTY ADMINISTRATIVE CENTER BOARD CHAMBERS, 1ST FLOOR 4080 LEMON STREET, RIVERSIDE, CA 92501

For further information regarding this project please contact Project Planner Deborah Bradford at (951) 955-6646 or email at dbradfor@rivco.org, or go to the County Planning Department's Planning Commission agenda web page at <http://planning.rctlma.org/PublicHearings.aspx>.

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Please send all written correspondence to:
RIVERSIDE COUNTY PLANNING DEPARTMENT
Attn: Deborah Bradford
P.O. Box 1409, Riverside, CA 92502-1409

ASMT: 927340022, APN: 927340022
SUSAN DALESSANDRO, ETAL
41113 CAMINO NORTE
TEMECULA, CA. 92592

ASMT: 927460004, APN: 927460004
BOBBIE VALENTE, ETAL
31938 HWY 79 S NO A116
TEMECULA CA 92592

ASMT: 927340023, APN: 927340023
CHRISTOPHER TEDESCO
41075 CAMINO NORTE
TEMECULA, CA. 92592

ASMT: 927460005, APN: 927460005
PAMELA DUFFY
40800 CALLE TOLEDO
TEMECULA, CA. 92592

ASMT: 927340024, APN: 927340024
HOMES FOR OUR TROOPS INC
6 MAIN ST
TAUNTOU MA 2780

ASMT: 927480007, APN: 927480007
JEANNIE LYNCH, ETAL
35510 SCHUBER LN
TEMECULA, CA. 92592

ASMT: 927450002, APN: 927450002
HEAVENSTONE CORP
17800 CASTLETON DR NO 300
CITY OF INDUSTRY CA 91748

ASMT: 927460011, APN: 927460011
HELEN CASTILLO, ETAL
35410 CALLE CHICO
TEMECULA, CA. 92592

ASMT: 927460001, APN: 927460001
MARCIA SMALLEY, ETAL
7 EDGEWATER
IRVINE CA 92604

ASMT: 927460012, APN: 927460012
CHI LEE, ETAL
13032 HART PL
CERRITOS CA 90703

ASMT: 927460002, APN: 927460002
GREGORY GOODMAN
40605 CAMINO DEL VINO
TEMECULA CA 92592

ASMT: 927460013, APN: 927460013
CHRISTINA BILLINGS, ETAL
35445 CALLE CHICO
TEMECULA, CA. 92592

ASMT: 927460003, APN: 927460003
GREG GOODMAN
40599 CAMINO DEL VINO
TEMECULA, CA. 92592

ASMT: 927460014, APN: 927460014
JOHN GRANT, ETAL
35485 CALLE CHICO
TEMECULA, CA. 92592

ASMT: 927460019, APN: 927460019
SANDRA KESHMIRI, ETAL
40644 CALLE TOLEDO
TEMECULA, CA. 92592

ASMT: 927470012, APN: 927470012
ZARIK MENASSIAN
1615 W MINES AVE
MONTEBELLO CA 90640

ASMT: 927470006, APN: 927470006
D LORENZ
29030 BOBCAT DR
MENIFEE CA 92584

ASMT: 927470013, APN: 927470013
ZARIK MENASSIAN
1615 MINES AVE
MONTEBELLO CA 90640

ASMT: 927470007, APN: 927470007
JANET WILLMS, ETAL
35401 LOS NOGALES
TEMECULA, CA. 92590

ASMT: 927480003, APN: 927480003
SANDRA NIZETICH, ETAL
4617 ADENMORE AVE
LAKEWOOD CA 90712

ASMT: 927470008, APN: 927470008
DEV CO, ETAL
4170 MORENA BLV NO E
SAN DIEGO CA 92117

ASMT: 927480004, APN: 927480004
HELENA TYSARCZYK, ETAL
35280 LOS NOGALES RD
TEMECULA, CA. 92592

ASMT: 927470009, APN: 927470009
MANUEL MEZA, ETAL
35525 LOS NOGALES
TEMECULA, CA. 92592

ASMT: 927480005, APN: 927480005
JERI COTA, ETAL
35280 LOS NOGALES RD
TEMECULA, CA. 92592

ASMT: 927470010, APN: 927470010
MIMI CHANG, ETAL
NO 892200
30777 RANCHO CALIFORNIA
TEMECULA CA 92591

ASMT: 927480006, APN: 927480006
MARIAN HAWKEY
1534 COUNTRY CLUB DR
ESCONDIDO CA 92029

ASMT: 927470011, APN: 927470011
MICHAEL R GORDON INS SERVICES 401K PROFIT
18141 BEACH BLV NO 250
HUNTINGTON BEACH CA 90000

ASMT: 927490001, APN: 927490001
YESENIA CANAS, ETAL
35209 LOS NOGALES RD
TEMECULA, CA. 92592

ASMT: 927490002, APN: 927490002
SANDRA HUTCHENS, ETAL
25102 OCEAN KNOLL
DANA POINT CA 92629

ASMT: 927490003, APN: 927490003
MICHAEL R GORDON INSURANCE SERVICES INC
18141 BEACH BLVD NO 250
HUNTINGTON BEACH CA 92648

ASMT: 941230004, APN: 941230004
PATRICIA NADEAU, ETAL
40170 CAMINO DEL VINO
TEMECULA, CA. 92592

ASMT: 941230006, APN: 941230006
SANDRA M FAMILY TRUST, ETAL
40350 CAMINO DEL VINO
TEMECULA, CA. 92592

ASMT: 941320002, APN: 941320002
PATRICIA LIN
C/O EUSTON HOMES
910 CAMINO DEL MAR NO A
DEL MAR CA 92014

ASMT: 942210017, APN: 942210017
PATRICIA MCMILLAN, ETAL
29379 RCH CALIFORNIA 201
TEMECULA CA 92591

Koll Custom Homes
c/o Greg Koll
P.O. Box 1658
Temecula, CA 92593

Koll Custom Homes
c/o Greg Koll
P.O. Box 1658
Temecula, CA 92593

Love Engineering
c/o Tom Love
31915 Rancho Calif. Rd., Suite 200-166
Temecula, CA 92591

Love Engineering
c/o Tom Love
31915 Rancho Calif. Rd., Suite 200-166
Temecula, CA 92591

Heavenstone Corporation
c/o William Sluss
17800 Castleton Drive, Suite 300
City of Industry, CA 91748

Heavenstone Corporation
c/o William Sluss
17800 Castleton Drive, Suite 300
City of Industry, CA 91748

EMWD
Warren A. Beck, P.E.
P.O. Box 8300
2270 Trumble Road
Perris, CA 92570-8300

EMWD
Warren A. Beck, P.E.
P.O. Box 8300
2270 Trumble Road
Perris, CA 92570-8300

Rancho California Water Dist.
42135 Winchester Road
Temecula, CA 92590

Rancho California Water Dist.
42135 Winchester Road
Temecula, CA 92590

City of Temecula
Community Development Department
41000 Main Street
Temecula, CA 92590

City of Temecula
Community Development Department
41000 Main Street
Temecula, CA 92590

Southern Calif. Edison Co.
P.O. Box 800
Rosemead, CA 91770

Southern Calif. Edison Co.
P.O. Box 800
Rosemead, CA 91770

Temecula Valley Unified School District
31350 Rancho Vista Road
Temecula, CA 92592

Temecula Valley Unified School District
31350 Rancho Vista Road
Temecula, CA 92592

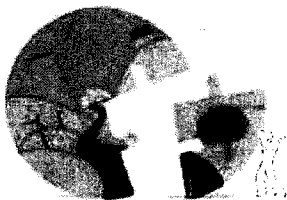
South Coast AQMD
Attention: PRDAS
21865 Copley Dr.
Diamond Bar, CA 91765

South Coast AQMD
Attention: PRDAS
21865 Copley Dr.
Diamond Bar, CA 91765

State of California San Diego Regional
Water Quality Control Board
2375 Northside Drive, Suite 100
San Diego, CA 92108-2700

State of California San Diego Regional
Water Quality Control Board
2375 Northside Drive, Suite 100
San Diego, CA 92108-2700

Richard Drury
Theresa Rettinghouse
Lozeau Drury, LLC.
410 12th Street Suite 250
Oakland, CA 94607



RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.
Assistant TLMA Director

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.

CZ 7885 / GPA 1202 / TR 37254 / EA 42839

Project Title/Case Numbers

Deborah Bradford, Project Planner

County Contact Person

(951) 955-6646

Phone Number

N/A

State Clearinghouse Number (if submitted to the State Clearinghouse)

Koll Custom Homes Inc., c/o Greg Koll

Project Applicant

P.O. Box 1658, Temecula, CA 92591

Address

North of Los Nogales Road, South of Rancho California Road, East of Anza Road, and West of Camino Del Vino

Project Location

GPA 1202 proposes to amend the General Plan Policy Area – Winery District to the Temecula Valley Wine Country Policy Area – Residential District. CZ 7885 proposes to amend the zoning classification for the subject property from Citrus/Vineyard, 10-acre minimum lot size (CV-10) to Wine Country – Residential (WC-R), minimum 5-acre lot size. TR 37254 proposes to subdivide 51.5 gross acres into 8 single-family residential lots, 5-acre minimum lot size.

Project Description

This is to advise that the Riverside County Planning Commission, as the lead agency, has approved the above-referenced project on _____, and has made the following determinations regarding that project:

1. The project WILL NOT have a significant effect on the environment.
2. Mitigation measures WERE NOT made a condition of the approval of the project.
4. A Mitigation Monitoring and Reporting Plan/Program WAS NOT adopted.
5. A statement of Overriding Considerations WAS NOT adopted
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the earlier EA, 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.

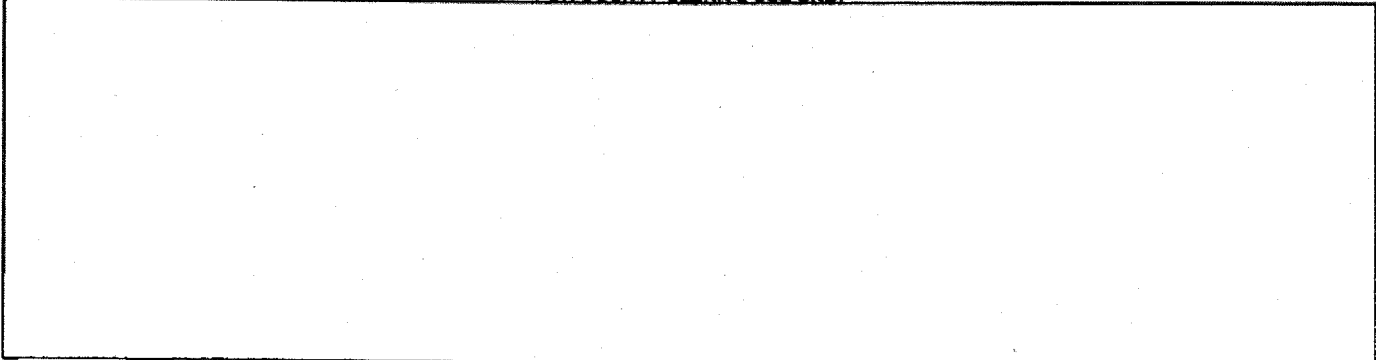
Signature Project Planner _____
Title _____
Date

Date Received for Filing and Posting at OPR: _____

Revised: 08/01/2017
Y:\Planning Master Forms\Templates\CEQA Forms\Form_NOD.docx

Please charge deposit fee case#: ZEA42839 ZCFG6216

FOR COUNTY CLERK'S USE ONLY



COUNTY OF RIVERSIDE
SPECIALIZED DEPARTMENT RECEIPT
Permit Assistance Center

S* REPRINTED * R1510723

4080 Lemon Street
Second Floor
Riverside, CA 92502
(951) 955-3200

39493 Los Alamos Road
Suite A
Murrieta, CA 92563
(951) 694-5242

38686 El Cerrito Rd
Indio, CA 92211
(760) 863-8271

Received from: KOLL CUSTOM HOMES \$50.00
paid by: CK 1005
EA42839
paid towards: CFG06216 CALIF FISH & GAME: DOC FEE
at parcel:
appl type: CFG3

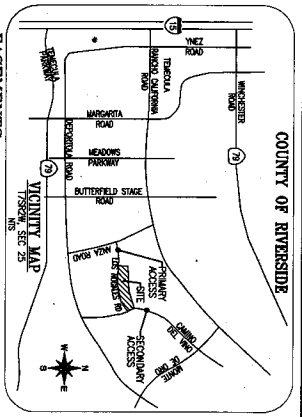
By _____ Sep 24, 2015 10:42
MGARDNER posting date Sep 24, 2015

Account Code	Description	Amount
658353120100208100	CF&G TRUST: RECORD FEES	\$50.00

Overpayments of less than \$5.00 will not be refunded!

TENTATIVE TRACT 37254

IN THE COUNTY OF RIVERSIDE, CALIFORNIA (TR 552-29)



OWNER
 LAND INVESTMENT GROUP, INC.
 1700 CALISTO, ST. STE. 300
 CITY OF HOUSTON, CA 91748

APPLICANT
 THOMAS BROS.
 4216 GARDEN LANE
 PO BOX 1166, 92603
 TEMECULA, CA 92591
 (951) 225-1066

ENGINEER/EXHIBIT PREPARER
 PLOVE ENGINEERING
 3189 RANCHO CALIFORNIA ROAD
 TEMECULA, CA 92591
 T: (951) 440-8149 F: (951) 303-9701

ASSESSOR'S PARCEL NO.
 480-208-000

EASEMENTS

- EASEMENT FOR WATER UTILITIES (PER STATE & LOCAL REGULATIONS).
- EASEMENT FOR WASTE WATER UTILITIES (PER STATE & LOCAL REGULATIONS).
- EASEMENT FOR WASTE WATER UTILITIES (PER STATE & LOCAL REGULATIONS).
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SITE PLANNING

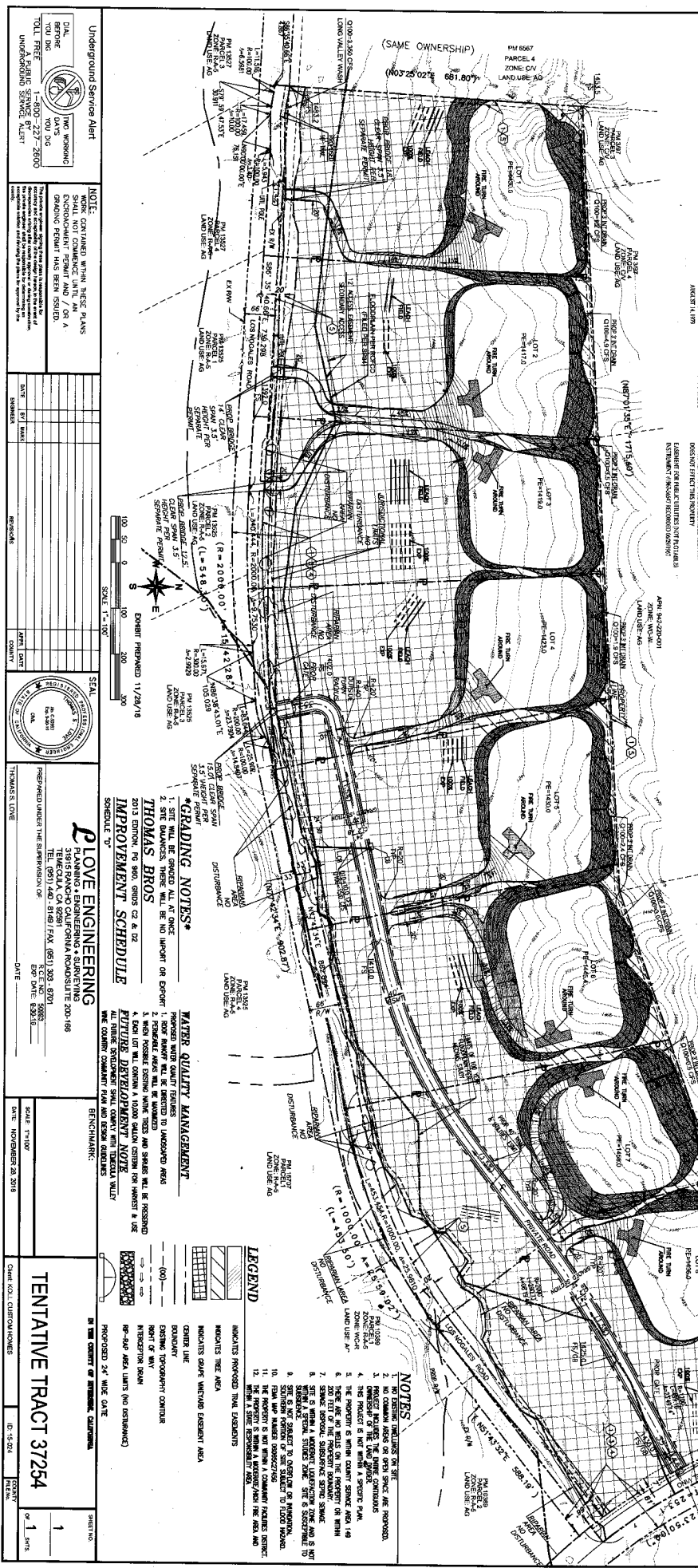
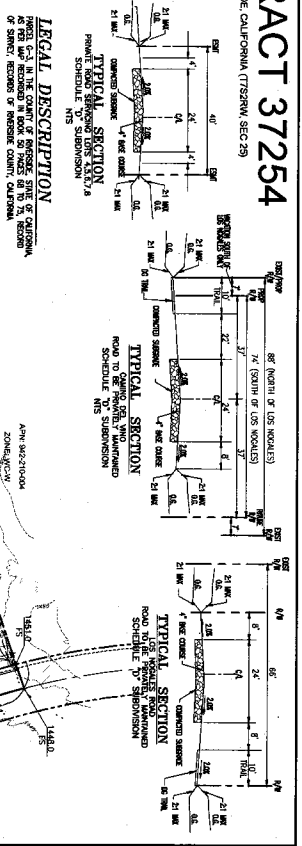
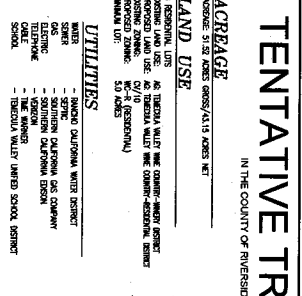
- RESIDENTIAL LOT: 21' MIN. FRONT YARD SETBACK
- RESIDENTIAL LOT: 21' MIN. SIDE YARD SETBACK
- RESIDENTIAL LOT: 21' MIN. REAR YARD SETBACK
- RESIDENTIAL LOT: 21' MIN. FRONT YARD SETBACK
- RESIDENTIAL LOT: 21' MIN. SIDE YARD SETBACK
- RESIDENTIAL LOT: 21' MIN. REAR YARD SETBACK

UTILITIES

- SANITARY OUTFALL WITH DISTRICT
- SANITARY OUTFALL WITH DISTRICT
- SANITARY OUTFALL WITH DISTRICT
- SANITARY OUTFALL WITH DISTRICT
- SANITARY OUTFALL WITH DISTRICT
- SANITARY OUTFALL WITH DISTRICT

LEGAL DESCRIPTION

CONTAINING & EASEMENTS PROVIDED FROM
 2003 SCOTT ROAD, DATE 0-307



Underground Service Airt

NOTE:
 SHALL NOT COMMENCE UNTIL AN ENGINEER/EXHIBIT PREPARER HAS BEEN ISSUED PERMITS FOR ALL UTILITIES.
 THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FOR ALL UTILITIES.
 THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FOR ALL UTILITIES.

LEGEND

- (---) PROPOSED 24" WATER MAIN
- (---) EXISTING EASEMENT
- (---) BOUNDARY
- (---) EXISTING EASEMENT CONTINUED
- (---) RIGHT OF WAY
- (---) INTERSECTION BOUNDARY
- (---) RIGHT-OF-WAY BOUNDARY

NOTES

- NO COMMON AREAS OR OPEN SPACE ARE PROPOSED.
- THE PROPOSED 24" WATER MAIN IS LOCATED AS SHOWN ON THIS PLAN.
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WATER QUALITY MANAGEMENT

- RETENTION POND SHALL BE PROVIDED AS SHOWN ON THIS PLAN.
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GRADING NOTES

- SEE PLAN FOR GRADING AT ALL POINTS.
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IMPROVEMENT SCHEDULE

2013 IMPROVEMENT SCHEDULE:

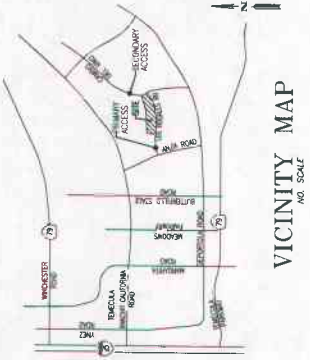
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PLOVE ENGINEERING
 PLANNING & ENGINEERING SURVEYING
 3189 RANCHO CALIFORNIA ROAD
 TEMECULA, CA 92591
 TEL: (951) 440-8149 FAX: (951) 303-9701

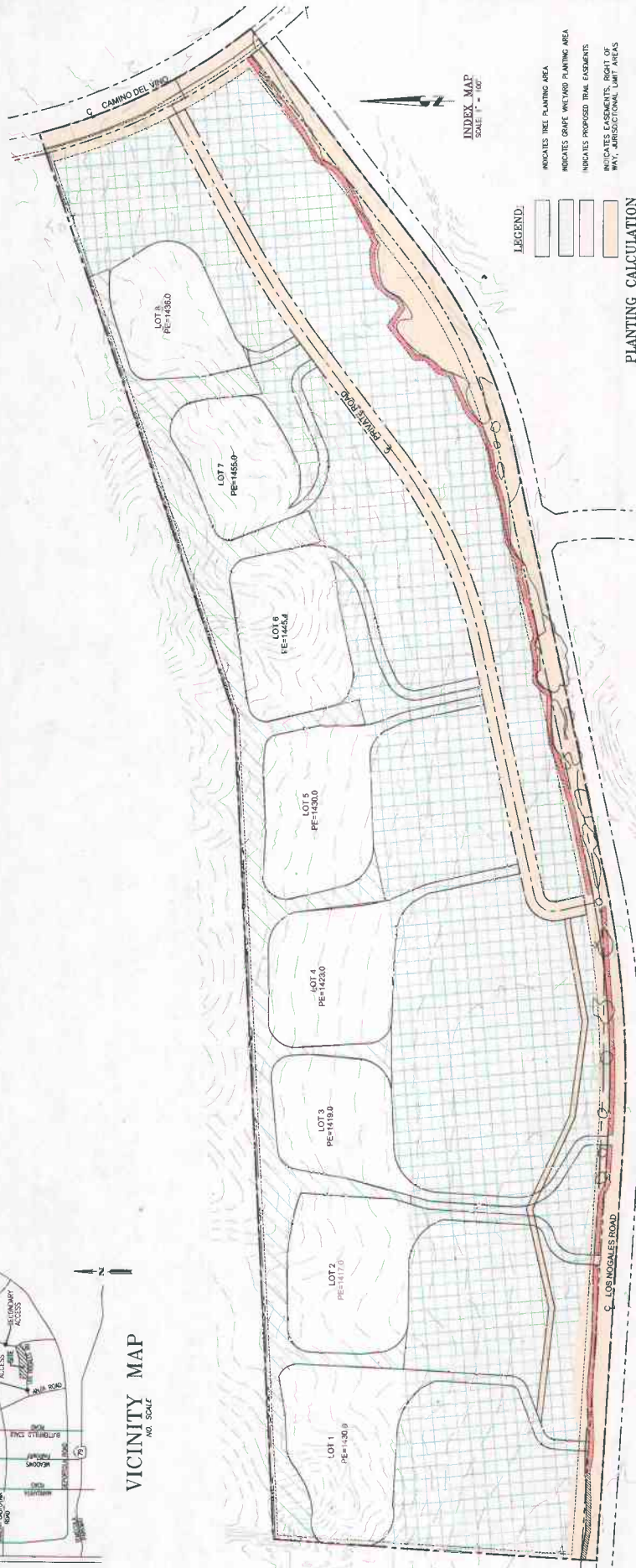
DATE: NOVEMBER 29, 2018
 SCALE: 1"=100'
 SHEET NO. 1 OF 1

TR37254 PLANTING SITE PLAN

FOR PROPOSED 8 LOTS
 LOT G3, RS 50/68
 IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



VICINITY MAP
 AND SCALE



INDEX MAP
 SCALE 1" = 100'

- LEGEND:**
- INDICATES TREE PLANTING AREA
 - INDICATES GRAPE VINEYARD PLANTING AREA
 - INDICATES PROPOSED TRAIL EASEMENTS
 - INDICATES EASEMENTS, RIGHT OF WAY, JURISDICTIONAL LIMIT AREAS

PLANTING CALCULATION

Plants	AREAL(A)	PERCENTAGE
Grape Vineyard Planting	27.15	62.99%
Tree Planting	4.95	11.48%
0.04 Acres for Lot Building Road Area To Be Set Aside For Planting With Ethern To Be Planted in the Area of the Road	0.33	0.74%
450 Vines Per Acre	38.42	75.22%
TOTALS		

8 LOTS

Site Gross Acreage	5.52 Acres
Easement, R.O.W., Etc.	8.37 Acres
Net Impact Acreage	4.91 Acres

ENGINEERS NOTE:
 THE PRIVATE ENGINEER'S SIGNATURE AND SEAL IS REQUIRED FOR ALL PLANS AND SPECIFICATIONS. THE ENGINEER'S SIGNATURE AND SEAL SHALL BE PLACED ON ALL PLANS AND SPECIFICATIONS. THE ENGINEER'S SIGNATURE AND SEAL SHALL BE PLACED ON ALL PLANS AND SPECIFICATIONS. THE ENGINEER'S SIGNATURE AND SEAL SHALL BE PLACED ON ALL PLANS AND SPECIFICATIONS.

DIAL ALERT
 DIAL TOLL FREE
 800-227-2600
 AT LEAST TWO DAYS BEFORE YOU DIG

COUNTY OF RIVERSIDE
 PARCEL G3
 APN 927-450-002

ENGINEER OF WORK
VENTURA ENGINEERING INLAND, INC
 2200 N. CALIFORNIA AVE
 THERMIDALE, CA 92586
 WLFREDO S.O. VENTURA
 RCE 66532, EXP. 06/30/20



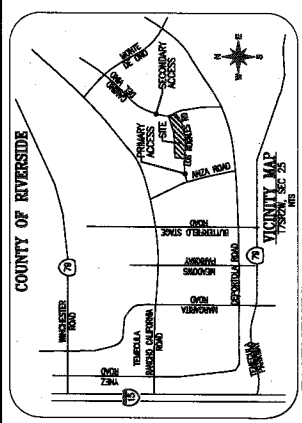
REVISIONS

NO.	DATE	DESCRIPTION

WORK CONTAINED WITHIN THESE PLANS IS THE PROPERTY OF VENTURA ENGINEERING INLAND, INC. NO PART OF THESE PLANS IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF VENTURA ENGINEERING INLAND, INC.

TENTATIVE TRACT 37254

IN THE COUNTY OF RIVERSIDE, CALIFORNIA (TDSRW, SEC 25)



OWNER
HEMLOCK CORPORATION
17000 CANTON RD., STE. 300
THERMILA, CA 92580
(951) 581-3330

APPLICANT
KOLL CROWN HOMES
ATTN: GREG KOLL
THERMILA, CA 92583
(951) 235-1000

ENGINEER/EXHIBIT PREPARER
LOVE ENGINEERING
ATTN: THOMAS S. LOVE
THERMILA, CA 92581
P: (951) 940-5149 F: (951)-305-9701

EARTHWORK
SITE 200-100 CALIFORNIA ROAD
THERMILA, CA 92581
P: (951) 940-5149 F: (951)-305-9701

ASSESSOR'S PARCEL NO.
87-40-002

ACREAGE
APPROX. 51.52 ACRES CROSSABLE ACRES NET

LAND USE
RESIDENTIAL DEVELOPMENT
AS THERMILA VALLEY WE COUNTY-REVENUE DISTRICT
PROPOSED LAND USE AS THERMILA VALLEY WE COUNTY-REVENUE DISTRICT
PROPOSED ZONING: R-1 (RESIDENTIAL)
MINIMUM LOT: 50 ACRES

UTILITIES
WATER: MICHIGAN CALIFORNIA WATER DISTRICT
SEWER: SOUTHERN CALIFORNIA GAS COMPANY
ELECTRIC: SOUTHERN CALIFORNIA Edison
TELEPHONE: SOUTHERN CALIFORNIA Edison
SCHOOL: THERMILA VALLEY UNITED SCHOOL DISTRICT

TOPOGRAPHY
ADJACENT PARCELS: 87-40-001, 87-40-003
ADJACENT PARCELS: 87-40-001, 87-40-003
ADJACENT PARCELS: 87-40-001, 87-40-003

TYPICAL SECTION
PROPOSED 54' WIDE GATE
SCHEDULE TO SUBDIVISION

TYPICAL SECTION
PROPOSED 54' WIDE GATE
SCHEDULE TO SUBDIVISION

TYPICAL SECTION
PROPOSED 54' WIDE GATE
SCHEDULE TO SUBDIVISION

LEGAL DESCRIPTION
TRACT 37254 IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA,
OF SURVEY, RECORD OF RIVERSIDE COUNTY, CALIFORNIA.

EASEMENTS
1. EASEMENT FOR PUBLIC UTILITIES, WATER, GAS, TELEPHONE AND CABLE TV.
2. EASEMENT FOR PUBLIC UTILITIES, WATER, GAS, TELEPHONE AND CABLE TV.
3. EASEMENT FOR PUBLIC UTILITIES, WATER, GAS, TELEPHONE AND CABLE TV.

BASEMENT NOTE
1. ALL EASEMENTS SHALL BE SHOWN ON THIS PLAN.
2. ALL EASEMENTS SHALL BE SHOWN ON THIS PLAN.
3. ALL EASEMENTS SHALL BE SHOWN ON THIS PLAN.

NOTES

- ALL EASEMENTS FOR PUBLIC UTILITIES, WATER, GAS, TELEPHONE AND CABLE TV SHALL BE SHOWN ON THIS PLAN.
- ALL EASEMENTS FOR PUBLIC UTILITIES, WATER, GAS, TELEPHONE AND CABLE TV SHALL BE SHOWN ON THIS PLAN.
- ALL EASEMENTS FOR PUBLIC UTILITIES, WATER, GAS, TELEPHONE AND CABLE TV SHALL BE SHOWN ON THIS PLAN.

LEGEND

- INDICATES PROPOSED TIME CASHEMENTS
- INDICATES TREE AREA
- INDICATES SHAPE MEASUREMENT AREA
- OTHER USE
- CONTOUR TOPOGRAPHY CENTER
- ROOF OF WAY
- INTERCEPTOR DRAIN
- RE-PAVEMENT AREA (NO DISTANCE)
- PROPOSED 54' WIDE GATE

WATER QUALITY MANAGEMENT

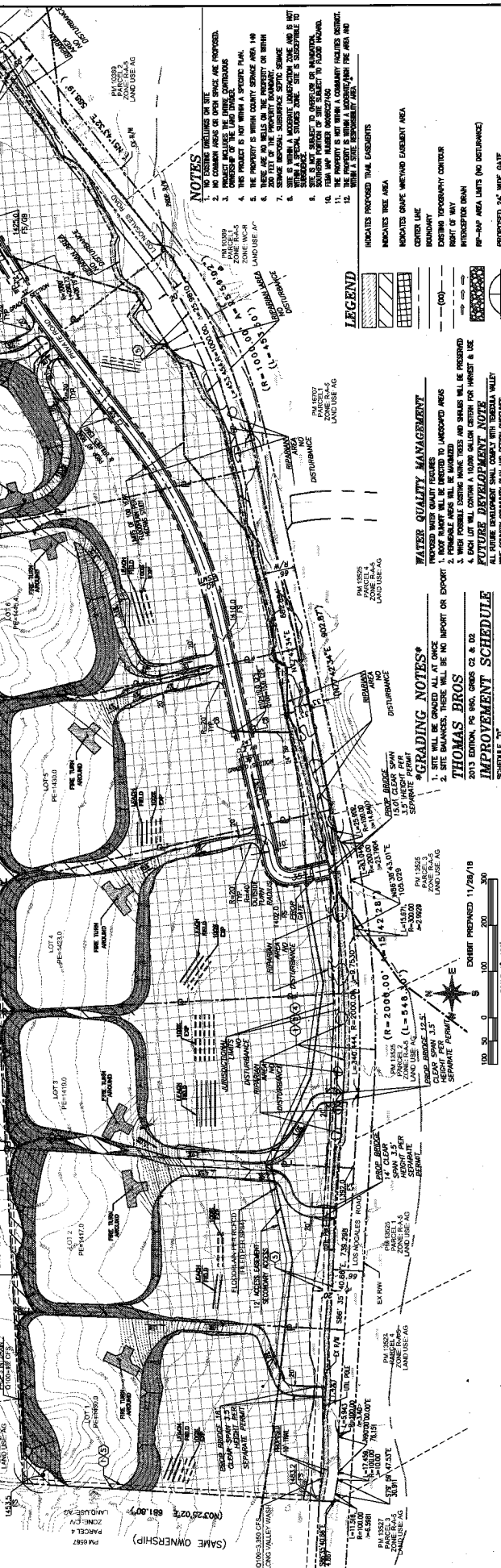
- SITE WILL BE GRADED ALL AT ONCE
- SITE DRAINAGE SHALL BE TO UNGRADED AREAS
- PERMISSIBLE DRAINAGE MARKS TREES AND SHRUBS WILL BE PRESERVED
- NO LOT WILL CONTAIN A DRAINAGE DITCH FOR PAVEMENT & USE

GRADING NOTES

- SITE WILL BE GRADED ALL AT ONCE
- SITE DRAINAGE SHALL BE TO UNGRADED AREAS
- PERMISSIBLE DRAINAGE MARKS TREES AND SHRUBS WILL BE PRESERVED
- NO LOT WILL CONTAIN A DRAINAGE DITCH FOR PAVEMENT & USE

IMPROVEMENT SCHEDULE

2013 EXHIBIT NO. 990, 0905 C2 & C2
THOMAS BROS
SCHEDULE 'V'



Underground Service Alert

CALL BEFORE YOU DIG
1-800-277-2600
TOLL FREE
UNDERGROUND SERVICE ALERT

SEAL

DATE: 11/20/19
BY: [Signature]
TITLE: [Title]

NOTES:
WORK CONTAINED WITHIN THESE PLANS SHALL NOT COMMENCE UNTIL AN UNDERGROUND SERVICE ALERT HAS BEEN ISSUED.
THE USER OF THESE PLANS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND EASEMENTS.
THE USER OF THESE PLANS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND EASEMENTS.

LOVE ENGINEERING
PLANNING ENGINEERING & SURVEYING
31815 RANCHO CALIFORNIA ROAD SUITE 200-168
THERMILA, CA 92581
P: (951) 940-5149 F: (951) 305-9701
R.E.C. NO. 50333
EXP. DATE: 8/31/19

THOMAS BROS
2013 EXHIBIT NO. 990, 0905 C2 & C2
SCHEDULE 'V'

TENTATIVE TRACT 37254

DATE: NOVEMBER 20, 2019
SCALE: 1"=100'
SHEET NO. 1 OF 1

To: Riverside County Planning Commissioners and Board of Supervisors
C/O Deborah Bradford, Project Planner (dbradfor@rivco.org | 951-955-6646)
C/O Elizabeth Sarabia, TLMA Commission Secretary (esarabia@rivco.org | (951) 955-7436)

cc: Russell Brady, Contract Planner (rbrady@rctlma.org | 951-955-3025)

From: Larry Smalley, Neighbor of Subject Property, 35725 Los Nogales Road (APN 927460001)

Re: **ADDITIONAL STATEMENT OF OPPOSITION**
(CONTINUED FROM 2-21-2018 PLANNING COMMISSION HEARING)

Date: April 1, 2018

SUBJECT

- GENERAL PLAN AMENDMENT NO. 1202 ("GPA 1202" / "Plan")
- Tentative Tract Map TR37254 ("TR37254") / Environmental Assessment EA42839 ("EA42839")
- Applicant: Koll Customer Homes and Owner: Heavenstone, LLC ("Applicant")
- Property APN: 927450002 ("Property")
- Transcript of 2-21-2018 Planning Committee Hearing ("Transcript")

SUMMARY

GPA 1202 seeks to move the Property from the Winery District where 75% vineyard planting is required into the Residential District where in some cases no planting of vineyards is required. My additional concerns about GPA 1202 is three fold: 1) the Applicant is promoting a false narrative that residential development is the only option, 2) the Wetlands are not protected in perpetuity, and 3) traffic generated by new wineries in the planning phase are not addressed in the Plan.

I ask again that the Planning Commission and the Board of Supervisors **reject** fully (not modify) GPA 1202, TR37254, the Mitigated Negative Declaration, EA42839 and all related cases. The County has no compelling interest in granting this risky exception and harming the environment, and the Applicant has other viable development options. See Key Points and Discussion (below) for more detail on these essential arguments and a rebuttal to many of the claims and arguments presented by the Applicant and Mr. Drake.

A petition signed by 232 people (see separate attachment) asks the County to not approve GPA 1202.

KEY POINTS

- GPA 1202 and TR37254 justification is built on the **false notion** that residential development is the only option.
- GPA 1202 and TR37254 plan does not protect **Wetlands** in perpetuity.
- GPA 1202 and TR37254 plan does not address **traffic** generated by new wineries in the planning phase.

DISCUSSION: Justification is built on the false notion that residential development is the only option

At the 2-21-2018 Planning Commission Meeting, the Applicant (and Mr. Drake) made statements that promoted the false narrative that residential development is the only option. This is not the case. The Applicant has several options allowed under the Winery District rules including commercial development as well as a permissible residential development in the form of a Wine Country Clustered Subdivision. Here are the specifics (see below):

Applicant/Supporter Statement	Opposition Rebuttable
<p><i>"We're asking, due to the surrounding area and the lack of arterial roadways into this project, that we convert this over to Residential because it doesn't meet the needs or the availability to have a winery here anymore."</i></p> <p><i>"Um, as Ms. Bradford stated, Camino Del Vino Road was reduced from a secondary highway to a Collector Street. Collector Streets are designed to serve intensive residential uses, um, and would not be able to handle the traffic impact associated with a winery."</i></p> <p><i>"They [TVWA] have also stated that they agree that this is not a location for a winery and have approved our project and written a letter of recommendation to Staff. It's included in the Staff Report."</i></p> <p><i>(Mr. Drake) "Um, I agree with the Applicant that this has no place for wineries on Los Nogales Road for several reasons. One, the road network is there – isn't there. Uh, also, if we went to 10 acre parcels, which is the requirement, we could still put wineries on those properties but there would be no sewer service."</i></p>	<p>Many current and future/planned wineries are located on roads that are not rated as "arterial." These wineries are on a "collector" road (Camino Del Vino Road is also classified as a collector road):</p> <ul style="list-style-type: none"> • Alex's Red Barn Winery • Baily Vineyard & Winery • Gary Gray • Longshadow Ranch Vineyard & Winery • Lorenzi Estates Wines□ • Palumbo Family Vineyard & Winery • Peltzer Winery□ • Vindemia Vineyard & Estate Winery • (Future/New Winery) Akash Winery, Class V Winery with Wine Country Hotel, Calle Contento, PP26225 • (Future/New Winery) Sweet Oaks, a Class II Winery, Pauba Rd., PP2360 <p>Ms. Bradford clarified the County's position on this point in an email: <i>"Regarding the suitability of wineries on Collector roads, we did not intend to state that the development of wineries are prohibited on Collector Roads. The status as a Collector Road reduces the capacity of the road to handle traffic and that condition in combination with this project's location and available access (Camino Del Vino/Los Nogales Road both unpaved) to paved/larger roads, the development of a winery would not be suitable for this location. We are updating our findings to clarify this point."</i></p> <p>I disagree with this conclusion that, "...development of a winery would not be suitable for this location."</p> <ul style="list-style-type: none"> • The Developer could pave a portion of Camino Del Vino and access would be adequate, just like other collector roads. • Much of Camino Del Vino (south of the project) is already paved. • A paved road is 0.4 miles south and 0.6 miles north from the site. • A winery could be accessed from Camino Del Vino even though it is not paved. • Two wineries (Baily and Gary Gray) were located on the unpaved collector Pauba Rd. Many years later, when the Groves subdivision was approved, it was paved. • This location is one of only 12 named roads where a Class V winery can be situated. <p>In fact, Ordinance 348.4840 anticipated and made special provisions for Class V wineries on Camino Del Vino. See these sections: Section 14.93, A. 4.d to 4.g and 5.a to 5.c. and Section 14.95, A. 4.d to 4.g. From page XIV-38:</p> <p><i>"a. The Wine Country Hotel or Wine Country Resort is located along the following roads: Rancho California Road, Monte De Oro Road, Anza Road, Glen Oaks Road, Pauba Road, De Portola Road, Buck Road, Borel Road, Butterfield Stage Road, Calle Contento Road, Camino Del Vino Road and Highway 79 South..."</i></p> <p>A better way to characterize this situation would be:</p> <ul style="list-style-type: none"> • "Development of a winery on this location would most likely require road improvements and other mitigations." • "Development of a winery on this location is not prohibited under the WC-W rules."

The Staff continues to agree with, perhaps advocate for, the Applicant on this point that a winery is not suitable.

Applicant/Supporter Statement	Opposition Rebuttable
<p><i>"Um, putting a winery here where this parcel qualifies for a Class 6 Winery, it's a 50 acre parcel. It just, um, does not make sense to us."</i></p>	<p>There are many commercial development options within the WC-W district. These options may or may not "make sense," that is not the concern of the County, yet these are allowed under the WC-W rules:</p> <ul style="list-style-type: none"> • Class V winery with a Wine Country Hotel or Wine Country Resort (20 to 100 guest rooms) • Class IV winery with a Country Inn (11 to 20 guest rooms) • Multiple Class II wineries (10 ac, w/ tasting room) • Multiple Class I wineries (5 ac, no tasting room) • Cottage Inn (5 guest rooms) • Wine Country Clustered subdivision and Class I Winery (75% vines) and a permissible number of home sites <p>The Applicant knew all of these options and zoning constraints, since the Property was purchased 7 months after the TVWCCP was adopted.</p>
<p><i>"Um, we have residential to the north, south, east and west. Uh, even though the--to the north it is the Wine Country Winery District, it is part of the Subdivision Tract Map 31444, uh, that creates 24 five acre homesites, those directly above us. We're completely surrounded by residential."</i></p>	<p>There is some residential land use in the Winery District, yet the vast majority involves vineyard planting over 75% of the property. This is the case with Tract Map 31444. Although the homesites are 5 acres, the building envelopes are .75 to 1 acres. TR 31444 is using a Wine Country Clustered Subdivision design that is permitted under the WC-W rules and requires 75% vineyard planting.</p> <p>The Applicant's Plan calls for 50% vineyard planting and it would be inconsistent with the properties the east, west, and north and the TVWCCP.</p> <p>The Applicant could remain in the Winery District, plant 75% vines and put homes on the remainder of the property, all without approval of GPA 1202. GPA 1202 should be rejected as it is unnecessary.</p>
<p><i>(Mr. Drake) "I'm here representing the Temecula Valley Wine Growers Association who represent 42 wineries and 65 growers. Uh, we took this up, uh -- the issue on this item -- at our, uh, Board meeting and, uh, wanted to approve this project as--as presented."</i></p>	<p>Mr. Drake did not disclose that he has a financial interest in this project, since he is under contract with the Applicant to clear the land and replant vineyards. This fact may have influenced his support for the Plan.</p> <p>Mr. Drake said (see Transcript), "...Board...wanted to approve this project..." Notice he said, "...wanted to approve..." vs. "...did approved..."</p> <p>The President of the Temecula Valley Winegrowers Association did not sign the letter provided to the County and may or may not be a true representation of the Association's position on this Project.</p>
<p><i>"But all of these points lead us to the same conclusion, that this property doesn't deserve to be in the Winery District. It doesn't have the access, it's surrounded by residential. If we're going to build it as residential, then it should be a Residential zone."</i></p>	<p>The Applicant has many options for development within the Winery District:</p> <p>Residential:</p> <ul style="list-style-type: none"> • Wine Country Clustered Subdivision with 75% vineyards • Wine Country Clustered Subdivision and Class I Winery with 75% vineyards • Cottage Inn (5 guest rooms) • Other residential options <p>Commercial:</p> <ul style="list-style-type: none"> • Class II, IV, V or VI Winery <p>There is no compelling reason to approve GPA 1202.</p>

DISCUSSION: Plan does not protect 404 Wetlands in perpetuity

The Army Corps of Engineers and the California EPA have made a determination that the riparian area on the Property is a federally protected blue line stream and Wetlands under the Clean Water Act. In addition, the California EPA has determined that the Applicant should have applied for a MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4) Permit and a CWA Section 401 Water Quality Certification before commencing any work on the Property. The Applicant failed to take such actions.

In addition, neither the Riverside County Flood Control and Water Conservation District, the Building & Safety Department nor the Planning Department required the Applicant to secure the required permits and certifications, even though they had knowledge of these requirements and a duty to enforce such requirements as stated in the California Regional Water Quality Control Board, San Diego Region Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100 (https://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/).

Since the 2-21-2018 Planning Commission Hearing, the staff added 2 conditions and 9 mitigations, yet none were related to protecting these Wetlands in perpetuity as required by Order No. R9-2013-0001 (as amended). Here were the additional conditions and mitigations per Ms. Bradford:

Added Conditions:

- 1) Mitigation Measures from Environmental Assessment (EA) No. 42839 have been incorporated as conditions of approval of this project where appropriate. Beyond these conditions of approval that have been incorporated, development of the project shall conform to the analysis, conclusions, and mitigation measures of EA No. 42839.
- 2) "Prior to Recordation of the Final Map the agricultural easement for lots 1-8 must be mapped out and recorded. The land divider shall submit a copy of the final draft of the agricultural easement to the County Planning Department for review and approval as to form. The document creating the agricultural easements must be recorded concurrently with the final map and must provide that each lot holder cannot terminate the agricultural easement on a lot by lot basis. The agricultural easements shall be in favor of Heavenstone Ranch Corp, Inc., or its designee who shall be required to maintain the agricultural easement area by farming the vineyard. Farming of the agricultural easement area shall be defined as the maintenance of the planted area, including, but not limited to, the pruning, cultivating, watering, and upkeep of the area in accordance with standard commercial farming practices. If the holder of the agricultural easements, Heavenstone Ranch Corp, Inc., or its designee, ceases farming for two (2) consecutive years, the holder shall transfer the recorded agricultural easements acreage to a Property Owners Association (POA), or another designated entity, or association of home owners pursuant to California Civil Code Section 1351(a), and acceptable to the County Assistant TLMA Director -Community Development, to continue farming the agricultural easement. If then the designated entity, ceases farming for two (2) consecutive years, Heavenstone Ranch Corp, Inc., or its designee, shall have the option to assume responsibility, prior to the transfer of responsibility to another designated entity, as approved by the County Assistant TLMA Director -Community Development. Farming of the agricultural easement is the obligation of the easement holder."

Added Mitigation Measures:

MM BIO-1: 100% of the Riparian area will be avoided by ultimate design of the project.

MM BIO-2: Prior to issuance of the grading permit, a CADFW 1600 and USACE 404 permit may be required and proof that consultation and approvals from those entities will need to be provided if construction activities may temporarily impact the drainage area.

MM BIO-3: Prior to issuance of a grading permit, Determination of Biologically Equivalent or Superior Preservation (DBESP) will need to be submitted to, reviewed and approved by EPD and the Wildlife Agencies. All riverine, riparian and jurisdictional features shall be mapped. Once the DBESP is forwarded to the Wildlife Agencies a 60 day review period will start for their review.

MM BIO-4: Prior to issuance of a grading permit, EPD shall verify on grading plans that no disturbance will occur within areas identified and mapped as riverine/riparian. EPD staff shall verify construction of clear span bridges do not disturb riverine/riparian avoidance area identified on the ECS.

MM BIO-5: Prior to recordation, an Environmental Constraints Sheet (ECS) shall be included with notes placed on the Final Map that requires avoidance of impacts to any blueline, riverine, riparian or jurisdictional features mapped as part of the DBESP mitigation process shall match the final map. The area shown on the ECS as an area to avoid disturbance shall be labeled "Riverine/Riparian Avoidance Area."

MM BIO-6

Clearing and grubbing shall occur outside the bird breeding season (February 1 to August 31), unless a qualified biologist demonstrates to the satisfaction of the County that all nesting is complete through the completion of a Nesting Bird Survey Report. A Nesting Bird Survey Report shall be submitted to the Environmental Programs Department (EPD) for review and approval prior to the issuance of grading permits if such grading is to occur during the bird breeding season.

MM HYDRO WQ: 1 A 10,000 gallon cistern will be provided on each lot and installed in accordance with plans and specification accepted by Riverside County's Department of Transportation.

MM NOI-1: Prior to the issuance of grading and building permits, respectively, the following notes shall be added to grading and building plans to include the following:

"During grading and construction, the Building and Safety Department shall verify that the following measures are implemented to reduce construction noise and vibrations, emanating from the proposed Project:

During all Project site demolition, excavation and grading onsite, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.

The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the Project site.

Equipment shall be shut off and not left to idle when not in use.

The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the Project site during all Project construction.

The contractor shall limit the use of heavy equipment or vibratory rollers and soil compressors along the Project boundaries to the greatest degree possible.

All construction activities and haul truck deliveries shall adhere to County of Riverside Ordinance No. 847, which prohibits construction activities that make loud noise from occurring between 6:00 p.m. and 6:00 a.m. during the months of June through September, and between 6:00 p.m. and 7:00 a.m. during the months of October through May, and on Sundays and Federal holidays."

MM PALEO-1: The applicant shall prepare a Paleontological Resource Impact Mitigation Program (PRIMP), which shall be reviewed and approved by the County of Riverside Geologist prior to issuance of a grading permit.

The Applicant and the County Staff have not developed a plan to secured permits and certifications to protect the Wetlands. As such GPA 1202 should be rejected.

DISCUSSION: Plan does not address traffic generated by new wineries in the planning phase

Applicant/Supporter Statement	Opposition Rebuttable
<p>(Mr. Koll) "...as you travel eastward on the road, it's currently blocked, uh, by a fence at, um, Mr. Smalley's property blocking the public right of way. This was designed and intended to connect to Camino Del Vino but it's currently not passable. This actually creates additional traffic on the surrounding streets which are just rural residential roads. By completing this connection and building the road that was originally intended, we will actually reduce the majority of the traffic, which are a lot of the complaints made by some of the surrounding opposition letters."</p>	<p>The fence at the end of Los Nogales Rd. is on my property. The right of way is actually in the middle of the creek 40 feet away. I installed the fence to prevent tipsy drivers from unwittingly pitching down a 10-foot embankment into the creek and then suing me since the road ends on my property.</p> <p>Traffic on Los Nogales Rd. is not significant today since most navigation apps on phones (WAZE, Google Maps, Apple Maps, etc.) recognize that Los Nogales Rd. does not connect to Camino Del Vino Rd. Some older or legacy GPS navigation systems in older cars have not been updated and will direct drivers down Los Nogales Rd. in hopes of connecting to Camino Del Vino Rd.</p> <p>If Los Nogales Rd. is realigned to connect to Camino Del Vino Rd. traffic on Los Nogales Rd. will likely increase 10 fold because a "short cut" will be created to get around traffic on Rancho California Rd. or get to De Portola Rd. This additional traffic will put more strain on the Wetlands, since the creek and Los Nogales Rd. are one in the same.</p> <p>Many communities around the country are struggling with negative impacts that navigation apps on phones (WAZE, Google Maps, Apple Maps, etc.) are having on the diversion of traffic to residential streets to save drivers time. The stated goal/mission of WAZE is to use all available streets, large and small, to get drivers to their destination, regardless of the impact on residential areas. Here are just two example newspaper stories:</p> <ul style="list-style-type: none"> • <i>Waze And Other Traffic Dodging Apps Prompt Cities To Game The Algorithms</i>, US Today, March 6, 2017 "Smartphone apps like Waze, a godsend for some road warriors because they shave minutes and even hours off their commutes with their creative detours off main highways, are causing headaches for city planners." • <i>New traffic apps may be pushing cars into residential areas</i>, LA Times, Jan. 5, 2015 "Now, the fast-growing popularity of real-time traffic apps, such as Google Maps and Waze, are steering more and more of the county's 6 million cars around congested freeways and boulevards, and through residential areas such as Sherman Oaks, where traffic is lighter and there are few stoplights." <p>In addition, the County (Tim Wheeler) is processing plans to add 4 wineries to the north and east of the Property that will add significant new traffic flows in the area near the Property. None of these were considered in the Environmental Assessment, even though the traffic impact will be significant:</p> <ul style="list-style-type: none"> • 12 Oaks, Class VI Winery with Wine Country Resort, 600+ acres on Warren Rd., CUP03719. 118 home sites, Marriott hotel/spa, etc. • Unnamed Project, Class V Winery with a Wine Country Hotel, 21+ acres on Rancho California Rd. and Monte De Oro, PP26064. • Portola Winery, Class V Winery with a Wine Country Hotel, 42+ acres on De Portola Rd. and Monte De Oro, PPT180003 • Paulk Winery, Class II Winery, 13+ acres on Rancho California Rd. and Monte De Oro, PP25893. <p>The combination of the current traffic, future additional traffic from new projects and the increasing popularity of navigation apps will</p>

	create much greater traffic flow on Los Nogales Rd. if it is connected Camino Del Vino Rd. As such GPA 1202 should be rejected.
--	--

DISCUSSION: General Issues

Applicant/Supporter Statement	Opposition Rebuttable
<p>(Mr. Drake) – “...and that’s why we started doing some of the grading. I worked with Juan Perez and I worked with, uh, Larry Ross to get a application to start on the ag grading. But, the problem is in building the pads, they were allowing us to build the slopes. Well, when we build the slopes, we have to take the--the hills down to build the slopes so that I can get the ag grading done. We were--that’s why it was all done underneath an Ag Grading Permit.”</p>	<p>Compliance with AG grading exception rules is essentially voluntary, based on the honor system. Mr. Drake chose to not follow the rules and graded beyond the limits of the permit.</p> <p>Mr. Ross indicated that he did not approve the building of slopes. Mr. Perez refuses to confirm or deny that he approved the building of slopes.</p> <p>The grading to date was not performed per the conditions of approval for GPA 1202 and may have put the Wetlands in jeopardy. As such, the Applicant should be required to prepare and implement a biological restoration plan to be completed within 6 months. This would send a clear, unequivocal message to bad actors or careless operators that grading without a permit will not be tolerated.</p> <p>The Applicant has twice continued to do work (albeit minor) on the property and it was reported. A representative from the California EPA had to call the County to deliver the message, “stop work, means stop work.”</p> <p>The Applicant should be held accountable for his action and be required to restore the property to its pre-graded state.</p>

A petition signed by 232 people (see separate attachment) asks the County to not approve GPA 1202. A few of the notable signatories includes:

- **Marshall Stuart**, a pioneer wine maker in the Valley. He farms the property at the Los Nogales Rd. and Anza Rd. He his concerned about the additional water and soil accumulation that might impact his vineyard. The photo to the right shows the current state where soil blocks 50% of the 3 36” pipes that go under Anza Rd.
- **Susan Stuart**, tour operator in Wine Country.
- **Joseph Wiens**, winemaker.
- **Jasmine Wiens**.
- **(Others)**



CONCLUSION

In conclusion, the County has no compelling interest in approving GPA 1202. It is **inconsistent** with the goals and guidelines of the TVWCCP, would have significant **negative effects** on the environment, produces potentially new and significant **traffic** and would create a **problematic precedent**.

GPA 1202, EA42839 and the Negative Declaration (and all related cases and documents) should be **rejected** in whole, not modified, since this ill-conceived Plan is completely unnecessary. The County has a duty to preserve Wine Country, protect the environment, and prevent unnecessary traffic on Los Nogales Rd.

If GPA 1202 is approved, the land conditions cannot be reverted to its original state, nor can monetary damages compensate for permanent loss of intended land use per the Wine Country Plan.

Residents of our region welcome and desire growth. Yet, every request for exception ought to be given thoughtful consideration out of respect for the 10 years of time and energy poured into the successful adoption of the Temecula Valley Wine Country Community Plan.

REFERENCED DOCUMENTS

Petition Calling for Rejection of GPA 1202 (see separate document)
Transcript of 2-21-2018 Planning Committee Hearing (see separate document)
Applicant's Rationale Letter 2016-06-02 (attached to the Application)
Heavenstone SEC 10-K Filing 2016-06-30 (separate document available upon request)
Tentative Tract Map TR37254 (associated with GPA 1202)
Tentative Tract Map TR36975 (original submittal now withdrawn)
2016-08-25 GPAC Report Package for GPA1202
2016-11-02 Planning Commission Report Package for GPA1202
2017-01-31 Board of Supervisors Submittal for GPA1202
2014-07-17 Planning Dept. Recommended Motions TR31444
Ordinance No. 348 Article II Amendments to General Plan
Ordinance No. 348 Article XIVd 14.92 Wine Country-Winery Zone and 14.98 Wine Country-Residential Zone
TVWCCP General Plan Policies and Winery District Existing Zoning (Figure 4A)

Petition Calling for Rejection of GPA 1202 (see separate attachment for signatures and comments)

"Supervisor Washington, I am signing this petition to ask you to please vote NO on allowing a vital part of Temecula Wine Country to become a housing subdivision that burdens tax payers and our environment.

The Temecula Wine Country Plan modified the County's General Plan in 2014 after 10 years of tireless work by Senator Jeff Stone and community visionaries representing all sectors of Temecula Wine Country. The Plan was designed to ensure the long-term viability and unique character of the Southern California Wine Country experience.

Seven months AFTER the Wine Country Plan was passed, a developer requested a variance (GPA 1202) to flip this 50-acre legacy Wine Country vineyard into an "estate homes" housing tract with 50% vineyards, as well as roads, bridges, driveways, septic systems, etc. The image above shows that most of the land around this property, in the heart of Temecula Wine Country, is planted in vines or citrus. Likewise, this property should remain part of the Winery District and not be rezoned Residential as requested by the developer. A similar exception has NEVER been approved. Approval would serve to create a dangerous precedent and a pathway for others to seek to subdivide precious vineyard acreage into housing tracts in the future.

Residential projects are net losers for tax payers and disproportionately drain County resources since the cost of additional County services, such as fire, police, schools, roads, etc., exceeds tax revenues. The owners have development options within the current zone that would bring them a steady stream of revenue and a net tax gain for the County.

Ecologically sensitive, federally protected Wetlands are on the property. There are no plans to protect this vibrant resource in perpetuity. The project would also divert visitors onto wine country back roads never intended for tourist traffic.

Supervisor Washington, this risky zoning exception is inconsistent with the Wine Country Plan and must be stopped. Let's preserve Wine Country and protect our environment. Please vote NO on this proposal."

Transcript of 2-21-2018 Planning Commission Hearing
(see separate attachment for details)

Maxwell, Sue

From: Maxwell, Sue
Sent: Friday, January 25, 2019 1:58 PM
To: Brady, Russell; Bradford, Deborah; COB-Agenda (COB-Agenda@rivco.org); George Johnson (GAJohnson@RIVCO.ORG); Leach, Charissa (cleach@RIVCO.ORG); Perez, Juan (JCPEREZ@RIVCO.ORG); Young, Alisa; District 4 Supervisor V. Manuel Perez (District4@RIVCO.ORG); District2; District3; District5; Supervisor Jeffries - 1st District (district1@rivco.org)
Subject: January 29, 2019 Item 21.2 Wine County Trails - Public Comment (Gil Pankonin)

Tracking:	Recipient	Read
	Brady, Russell	
	Bradford, Deborah	
	COB-Agenda (COB-Agenda@rivco.org)	
	George Johnson (GAJohnson@RIVCO.ORG)	
	Leach, Charissa (cleach@RIVCO.ORG)	Read: 1/25/2019 1:58 PM
	Perez, Juan (JCPEREZ@RIVCO.ORG)	
	Young, Alisa	
	District 4 Supervisor V. Manuel Perez (District4@RIVCO.ORG)	
	District2	
	District3	
	District5	
	Supervisor Jeffries - 1st District (district1@rivco.org)	

Good afternoon,

Please see email below received via COB in support of General Plan Amendment No 1202, scheduled Before the Board on January 29, 2019 as Item No 21.2 (MinuteTraq No 8362).

Thank you kindly,

Sue Maxwell

Board Assistant

Clerk of the Board of Supervisors

4080 Lemon Street, 1st Floor, Room 127

Riverside, CA 92501

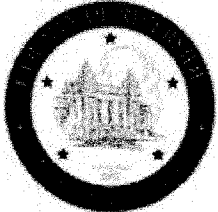
(951) 955-1069 Fax (951) 955-1071

Mail Stop #1010

smaxwell@rivco.org

<http://rivcocob.org/>

<https://www.facebook.com/RivCoCOB/>



From: COB

Sent: Thursday, January 17, 2019 4:54 PM

To: Gil Pankonin <pankonge@gmail.com>

Subject: Wine County Trails - Public Comment (Gil Pankonin)

The Clerk of the Board of Supervisors received your email related to the Wine Country Trails, and will appropriate forward for review.

From: Gil Pankonin <pankonge@gmail.com>
Sent: Thursday, January 17, 2019 3:32 PM
To: COB <COB@RIVCO.ORG>
Subject:

To: Clerk of the Board

Re: January 29 Agenda Item TR37254

Dear Supervisors,

I am writing in support of the project currently under discussion at the corner of Los Nogales Road and Camino del Vino in Wine Country. I am a leader of the Temecula Valley equestrian community, working with the County of Riverside to establish, maintain and preserve the equestrian trails approved by the Board of Supervisors on the Wine Country Trails Map.

The developer of this property has cooperated with us and County Planning Staff to preserve - and upgrade - the trail that runs along the development. We wish to thank Senior Planner, Phayvanh Nanthavongdouangsy especially for her diligence in bringing all points of view into the planning process so that, upon completion, we will have a safe trail segment.

We now hope that the County of Riverside will continue to work with us to extend the trail beyond the property in question today, all the way to Anza Road, to connect into another critical segment.

Thank you for working with us on this project and the many to come.

Sincerely,

Gil Pankonin, President
Rancho California Horsemen's Association

Sent from my iPhone

1/29/19 21.2
2019-1-142184

2
3 **RESOLUTION NO. 2019-029**

4 **APPROVING AGRICULTURAL PRESERVE CASE NO. 1056**
5 **ISSUING CERTIFICATE OF TENTATIVE CANCELLATION AND**
6 **DIMINISHMENT OF RANCHO CALIFORNIA**

7 **AGRICULTURAL PRESERVE NO. 11**

8 **(Government Code Section 51283.4)**

9 **WHEREAS**, a Land Conservation contract was executed by Richard C. Burns, and Burdette P.
10 Mast doing business as Burns-Mast Vineyards pursuant to the Land Conservation Act of 1965 (Government
11 Code Section 51200 et. seq.) for land within the Rancho California Agricultural Preserve No. 11; and,

12 **WHEREAS**, such Land Conservation contract, dated January 1, 1977, with the County of Riverside
13 is for land currently identified as APNs 927-450-002 ("Property") and was recorded on June 30, 1977, as
14 Instrument No. 122118, in the Office of the County Recorder of Riverside County, California; and,

15 **WHEREAS**, the Property is further described in Exhibit A for the Rancho California Agricultural
16 Preserve Case No. 1056 which is attached hereto and incorporated herein by reference and,

17 **WHEREAS**, the total gross acreage of the Property is 51.54 acres; and

18 **WHEREAS**, Heavenstone Corporation ("Property Owner"), the current owner of the Property, filed
19 a Notice of Nonrenewal on May 26, 2016, which notice was recorded on February 1, 2018, as instrument
20 No. 2018-0041285, in the Office of the County Recorder of Riverside County, California; and

21 **WHEREAS**, the Property Owner also petitioned to cancel the Land Conservation contract for the
22 Property and to diminish the Rancho California Agricultural Preserve No. 11, as amended through Map No.
23 853B, by removing the Property from the boundaries of the agricultural preserve; and

24 **WHEREAS**, Agricultural Preserve Case No. 1056 will diminish the Rancho California Agricultural
25 Preserve No. 11 in accordance with the map titled Map No. 321, Rancho California Agricultural Preserve
26 No. 11 as amended through Map No. 1056 attached hereto and incorporated herein; and,

27 **WHEREAS**, all the provisions of the California Environmental Quality Act (CEQA) and the Rules
28 and Regulations Governing Agricultural Preserves in Riverside County (Resolution No. 84-526) have been

FORUM ATTORNEY GENERAL COUNTY COUNSEL
BY: *[Signature]* 1/16/2019 DATE
LYNETTE M. CLYDE

1 satisfied, including the preparation of a Mitigated Negative Declaration for Environmental Assessment No.
2 42839; and,

3 **WHEREAS**, the Property Owner has proposed, if the cancellation is approved, that the land will be
4 used for the following alternative use: 8 residential lots. The lots range in size from 6 to 8.5 gross acres
5 (“Project”),

6 **WHEREAS**, the total amount of the cancellation fee for the Property, pursuant to Section 51283.4
7 of the Government Code, has been determined and certified by the Board of Supervisors to be \$849,125.00;
8 and,

9 **WHEREAS**, a public hearing was held on this matter by the Riverside County Board of Supervisors
10 on January 29, 2019.

11 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by the Board of Supervisors
12 of the County of Riverside, State of California, in regular session assembled on January 29, 2019, that:

- 13 1. The above recitals are incorporated herein by this reference.
- 14 2. The subject parcels affected by the proposed diminishment are included under the Land
15 Conservation contract.
- 16 3. Pursuant to the Notice of Nonrenewal submitted on May 26, 2016, the Land Conservation
17 Contract on the 51.54 acres will expire on January 1, 2026 (GC 51245 and R&T Code
18 426(c)).
- 19 4. The cancellation fee was determined by the Riverside County Assessor’s Office to be a total
20 of \$849,125.00.
- 21 5. The Project site’s location is North of Los Nogles Road, south of Monte de Oro Road, east
22 of Rancho California Road, and west of Camino del Vino Road, within the Temecula Valley
23 Wine Country Policy Area – Winery District. The site is the 51.54 acre portion of the 166.63
24 acres subject to the land conservation contract.
- 25 6. According to the Natural Resource Conservation Service, the Soils Capability Classification
26 as indicated in the USDA Soil Survey for Riverside County indicates that the site is fifty
27 (50) percent within Class II and forty (40) percent within Class IV, and ten (10) percent
28 within Class VIII.

1 7. A General Plan Amendment No. 1202, Change of Zone No. 7885, Tentative Tract Map
2 (Tract Map No. 37254) is being processed with this Agricultural Preserve case and
3 constitutes the proposed alternative land use for the 51.54 gross acres area that is the subject
4 of this diminishment and cancellation. The proposed alternative land use is consistent with
5 the Riverside County General Plan, as described in more detail below.

6 **BE IT FURTHER RESOLVED** by the Board of Supervisors that:

- 7 1. The cancellation is for land on which a Notice of Nonrenewal has been served.
- 8 2. The cancellation is not likely to result in the removal of adjacent lands from agricultural uses
9 as the Project will not affect the ability to use adjacent lands for agriculture. The properties
10 to the north, east, west and south are either uncultivated or are under agricultural production,
11 and this cancellation would not change that circumstance. To the west and south of the
12 Project is a residential development of approximately 5 acre lots; and to the north and east
13 is land designated Agriculture that has a density requirement that equates to 10-acre and
14 greater lots. The properties to the west and south are also either uncultivated or are under
15 agricultural production, and this cancellation would not change that circumstance. In the
16 event that a subdivision were to be proposed on the current agricultural lands to the north
17 and east, it would include large lots ranging in sizes from 5 to 10 acres, which would not
18 preclude agricultural uses. As a result, this cancellation will not remove these lands from
19 agricultural uses.
- 20 3. The cancellation will only remove 51.54 gross acres, leaving approximately 115 gross acres
21 in the Agricultural Preserve, ensuring the viability for long-term continued agricultural
22 production on a substantial portion of the adjacent agricultural preserve. The subdivision
23 accompanying the proposed cancellation will be conditioned on that all future residences be
24 notified that there are adjacent agricultural uses and that these agricultural uses are not
25 subject to nuisance complaints. Therefore, based upon the above, the cancellation is not
26 likely to result in the removal of adjacent lands from agricultural uses.
- 27 4. The alternative land use proposed by General Plan Amendment No. 1202 is proposing to
28 amend the boundaries of the Wine Country – Winery District and the Wine Country –

1 Residential District within the Temecula Valley Wine Country Policy Area by removing the
2 subject property consisting of 51.54 gross acres from the Wine Country – Winery District
3 and placing it within the Wine Country – Residential District. The Change of Zone No. 7885
4 proposes to amend the zoning classification for the subject property from Citrus/Vineyard,
5 10-acre minimum lot size (C/V Zone -10) to Wine Country – Residential (WC-R Zone).
6 Also, the Tentative Tract Map No. 37254 is proposing a Schedule D subdivision to divide a
7 51.54 gross acre lot into 8 single-family residential lots. The lots range in size from 6 to 8.5
8 gross acres. The proposed amendment to the boundary of land within Rancho California
9 Agricultural Preserve No. 11 is primarily Agriculture, one dwelling units per every 5 acres,
10 which would allow for typical residential tract development that has a lot size of around 5 –
11 10 acre minimum.

12 5. The cancellation is for an alternative use that is consistent with the applicable provisions of
13 the Riverside County General Plan. The alternative use is a single family subdivision which
14 is generally consistent with both the existing General Plan designation of Wine Country –
15 Winery District and the proposed General Plan Amendment modifying portions of the
16 project site from Wine Country – Winery District and the Wine Country – Residential
17 District within the Temecula Valley Wine Country Policy Area as shown on the revised
18 Figure 4B of the Southwest Area Plan. Based upon the above, the cancellation for an
19 alternative use is consistent with the applicable provisions of the Riverside County General
20 Plan.

21 6. The cancellation will not result in discontinuous patterns of urban development because the
22 existing General Plan land use designations and zoning classifications for the surrounding
23 parcels to the north, south and east limit commercial and high density residential
24 development; and, therefore, provide a buffer for the surrounding parcels from urbanization
25 by limiting lot sizes to the north and east to a minimum of at least 5 acre lots which can
26 maintain agricultural uses. The lots to the south are designated in the General Plan as
27 Agriculture. Additionally, the parcels to the west are already built out as single family
28 residential homes at up to 5 acres lots, therefore, the project will continue residential

1 development from the west in a contiguous manner with no other uses between the proposed
2 project and the urban uses to the west. Therefore, the Project is not expected to result in
3 discontinuous patters of urban development.

4 7. There is also no other nearby parcel that is not subject to a land conservation contract and
5 that is both available and suitable for the Project. The Project is located adjacent to low
6 density General Plan designated property to the north, west, east, and south. No adjacent or
7 even nearby parcels would be available for the proposed medium density project because of
8 either the existing uses of the properties or the low density designations applied to those
9 properties. Therefore, there is no other nearby parcel that is not subject to a land
10 conservation contract and that is both available and suitable for the Project.

11 8. Therefore, based on the above, the public's interest in implementing the goals and policies
12 of the Riverside County General Plan substantially outweighs the purpose of the Williamson
13 Act and there is no proximate, noncontracted alternative land available and suitable for the
14 proposed Project.

15 9. Diminishment of Agricultural Preserve No. 11 by removing 51.54 acres will not have a
16 significant impact upon the environment and a Mitigated Negative Declaration for
17 Environmental Assessment No. 42839 is adopted based on the findings incorporated in the
18 initial study.

19 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the applicant shall comply with
20 the following conditions prior to issuance of a Certificate of Final Cancellation with respect to the Property
21 as outlined in Government Code Section 51283.4:

- 22 1. The cancellation fee of \$849,125.00 shall be paid; and,
- 23 2. All conditions necessary for the County to issue grading permits for any portion of Tract
24 Map No. 37254 shall have been met; and,
- 25 3. The landowner shall notify the Board of Supervisors when all conditions and contingencies
26 enumerated in this Certificate of Tentative Cancellation have been satisfied with respect to
27 the Land Conservation Contract. Within 30 days of receipt of such notice, and upon
28 determination that the conditions and contingencies have been satisfied, the Board of

1 Supervisors shall cause to be executed and recorded a Certificate of Final Cancellation with
2 respect to the Land Conservation Contract.

3 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the Clerk of this Board shall file
4 and record copies of this resolution, Property description as shown in Exhibit A and the map titled Map No.
5 321 Rancho California Agricultural Preserve No. 11 as amended through Map No. 1056, in the Office of
6 the County Recorder of Riverside County, California, and transmit copies thereof to the Director of
7 Conservation of the State of California, the Treasurer of Riverside County, and the Assessor of Riverside
8 County; and that upon fulfillment of all of the conditions, the landowners will be titled to a Certificate of
9 Final Cancellation that provides as follows:

- 10 1. Rancho California Agricultural Preserve No. 11, Map No. 321, as adopted on February 18,
11 1975, amended through Map No. 853B, is further amended by Map No. 1056 deleting
12 therefrom the area shown and described in Exhibit A, attached hereto, being on file in the
13 Office of the Clerk of the Board.
- 14 2. The Land Conservation Contract will be canceled to the extent said contract applies to the
15 land referenced in the petition for cancellation of the aforementioned property owner,
16 thereby removing from the effect of said contract the real property in the County of
17 Riverside, State of California, described in Exhibit A attached hereto.

18 **BE IT FURTHER RESOLVED** by the Board of Supervisors that, if any portion of the cancellation
19 fee of \$849,125.00 is not paid within one year following the recordation of this Certificate of Tentative
20 Cancellation, that portion of the fee shall be recomputed pursuant to Government Code Section 5.1283.4
21 (a), and the applicable landowner shall be required to pay the applicable portion of the recomputed fee as a
22 condition to issuance of a Certificate of Final Cancellation of the Land Conservation Contract.

23 **BE IT FURTHER RESOLVED** by the Board of Supervisors that, upon application of the
24 landowner, the Board of Supervisors may hereafter amend a tentatively approved specified alternative use
25 if the Board finds that such amendment is consistent with the findings made pursuant to Government Code
26 Section 51282.

EXHIBIT A
RANCHO CALIFORNIA AGRICULTURAL PRESERVE NO. 11
MAP NO. 1056

The following described Real Property of Riverside County, State of California, described as follows:

Description

All of Rancho California Agricultural Preserve No. 11, Map No. 1056, as shown in Exhibit "A" of instrument No. 2014-0438157, dated November 17, 2014, described as Parcel G-3, in the County of Riverside, State of California, as per map filed in Book 50 Pages 68-75, inclusive of Record of Surveys, in the Office of the County Recorder of said County, and further described as:

Beginning at the intersection of Los Nogales Road and Camino Del Vino;

Thence northerly along said centerline of Camino Del Vino for a distance of 499.17 feet;

Thence South 71°06'38" West for a distance of 1274.27 feet;

Thence South 87°01'35" West for a distance of 1715.40 feet;

Thence South 3°25'02" West for a distance of 681.80 feet to the centerline of Los Nogales Road;

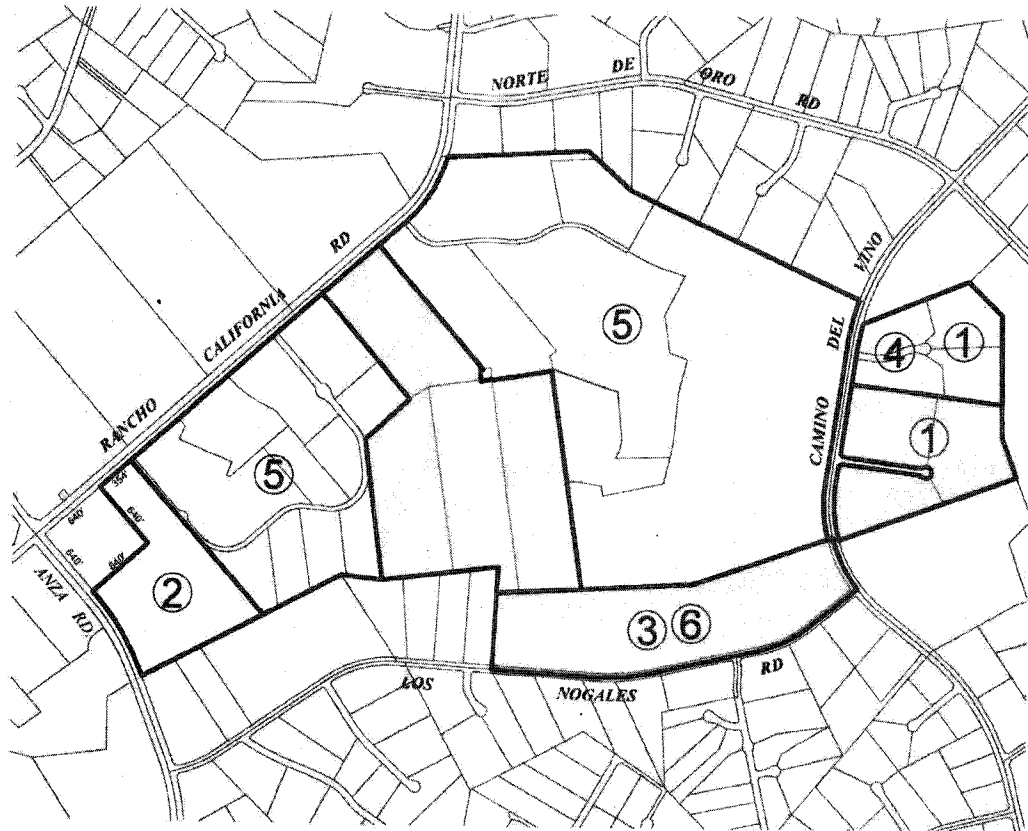
Thence easterly along said centerline of Los Nogales Road to **THE POINT OF BEGINNING**.

Assessor Parcel No.	Acres (net)	Owner
927-450-002	48.81 (51.54 gross acres)	Heavenstone Corporation

MAP NO. 321 RANCHO CALIFORNIA AGRICULTURAL PRESERVE NO. 11

AMENDED BY MAP NO. 356, 389, 846, 853B, 1056

T. 7 S., R. 2 W. S. B. B. & M.
T. 7 S., R. 1 W. S. B. B. & M.



AMENDMENTS:

- | | | |
|------------------------|---------------------|--------------|
| NO. 1, (ENLARGEMENT), | FEBRUARY 03, 1976, | MAP NO. 356 |
| NO. 2, (ENLARGEMENT), | - DENIED - | MAP NO. 373 |
| NO. 3, (ENLARGEMENT), | SEPTEMBER 28, 1976, | MAP NO. 389 |
| NO. 4, (DIMINISHMENT), | MARCH 20, 2001, | MAP NO. 846 |
| NO. 5, (DIMINISHMENT), | APRIL 23, 2002, | MAP NO. 853B |
| NO. 6, (DIMINISHMENT), | | MAP NO. 1056 |

ADOPTED ON FEBRUARY 18, 1975
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA.



RIVERSIDE COUNTY

I. City of _____ Construction Limits and Conditions

This noise mitigation plan has been prepared per the requirements of the City of _____. The following noise control measures shall be implemented in conjunction with the current construction noise control measures for the project and whichever measure is more restrictive shall apply.

Title 13 of the Municipal Code, Chapter 13.40.070 Prohibited acts.

7. Construction/Demolition.

a. Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work before 7:00 a.m. on a weekday (or before 9:00 a.m. on a weekend or holiday) or after 7:00 p.m. on a weekday (or after 8:00 p.m. on a weekend or holiday) such that the sound therefrom across a residential or commercial real property line violates Section 13.40.050 or 13.40.060, except for emergency work of public service utilities or by variance issued by the EHD. (This section shall not apply to the use of domestic power tools as specified in subsection B.11 of this section.)

b. Noise Restrictions at Affected Properties. Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum sound levels at affected properties will not exceed those listed in the following schedule:

AT RESIDENTIAL PROPERTIES: Mobile Equipment. Maximum sound levels for nonscheduled, intermittent, short-term operation (less than 10 days) of mobile equipment:

Table 13.40-3

	R-1, R-2 Residential	R-3 and above Multi-Family Residential	Commercial/Industrial
Weekdays 7:00 a.m. to 7:00 p.m.	75 dBA	80 dBA	85 dBA
Weekends 9:00 a.m. to 8:00 p.m. and legal holidays	60	65	70

Stationary Equipment. Maximum sound levels for repetitively scheduled and relatively long term operation (period of 10 days or more) of stationary equipment:

Table 13.40-4

	R-1, R-2 Residential	R-3 and above Multi-Family Residential	Commercial/Industrial
Weekdays 7:00 a.m. to 7:00 p.m.	60 dBA	65 dBA	70 dBA
Weekends 9:00 a.m. to 8:00 p.m. and legal holidays	50	55	60

**The _____ Street Use Permit - #ZP2014-0045
DAP MM NOI-5 Construction Noise Reduction Program**

The applicant shall develop a site specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction, as measures needed to ensure that construction complies with BMC Section 13-40-070. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:

- *Construction equipment should be well maintains and used judiciously to be as quiet as practical.*
- *Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.*
- *Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.*
- *Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.*
- *Prohibit unnecessary idling of internal combustion engines.*
- *If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seal the pile.*
- *Construct solid plywood fences around construction site adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.*
- *Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.*
- *Route construction related traffic along major roadways and away from sensitive receptors where feasible.*

II. Demolition/Construction Noise Analysis

A. Demolition and Construction Phase Impacts

Short-term noise impacts may be created during demolition of the existing structures on the site and construction of the project. Demolition and construction equipment are typically similar, with the exception of paving equipment and pile drivers (impact hammers). However, pile driving is not expected on this project. The noise levels generated by the two phases will be similar over the course of entire process. With the exception of pile driving, blasting, vibratory compacting or rolling, construction equipment expected to be used on the site generates groundborne vibration level lower than 0.02 in/sec. peak particle velocity (ppv) at distances greater than 13 ft. The nearest homes are greater than 13 ft. from the project site where construction will occur.

A table from the EPA providing standard construction equipment noise levels at a distance of 50 ft. is provided in Figure 3 on page 15. From the information provided in the Table, demolition/construction equipment noise levels range from 68 to 96 dBA at a 50 ft. distance from the source. The residences to the west (building setback) are as close as 16 ft. from the project and the residence to the south (building setback) is as close as 85 ft. from the project. Note that not all of the equipment shown in the EPA table will be used. In addition, the Table is dated. Modern equipment typically generates noise levels at the lower end of the ranges shown. An equipment list for this project is shown below:

Demolition

3 Excavators
2 Rubber-tired bulldozer

Site Preparation

3 Rubber-tired bulldozers
4 Tractors/Loaders/Backhoes

Building Exterior

1 Crane
3 Forklifts
3 Tractors/Loaders/Backhoes

Grading/Excavation

1 Excavator
1 Grader
1 Rubber-tired bulldozer

Trenching

2 Tractors/Loaders/Backhoes

Building Interior

4 Air Compressors
1 Generator Set
1 Welder

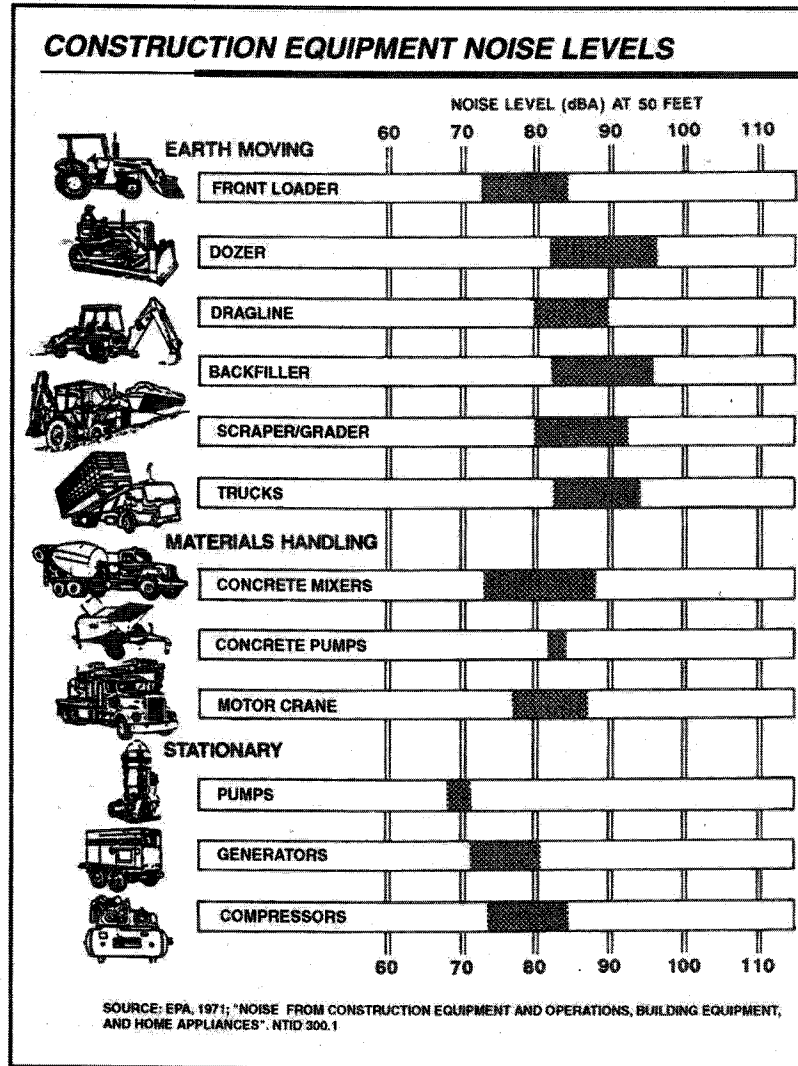


FIGURE 3 – Environmental Protection Agency Equipment Noise Levels

The hourly average noise levels at the residences to the west will range from 71 to 99 dBA L_{eq} . The hourly average noise levels at the residences to the south will range from 56 to 84 dBA L_{eq} with the highest noise levels occurring during grading of the site near the residences. The noise exposures are likely to be up to 98 dB DNL and 85 dB DNL at the residences to the west and south, respectively, on the noisiest days. Typical noise exposures from construction will be 60-88 dB DNL at the residences to the west and 45-73 dB DNL at the residences to the south. This is a **temporary significant impact**.

Table I below provides a list of the demolition and construction equipment expected to be used on the project, their reference noise levels at a 50 ft. distance, and the equipment noise levels calculated for each of the mixed-use property to the west and the _____ to the east, and to the mixed-use property across _____ Avenue to the south.

The noise levels presented in the table are typical noise levels produced by the pieces of equipment shown. However, equipment used in the field may vary slightly, depending on the sizes of engines, the contractor and their sub-contractors; age of equipment, the way tools, devices and items of equipment are utilized and many other factors that are unknown at this time and cannot be predicted with any level of accuracy. In addition, the sound levels at the property boundaries at any given time will change dramatically such that maximum noise levels may occur for very short periods of time or may occur for longer periods of time.

The noise levels shown in the Table are maximum noise levels and they usually occur for short periods at a time. Average sound levels over a one hour period or over the course of the day will typically be 6-10 decibels lower than those shown in the Table.

TABLE I										
Construction Noise Analysis										
Equipment	Reference		Western and Eastern Receptors				Southern Receptor			
	Level	Dist., ft.	Distance, ft.		Sound Level		Distance, ft.		Sound Level	
			Nearest	Farthest	Nearest	Farthest	Nearest	Farthest	Nearest	Farthest
Forklift	75	50	10	40	89	77	100	200	69	63
Graders	83	50	10	40	97	85	56	305	82	67
Wheel Loader	80	50	10	40	94	82	56	305	79	64
Tractor	82	50	10	40	96	84	56	305	81	66
Backhoe	85	50	10	40	99	87	56	305	84	69
Bulldozer	85	50	10	40	99	87	56	305	84	69
Haul Trucks	84	50	10	40	98	86	56	305	83	68
Crane	82	50	10	40	96	84	56	305	81	66
Excavator	85	50	10	40	99	87	56	305	84	69
Air Compressor	79	50	10	40	93	81	56	305	78	63
Generator	75	50	10	40	89	77	56	305	74	59
Roller	71	50	10	40	85	73	56	305	70	55

Demolition and construction activities can produce varying amounts of ground-borne vibration, which depend on the type of equipment used and various methods. Vibration is produced by the equipment operation and the vibrational waves travel through the ground/soil that diminishes over distance. It is rare that construction vibration is intense enough to cause damage to existing structures. However, due to the close proximity of the neighbors to the west, a quantitative analysis of vibration is warranted.

Ground-borne vibration is typically reported in terms of "peak particle velocity" or PPV, and sometimes reported in terms of decibels of vibration, notated as VdB, which is a level of vibration (L_v). The use of PPV is more common for construction equipment and methods.

Table II, below, provides building damage criteria from construction vibration established by the Federal Transit Administration, Ref. (f).

TABLE II		
Construction Vibration Damage Criteria		
Building Category	PPV (in/sec)	Approx. L _v (VdB)
I. Reinforced-concrete, steel or timber (no plaster)	0.50	102
II. Engineered concrete and masonry (no plaster)	0.30	98
III. Non-engineered timber and masonry buildings	0.20	94
IV. Buildings extremely susceptible to vibration damage	0.12	90

** RMS velocity in decibels (VdB) re: 1 micro-inch/second

The adjacent residential buildings are lightweight, wood framed standard residential construction. The siding and foundation types are unknown. These structures fall into Building Category III where the vibration limit is 0.20 in/sec PPV. There are no buildings adjacent to or near the site that would fall under Categories I, II or IV.

The contractors used for the demolition of the site and construction of the project have not yet been selected, nor has a construction schedule and list of equipment been developed. Table III, below, provides a list of typical construction equipment, Ref's (f, g), some of which will likely not be used on this project, such as pile driving, their vibration levels at 25 ft. and 100 ft. reference distances, the vibration levels at the building setback of the closest residence to the west and the closest residence to the south. Also shown are the distances each item of equipment must stay away from the respective adjacent structures to limit the vibration levels to no more than 0.20 in/sec at the buildings. As shown in Table II, the equipment expected to be used on this project will generate ground-borne vibration levels lower than the 0.20 in/sec criterion. **This is a less than significant impact.**

Significant, but temporary noise excesses will occur at the homes that are adjacent to the site to the west and south during much of the demolition and construction, due to the close proximity of these homes to the site.

Noise mitigation measures are recommended to minimize potential noise impacts from demolition and construction associated with the project.

TABLE III						
Construction Equipment Vibration Levels, in/sec PPV						
Dist. to Res. To West, ft.	16					
Dist. to Res. To South, ft.	85					
EQUIPMENT	Reference	Reference	Vibration		Dist for	
	Vibration at d, ft.	Vibration at d, ft.	Level	Level		
d =	25	100	@ Res. To West	@ Res. To South	0.2 PPV limit	
Excavator	0.089	0.011	0.2	0.0	13	
Vibratory Roller	0.21	0.026	0.4	0.0	23	
Hoe Ram	0.089	0.011	0.2	0.0	13	
Large Bulldozer	0.089	0.011	0.2	0.0	13	
Loaded Trucks	0.076	0.010	0.1	0.0	12	
Jackhammer	0.035	0.004	0.1	0.0	7	
Small Bulldozer	0.003	0.000	0.0	0.0	1.5	
Backhoe	0.088	0.011	0.2	0.0	15	
Compactor	0.240	0.030	0.5	0.0	25	
concrete Mixer	0.080	0.010	0.2	0.0	12	
Concrete Pump	0.080	0.010	0.2	0.0	12	
Crane	0.008	0.001	0.0	0.0	3	
Dump Truck	0.080	0.010	0.2	0.0	12	
Front End Loader	0.088	0.011	0.2	0.0	13	
Grader	0.088	0.011	0.2	0.0	13	
Hydra Break Ram*	0.400	0.050	0.8	0.1	35	
Impact Pile Driver*	1.600	0.200	3.1	0.3	37	
Soil Sampling Rig	0.088	0.011	0.2	0.0	13	
Paver	0.080	0.010	0.2	0.0	12	
Pickup Truck	0.080	0.010	0.2	0.0	12	
Slurry Trenching	0.016	0.002	0.0	0.0	5	
Tractor	0.080	0.010	0.2	0.0	12	
Tunnel Boring rock	0.046	0.006	0.1	0.0	9	
Tunnel Boring soil	0.024	0.003	0.0	0.0	7	
Vibratory Pile Driver	1.120	0.140	2.2	0.2	68	
Vibratory Roller (lge)	0.472	0.059	0.9	0.1	39	
Vibratory Roller (sm)	0.176	0.022	0.3	0.0	20	
Blasting*	6.000	0.750	11.7	1.0	209	
Clam Shovel*	0.208	0.026	0.4	0.0	23	
Rock Drill	0.088	0.011	0.2	0.0	13	

* Transient vibration levels

VII. Mitigation Measures

A. Construction Phase Noise Impacts

Reduction of the demolition/construction phase noise at the site can be accomplished by using quiet or "new technology" equipment. The greatest potential for noise abatement of current equipment should be the quieting of exhaust noises by use of improved mufflers. It is recommended that all internal combustion engines used at the project site be equipped with a type of muffler recommended by the vehicle manufacturer. In addition, all equipment should be in good mechanical condition so as to minimize noise created by faulty or poorly maintained engine, drive-train and other components. Demolition and construction noise can also be mitigated by the following:

OPERATIONAL AND SITUATIONAL CONTROLS

- All work on site should be restricted to 8:00 a.m. to 8:00 p.m. Weekdays, 9:00 AM to 8:00 PM, Saturdays and no work allowed on Sundays and Federal Holidays.
- All construction noise control measures currently imposed on the project shall be maintained unless the measures outlined herein are more restrictive.
- All exterior stationary equipment shall be kept at least 100 ft. from neighboring residential property line unless acoustically shielded.
- No material deliveries are allowed on Sundays or Federal Holidays.
- Cranes shall be located at least 100 ft. from any neighboring residential property line with the exception of cranes or lifts necessary to dismantle scaffolding.
- Minimize material movement along the south and west sides of the site.

- Locate stockpiles adjacent to residential neighbors as much as possible to help shield residences from on-site noise generation.
- Music shall not be audible off site.
- Dirt berming and stockpiling materials whenever possible can also help reduce noise to sensitive receptor locations.
- Keep mobile equipment (haul trucks, concrete trucks, etc.) off of local streets near residences as much as possible.
- Keep vehicle paths graded smooth as rough roads and paths can cause significant noise and vibration from trucks (particularly empty trucks) rolling over rough surfaces. Loud bangs and ground-borne vibration can occur.
- Limit the extent of heavy diesel engine equipment work to less than 10 consecutive days when working within 40 ft. of the east property line.

INTERIOR WORK

- For interior work, the windows of the interior spaces facing neighboring residences where work is being performed shall be kept closed while work is proceeding.
- Noise generating equipment indoors should be located within the building to utilize building elements as noise screens.

EQUIPMENT

- Earth Removal: Use scrapers as much as possible for earth removal, rather than the noisier loaders and hauling trucks.
- Backfilling: Use a backhoe for backfilling, as it is less costly and quieter than either dozers or loaders.

- Ground Preparation: Use a motor grader rather than a bulldozer for final grading. Wheeled heavy equipment is less noisy than track equipment. Utilize wheeled equipment rather than track equipment whenever possible.
- Building Construction: Nail guns should be used where possible as they are less noisy than manual hammering.
- Generators and Compressors: Use generators, compressors and pumps that are housed in acoustical enclosures rather than weather enclosures or none at all.
- Utilize temporary power service from the utility company in lieu of generators wherever possible.
- All stationary equipment shall be rated no higher than 85 dBA @ 25 ft. under the equipment's most noisy condition. .
- Circular saws, miter/chop saws and radial arm saws shall be used no closer than 50 ft. from any residential property line unless the saw is screened from view by any and all residences using an air-tight screen material of at least 2.0 lbs./sq. ft. surface weight, such as 3/4" plywood.
- Use electrically powered tools rather than pneumatic tools whenever possible.
- Mitigation of the construction phase noise at the site can be accomplished by using quiet or "new technology" equipment.
- The greatest potential for noise abatement of current equipment should be the quieting of exhaust noises by use of improved mufflers.
- It is recommended that all internal combustion engines used at the project site be equipped with a type of muffler recommended by the vehicle manufacturer.

- All equipment should be in good mechanical condition so as to minimize noise created by faulty or poorly maintained engines, drive-trains and other components. Worn, loose or unbalanced parts or components shall be maintained or replaced to minimize noise and vibration.
- Utilize wheeled equipment rather than tracked equipment whenever possible.
- Diesel vibrating compaction equipment shall not be used within 100 ft. of a residential structure.
- Portable generators, compressors and pumps shall have manufacturer's acoustical enclosures whenever possible.
- Install noise control barriers to shield the windows in the adjacent alcoves from demolition and construction noise.
- Construct a minimum 15 ft. high noise barrier along the easterly property line contiguous with the _____ rear patio. The barrier height is in reference to the project site ground floor elevation. The barrier shall remain in place until the first and second floors of the building along the easterly side are structurally completed with the façade closed.
- The barriers may be constructed of air-tight wood (plywood with caulked joints) or acoustical blankets on a skeletal frame. The barrier materials shall achieve a minimum surface weight of 2.0 lbs./sq. ft. See Figure 1 for the location of the recommended noise control barriers.



Figure 1- Noise Barrier Locations

NOISE COMPLAINT MANAGEMENT

- Designate a noise complaint officer. The officer shall be available at all times during construction hours via both telephone and email. Signs shall be posted at site entries. A sample is shown below.

NOISE COMPLAINTS

FOR CONCERNS REGARDING CONSTRUCTION NOISE PLEASE CONTACT:

John Doe

JohnDoe@ConstructionCo.com

OPERATIONS MANAGEMENT ENGINEER

CALL CENTER: (111) 111-1111

- Notify, in writing, all residents within 200 ft. of the project perimeter and adjacent commercial uses of construction. The notification shall contain the name, phone number and email address of the noise complaint officer. A flyer may be placed at the doors of the residences.
- A log of all complaints shall be maintained. The logs shall contain the name and address of the complainant, the date and time of the complaint, the nature/description of the noise source, a description of the remediation attempt or the reason remediation could not be attempted.

12. NOISE AND VIBRATION DURING CONSTRUCTION

Construction often generates community noise/vibration complaints, even when it takes place over a limited time frame. In recent years, public concerns about construction noise and vibration have increased significantly, due partly to lengthy periods of heavy construction on some “mega-projects” and also to the increasing prevalence of nighttime construction that is undertaken to avoid disrupting workday road and rail traffic. Noise and vibration complaints typically arise from interference with people's activities, especially when the adjacent community has no clear understanding of the extent or duration of the construction. Misunderstandings can arise when the contractor is considered to be insensitive by the community, even though the contractor believes the work is being performed in compliance with local ordinances. This situation underscores the need for early identification and assessment of potential problem areas.

An assessment of noise and vibration impact during construction can be made by following procedures outlined in this chapter. The type of assessment – qualitative or quantitative – and the level of analysis will be determined based on the scale of the project and surrounding land use. In cases where a full quantitative assessment is not warranted, a qualitative assessment of the construction noise and vibration environment can lead to greater understanding and tolerance in the community. For major projects with extended periods of construction at specific locations, a quantitative assessment can aid contractors in making bids by allowing changes in construction approach and including mitigation costs before the construction plans are finalized.

12.1 CONSTRUCTION NOISE ASSESSMENT

Noise impacts from construction may vary greatly depending on the duration and complexity of the project. The level of detail of a construction noise assessment depends on the scale and the type of project and the stage of environmental review. Many small projects need no construction noise assessment at all.

Examples include installation of safety features like grade-crossing signals, track improvements within the right-of-way, and erecting small buildings and facilities which are similar in scale to the surrounding development. For projects like these, it would suffice to describe the length of time of construction, the loudest equipment to be used, expected truck access routes, and avoidance of nighttime activity.

Other projects involving a limited period of construction time – less than a month in a noise-sensitive area – may warrant a qualitative treatment because of nearby noise-sensitive land uses. In these cases, the assessment may simply be a qualitative description of the equipment to be used, the duration of construction, and any mitigation requirements placed on particularly noisy operations. Where the length of construction in noise-sensitive areas is expected to last for more than several months or particularly noisy equipment will be involved, then construction noise impacts may be determined in considerable detail. In any case, a likely scenario of the planned construction methods should be described in the environmental document. At this early stage it may be possible to describe certain basic measures that would be taken to reduce the potential impact, for example, prohibiting the noisiest construction activities during nighttime. However, it may be prudent to defer final decisions on noise control measures until the project and construction plans are defined in greater detail during final design.

Qualitative Assessments. In cases where a qualitative construction noise assessment is appropriate, the following descriptions would be included:

- Duration of construction (overall and at specific locations)
- Equipment expected to be used, e.g., noisiest operations
- Schedule with limits on times of operation, e.g., daytime use only
- Monitoring of noise
- Forum for communicating with the public
- Commitments to limit noise levels to certain levels, including any local ordinances that apply
- Consideration of application of noise control treatments used successfully in other projects

Community relations will be important in these cases; early information disseminated to the public about the kinds of equipment, expected noise levels and durations will help to forewarn potentially affected neighbors about the temporary inconvenience. In these cases, a general description of the variation of noise levels during a typical construction day may be helpful. The criteria in Section 12.1.3 are not applied to qualitative assessments.

Quantitative Assessments. Factors that influence the decision to perform a quantitative construction noise assessment include the following:

- Scale of the project
- Proximity of noise-sensitive land uses to the construction zones

- Number of noise-sensitive receptors in the project area
- Duration of construction activities near noise-sensitive receptors
- Schedule (the construction days, hours and time periods)
- Method (e.g., cut-and-cover vs. bored tunneling)
- Concern about construction noise expressed in comments by the general public (scoping, public meetings)

A quantitative construction noise assessment requires information about source levels, operations, proximity of noise sensitive locations, and criteria against which the levels will be compared. These elements of assessment are described in the following sections.

12.1.1 Quantitative Noise Assessment Methods

A quantitative construction noise assessment is performed by comparing the predicted noise levels with impact criteria appropriate for the construction stage. The approach requires an appropriate descriptor, a standardized prediction method and a set of recognized criteria for assessing the impact.

The *descriptor* used for construction noise is the L_{eq} . This unit is appropriate for the following reasons:

- It can be used to describe the noise level from operation of each piece of equipment separately and is easy to combine to represent the noise level from all equipment operating during a given period.
- It can be used to describe the noise level during an entire phase.
- It can be used to describe the average noise over all phases of the construction.

The recommended *method* for predicting construction noise impact for major transit projects requires:

- An emission model to determine the noise generated by the equipment at a reference distance.
- A propagation model that shows how the noise level will vary with distance.
- A way of summing the noise of each piece of equipment at locations of noise sensitivity.

The first two components of the method are related by the following equation: $L_{eq}(equip) = E.L. + 10 \log(U.F.) - 20 \log(D/50) - 10G$
 $\log(D/50)$

where: $L_{eq}(equip)$ is the L_{eq} at a receiver resulting from the operation of a single piece of equipment over a specified time period

E.L. is the noise emission level of the particular piece of equipment at the reference distance of 50 feet, taken from Table 12-1

G is a constant that accounts for topography and ground effects, taken from Figure 6-5 (Chapter 6)

D is the distance from the receiver to the piece of equipment, and

$U.F.$ is a usage factor that accounts for the fraction of time that the equipment is in use over the specified time period.

The combination of noise from several pieces of equipment operating during the same time period is obtained from decibel addition of the L_{eq} of each single piece of equipment found from the above equation.

General Assessment

The approach can be as detailed as necessary to characterize the construction noise by specifying the various quantities in the equation. For projects in an early assessment stage when the equipment roster and schedule are undefined, only a rough estimate of construction noise levels is practical.

The following assumptions are adequate for a general assessment of each phase of construction:

- Full power operation for a time period of one hour is assumed because most construction equipment operates continuously for periods of one hour or more at some point in the construction period. Therefore, $U.F. = 1$, and $10 \log(U.F.) = 0$.
- Free-field conditions are assumed and ground effects are ignored. Consequently, $G = 0$.
- Emission level at 50 feet, E.L., is taken from Table 12-1.
- All pieces of equipment are assumed to operate at the center of the project, or centerline, in the case of a guideway or highway construction project.
- The predictions include only the two noisiest pieces of equipment expected to be used in each construction phase.

Detailed Assessment

A more detailed approach can be used if warranted, such as when a large number of noise-sensitive sites are adjacent to a construction project or where contractors are faced with stringent local ordinances or heightened public concerns expressed in early outreach efforts. Additional details include:

- Duration. Long-term construction project noise impact is based on a 30-day average L_{dn} , the times of day of construction activity (nighttime noise is penalized by 10 dB in residential areas), and the percentage of time the equipment is to be used during a period of time which will affect $U.F.$. For example, an 8-hour L_{eq} is determined by making $U.F.$ the percentage of time each individual piece of equipment operates under full power in that period. Similarly, the 30-day average L_{dn} is determined

from the U.F. expressed by the percentage of time the equipment is used during the daytime hours (7 a.m. to 10 p.m.) and nighttime (10 p.m. to 7 a.m.), separately over a 30-day period. However, to account for increased sensitivity to nighttime noise, the nighttime percentage is multiplied by 10 before performing the computation.

- **Site Characteristics.** Taking into account the site topography, natural and man-made barriers and ground effects will involve the factor G. Use Figure 6-5 (Chapter 6) to calculate G.
- **Noise Sources.** Measuring or certifying the emission level of each piece of equipment will refine E.L.
- **Site Layout.** Determining the location of each piece of equipment while it is working will specify the distance factor D more accurately.
- **Combined Sources.** Including all pieces of equipment in the computation of the 8-hour L_{eq} and the 30-day average L_{dn} will determine the total noise levels using Table 6-11 (Chapter 6).

12.1.2 Noise from Typical Construction Equipment and Operations

The noise levels generated by construction equipment will vary greatly depending on factors such as the type of equipment, the specific model, the operation being performed, and the condition of the equipment. The equivalent sound level (L_{eq}) of the construction activity also depends on the fraction of time that the equipment is operated over the time period of construction. The dominant source of noise from most construction equipment is the engine, usually a diesel, often without sufficient muffling. In a few cases, such as impact pile-driving or pavement-breaking, noise generated by the process dominates.

For considerations of noise assessment, construction equipment can be considered to operate in two modes, stationary and mobile. Stationary equipment operates in one location for one or more days at a time, with either a fixed power operation (pumps, generators, compressors) or a variable noise operation (pile drivers, pavement breakers). Mobile equipment moves around the construction site with power applied in cyclic fashion (bulldozers, loaders), or to and from the site (trucks). The movement around the site is handled in the construction noise prediction procedure discussed earlier in this chapter. Variation in power imposes additional complexity in characterizing the noise source level from a piece of equipment. This is handled by describing the noise at a reference distance from the equipment operating at full power and adjusting it based on the duty cycle of the activity to determine the L_{eq} of the operation. Standardized procedures for measuring the exterior noise levels for the certification of mobile and stationary construction equipment have been developed by the Society of Automotive Engineers.^(1,2) Typical noise levels from representative pieces of equipment are listed in Table 12-1. These source levels can be used in FHWA's Windows-based screening tool, "Roadway Construction Noise Model" (RCNM), for the prediction of construction noise.⁽³⁾

Construction activities are characterized by variations in the power expended by equipment, with resulting variation in noise levels with time. Variation in the power is expressed in terms of the

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previously mentioned "usage factor" of the equipment, which is the percentage of time during the workday that the equipment is operating at full power. Time-varying noise levels are converted to a single number (L_{eq}) for each piece of equipment during the operation. Besides having daily variations in activities, major construction projects are accomplished in several different phases. Each phase has a specific equipment mix depending on the work to be accomplished during that phase.

As a result of the equipment mix, each phase has its own noise characteristics; some have higher continuous noise levels than others, some have high impact noise levels. The purpose of the quantitative assessment is to determine not only the levels, but also the duration of the noise. The L_{eq} of each phase is determined by combining the L_{eq} contributions from each piece of equipment used in that phase. The impact and the consequent noise mitigation approaches depend on the criteria to be used in assessing impact, as discussed in the next section.

Equipment	Typical Noise Level (dBA) 50 ft from Source
Air Compressor	81
Backhoe	80
Ballast Equalizer	82
Ballast Tamper	83
Compactor	82
Concrete Mixer	85
Concrete Pump	82
Concrete Vibrator	76
Crane, Derrick	88
Crane, Mobile	83
Dozer	85
Generator	81
Grader	85
Impact Wrench	85
Jack Hammer	88
Loader	85
Paver	89
Pile-driver (Impact)	101
Pile-driver (Sonic)	96
Pneumatic Tool	85
Pump	76
Rail Saw	90
Rock Drill	98
Roller	74

Equipment	Typical Noise Level (dBA) 50 ft from Source
Saw	76
Scarifier	83
Scraper	89
Shovel	82
Spike Driver	77
Tie Cutter	84
Tie Handler	80
Tie Inserter	85
Truck	88

Table based on an EPA Report,⁽⁴⁾ measured data from railroad construction equipment taken during the Northeast Corridor Improvement Project, and other measured data.

12.1.3 Construction Noise Criteria

No standardized *criteria* have been developed for assessing construction noise impact. Consequently, criteria must be developed on a project-specific basis unless local ordinances can be found to apply. Generally, local noise ordinances are not very useful in evaluating construction noise. They usually relate to nuisance and hours of allowed activity and sometimes specify limits in terms of maximum levels, but are generally not practical for assessing the impact of a construction project. Project construction noise criteria should take into account the existing noise environment, the absolute noise levels during construction activities, the duration of the construction, and the adjacent land use. While it is not the purpose of this manual to specify standardized criteria for construction noise impact, the following guidelines can be considered reasonable criteria for assessment. If these criteria are exceeded, there may be adverse community reaction.

General Assessment

Estimate the combined noise level in one hour from the two noisiest pieces of equipment, assuming they both operate at the same time. Then identify locations where the level exceeds the following:

Land Use	<u>One-hour L_{eq} (dBA)</u>	
	<u>Day</u>	<u>Night</u>
Residential	90	80
Commercial	100	100
Industrial	100	100

Detailed Assessment

Where a more refined analysis is needed, predict the noise level in terms of 8-hour L_{eq} and 30-day averaged L_{dn} and compare to criteria in the following table:

<u>Land Use</u>	<u>8-hour L_{eq} (dBA)</u>		<u>L_{dn} (dBA)</u>
	<u>Day</u>	<u>Night</u>	<u>30-day Average</u>
Residential	80	70	75 ^(a)
Commercial	85	85	80 ^(b)
Industrial	90	90	85 ^(b)

^(a) In urban areas with very high ambient noise levels ($L_{dn} > 65$ dB), L_{dn} from construction operations should not exceed existing ambient + 10 dB.

^(b) Twenty-four-hour L_{eq} , not L_{dn} .

12.1.4 Mitigation of Construction Noise

After using the above approaches to locate potential impacts from construction noise, the next step is to identify appropriate control measures. Three categories of noise control approaches, with examples, are given below:

1. *Design considerations and project layout:*

- Construct noise barriers, such as temporary walls or piles of excavated material, between noisy activities and noise-sensitive receivers.
- Re-route truck traffic away from residential streets, if possible. Select streets with fewest homes if no alternatives are available.
- Site equipment on the construction lot as far away from noise-sensitive sites as possible.
- Construct walled enclosures around especially noisy activities or clusters of noisy equipment. For example, shields can be used around pavement breakers and loaded vinyl curtains can be draped under elevated structures.

2. *Sequence of operations:*

- Combine noisy operations to occur in the same time period. The total noise level produced will not be significantly greater than the level produced if the operations were performed separately.
- Avoid nighttime activities. Sensitivity to noise increases during the nighttime hours in residential neighborhoods.

3. *Alternative construction methods:*

- Avoid use of an impact pile driver where possible in noise-sensitive areas. Drilled piles or the use of a sonic or vibratory pile driver are quieter alternatives where the geological conditions permit their use.
- Use specially-quieted equipment, such as quieted and enclosed air compressors and properly-working mufflers on all engines.
- Select quieter demolition methods, where possible. For example, sawing bridge decks into sections that can be loaded onto trucks results in lower cumulative noise levels than impact demolition by pavement breakers.

If possible, the environmental impact assessment should include descriptions of how each impacted location will be treated with one or more mitigation measures. However, with a large, complex project, the information available during the preliminary engineering phase may not allow final decisions to be made on all specific mitigation measures. In such cases, it is appropriate to describe and commit to a mitigation plan that will be developed during final design. The objective of the plan should be to minimize construction noise using all reasonable (i.e., cost vs. benefit) and feasible (i.e., physically achievable) means available. Components of the plan may include some or all of the following provisions which would be specified in construction contracts:

- *Equipment noise emission limits.* These are absolute noise limits applied to generic classes of equipment at a reference distance (typically 50 feet). The limits should be set no higher than what is reasonably achievable for well-maintained equipment with effective mufflers. Lower limits that require source noise control may be appropriate for certain equipment when needed to minimize community noise impact, if reasonable and feasible. Provisions could also be included to require equipment noise certification testing prior to use on site.
- *Lot-line construction noise limits.* These are noise limits that apply at the lot line of specific noise-sensitive properties. The limits are typically specified in terms of both noise exposure (usually L_{eq} over a 20-30 minute period) and maximum noise level. They should be based on local noise ordinances, if applicable, as well as pre-construction baseline noise levels; limits that are 3-5 decibels above the baseline are often used.
- *Operational and/or equipment restrictions.* It may be necessary to prohibit or restrict certain construction equipment and activities near residential areas during nighttime hours. This is particularly true for activities that generate tonal, impulsive or repetitive sounds, such as back-up alarms, hoe ram demolition and pile-driving.
- *Noise abatement requirements.* In some cases specifications may be provided for particular noise control treatments, based on the results of the design analysis and/or prior commitments made to the public by civic authorities. An example would be the requirement for a temporary noise barrier to shield a particular community area from noisy construction activities.

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- *Noise monitoring plan requirements.* Plans can be developed for pre-project noise monitoring to establish baseline noise levels at sensitive locations, as well as for periodic equipment and lot-line noise monitoring during the construction period. The plan should outline the measurement and reporting methods that will be used to demonstrate compliance with the project noise limits.
- *Noise control plan requirements.* For major construction projects, specifications have required the preparation and submission of noise control plans on a periodic basis (e.g., every six months). These plans should predict the construction noise at noise-sensitive receptor locations based on the proposed construction equipment and methods. If the analysis predicts that the specified noise limits will be exceeded, the plan should specify the mitigation measures that will be applied and should demonstrate the expected noise reductions these measures will achieve. The objective of this proactive approach is to minimize the likelihood of community noise complaints by ensuring that any necessary mitigation measures are included in the construction plans.
- *Compliance enforcement program.* If construction noise is a significant issue in the community, it is important that a program be put in place to monitor contractor compliance with the noise control specifications and mitigation plan. It is best that this function be performed by a construction management team on behalf of the public agency.
- *Public information and complaint response procedures.* To maintain positive community relations, the public should be kept informed about the construction plans and efforts to minimize noise, and procedures should be established for prompt response and corrective action with regard to noise complaints during construction.

Most of these provisions are appropriate for very large projects where construction activity will continue for many months, if not years. References 4 and 5 contain details on dealing with construction noise on major transportation projects. ^(5,6)

12.2 CONSTRUCTION VIBRATION ASSESSMENT

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods employed. Operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Buildings founded on the soil in the vicinity of the construction site respond to these vibrations, with varying results ranging from no perceptible effects at the lowest levels, low rumbling sounds and perceptible vibrations at moderate levels, and slight damage at the highest levels. As expressed previously in this chapter with respect to construction noise, the type of assessment – qualitative or quantitative – and the level of construction vibration analysis will be determined by factors related to the scale of the project and the sensitivity of the surrounding land use. A quantitative analysis should be conducted in cases where construction vibration may result in prolonged annoyance or building damage.

Ground vibrations from construction activities do not often reach the levels that can damage structures, but they can achieve the audible and feelable ranges in buildings very close to the site. A possible exception is the case of fragile buildings, many of them old, where special care must be taken to avoid damage. The construction vibration criteria include special consideration for such buildings. The construction activities that typically generate the most severe vibrations are blasting and impact pile-driving.

In cases where prolonged annoyance or damage from construction vibrations are not expected, a qualitative assessment is appropriate. Such an assessment should include a description of the duration and the type of equipment to be used during the construction, with an explanation of how the ground-borne vibration will be maintained at an acceptable level. For example, if the equipment is of the type that generates little or no ground vibration – air compressors, light trucks, hydraulic loaders, etc. – a simple explanation is sufficient and no quantitative analysis is necessary.

12.2.1 Quantitative Construction Vibration Assessment Methods

Construction vibration should be assessed quantitatively in cases where there is significant potential for impact from construction activities. Such activities include blasting, pile-driving, vibratory compaction, demolition, and drilling or excavation in close proximity to sensitive structures. The recommended procedure for estimating vibration impact from construction activities is as follows:

Damage Assessment

- Select the equipment and associated vibration source levels at a reference distance of 25 feet from Table 12-2.
- Make the propagation adjustment according to the following formula (this formula is based on point sources with normal propagation conditions):

$$PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$$

where: PPV (equip) is the peak particle velocity in in/sec of the equipment adjusted for distance

PPV (ref) is the reference vibration level in in/sec at 25 feet from Table 12-

2 D is the distance from the equipment to the receiver.

- Apply the vibration damage criteria from Table 12-3.

Annoyance Assessment

- If desired for consideration of annoyance or interference with vibration-sensitive activities, estimate the vibration level L_v at any distance D from the following equation and apply the vibration impact criteria for General Assessment in Chapter 8 for vibration-sensitive sites:

$$L_v(D) = L_v(25 \text{ ft}) - 30\log(D/25)$$

12.2.2 Vibration Source Levels from Construction Equipment

Ground-borne vibration related to human annoyance is generally related to root mean square (rms) velocity levels expressed in VdB. However, a major concern with regard to construction vibration is building damage. Consequently, construction vibration is generally assessed in terms of peak particle velocity (PPV), as defined in Chapter 7.1.2. The relationship of PPV to rms velocity is expressed in terms of the "crest factor," defined as the ratio of the PPV amplitude to the rms amplitude. Peak particle velocity is typically a factor of 1.7 to 6 times greater than rms vibration velocity.

Various types of construction equipment have been measured under a wide variety of construction activities with an average of source levels reported in terms of velocity as shown in Table 12-2. In this table, a crest factor of 4 (representing a PPV-rms difference of 12 VdB) has been used to calculate the approximate rms vibration velocity levels from the PPV values. Although the table gives one level for each piece of equipment, it should be noted that there is a considerable variation in reported ground vibration levels from construction activities. The data provide a reasonable estimate for a wide range of soil conditions.

Table 12-2. Vibration Source Levels for Construction Equipment (From measured data. ^(7,8,9,10))			
Equipment		PPV at 25 ft (in/sec)	Approximate L _v [†] at 25 ft
Pile Driver (impact)	upper range	1.518	112
	typical	0.644	104
Pile Driver (sonic)	upper range	0.734	105
	typical	0.170	93
Clam shovel drop (slurry wall)		0.202	94
Hydromill (slurry wall)	in soil	0.008	66
	in rock	0.017	75
Vibratory Roller		0.210	94
Hoe Ram		0.089	87
Large bulldozer		0.089	87
Caisson drilling		0.089	87
Loaded trucks		0.076	86
Jackhammer		0.035	79
Small bulldozer		0.003	58
† RMS velocity in decibels (VdB) re 1 micro-inch/second			

12.2.2 Construction Vibration Criteria

For evaluating potential annoyance or interference with vibration-sensitive activities due to construction vibration, the criteria for General Assessment in Chapter 8 can be applied. In most cases, however, the primary concern regarding construction vibration relates to potential damage effects. Guideline vibration damage criteria are given in Table 12-3 for various structural categories.⁽¹⁰⁾ In this table, a crest factor of 4 (representing a PPV-rms difference of 12 VdB) has been used to calculate the approximate rms vibration velocity limits from the PPV limits. These limits should be viewed as criteria that should be used during the environmental impact assessment phase to identify problem locations that must be addressed during final design.

Building Category	PPV (in/sec)	Approximate L _v [†]
I. Reinforced-concrete, steel or timber (no plaster)	0.5	102
II. Engineered concrete and masonry (no plaster)	0.3	98
III. Non-engineered timber and masonry buildings	0.2	94
IV. Buildings extremely susceptible to vibration damage	0.12	90

[†] RMS velocity in decibels (VdB) re 1 micro-inch/second

12.2.3 Construction Vibration Mitigation

After using the above methods to locate potential human impacts or building damage from construction vibrations, the next step is to identify control measures. Similar to the approach for construction noise, mitigation of construction vibration requires consideration of equipment location and processes, as follows:

1. *Design considerations and project layout:*
 - Route heavily-loaded trucks away from residential streets, if possible. Select streets with fewest homes if no alternatives are available.
 - Operate earth-moving equipment on the construction lot as far away from vibration-sensitive sites as possible.
2. *Sequence of operations:*
 - Phase demolition, earth-moving and ground-impacting operations so as not to occur in the same time period. Unlike noise, the total vibration level produced could be significantly less when each vibration source operates separately.

- Avoid nighttime activities. People are more aware of vibration in their homes during the nighttime hours.
3. *Alternative construction methods:*
- Avoid impact pile-driving where possible in vibration-sensitive areas. Drilled piles or the use of a sonic or vibratory pile driver causes lower vibration levels where the geological conditions permit their use (however, see cautionary note below).
 - Select demolition methods not involving impact, where possible. For example, sawing bridge decks into sections that can be loaded onto trucks results in lower vibration levels than impact demolition by pavement breakers, and milling generates lower vibration levels than excavation using clam shell or chisel drops.
 - Avoid vibratory rollers and packers near sensitive areas.

Pile-driving is one of the greatest sources of vibration associated with equipment used during construction of a project. The source levels in Table 12-2 indicate that sonic pile drivers may provide substantial reduction of vibration levels. However, there are some additional vibration effects of sonic pile drivers that may limit their use in sensitive locations. A sonic pile driver operates by continuously shaking the pile at a fixed frequency, literally vibrating it into the ground. Vibratory pile drivers operate on the same principle, but at a different frequency. However, continuous operation at a fixed frequency may be more noticeable to nearby residents, even at lower vibration levels. Furthermore, the steady-state excitation of the ground may induce a growth in the resonant response of building components. Resonant response may be unacceptable in cases of fragile buildings or vibration-sensitive manufacturing processes. Impact pile drivers, on the other hand, produce a high vibration level for a short time (0.2 seconds) with sufficient time between impacts to allow any resonant response to decay.

As with construction noise, in many cases the information available during the preliminary engineering phase will not be sufficient to define specific construction vibration mitigation measures. In such cases, it is appropriate to describe and commit to a mitigation plan that will be developed and implemented during the final design and construction phases of the project. The objective of the plan should be to minimize construction vibration damage using all reasonable and feasible means available. The plan should provide a procedure for establishing threshold and limiting vibration values for potentially affected structures based on an assessment of each structure's ability to withstand the loads and displacements due to construction vibrations. The plan should also include the development of a vibration monitoring plan during final design and the implementation of a compliance monitoring program during construction.

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