



TOWN OF PORTOLA VALLEY

7:00 PM – Regular Meeting of the Planning Commission
Wednesday, December 4, 2019
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028

REGULAR MEETING AGENDA

7:00 PM - CALL TO ORDER AND ROLL CALL

Commissioners Kopf-Sill, Targ, Taylor, Vice-Chair Hasko, Chair Goulden

ORAL COMMUNICATIONS

Persons wishing to address the Planning Commission on any subject not on the agenda may do so now. Please note, however, that the Planning Commission is not able to undertake extended discussion or action tonight on items not on the agenda.

OLD BUSINESS

1. [Proposal to Amend a Conditional Use Permit to Allow Wine Tasting and Event Space at the Spring Ridge Winery, Spring Ridge LLC, 555 Portola Road, File # PLAN_USE 4-2018 \(L. Russell\)](#)

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

2. Commission Reports
3. Staff Reports
4. [News Digest: Planning Issues of the Day](#)

APPROVAL OF MINUTES

5. [Planning Commission Meeting of November 20, 2019](#)

ADJOURNMENT

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (650) 851-1700. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours. Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley Library located adjacent to Town Hall.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only issues you or someone else raised at the Public Hearing(s) described in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing(s).



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission

FROM: Laura Russell, Planning & Building Director
Cara Silver, Town Attorney

DATE: December 4, 2019

SUBJECT: Preliminary Review of a Proposal to Amend a Conditional Use Permit to Allow Wine Tasting and Event Space at the Spring Ridge Winery, Spring Ridge LLC, 555 Portola Road, File # PLAN_USE 4-2018

RECOMMENDATION: Staff recommends that the Planning Commission offer preliminary comments on whether the proposed project is consistent with the allowed uses in the R-E Zoning District

BACKGROUND

The Planning Commission conducted a preliminary review of the proposed project on April 17, 2019 (Minutes, Attachment 1.) After the meeting, staff received comments from neighbors asking questions about the project history and expressing concerns about the proposal. To adequately respond to the neighbors' questions and clarify the process, staff is breaking up the technical aspects of the Planning Commission review into pieces.

The Commission held another preliminary review on November 6, 2019 that was focused on the General Plan. (Staff report without attachments and Minutes are included as Attachment 2 and 3 respectively.) This staff report is focused on zoning questions and consistency with the Municipal Code.

Staff anticipates that there will be additional meetings of the Planning Commission to review other topics related to the project. Those include potential issues of traffic, safety at the trail crossing, noise, light, and parking; review under the California Environmental Quality Act (CEQA); and potential safety considerations associated with wine tasting.

There have been previous applications for the property that provide background for the current application. A narrative of those actions since 2000 is included as Attachment 4 and a summary is included in the November 6, 2019 staff report, Attachment 2.

PROJECT DESCRIPTION

On December 13, 2018, staff received an application for an Amendment to an existing Conditional Use Permit (CUP) for wine production (X7D-151). The application requests that wine tasting and events be added to the approved winery uses, to be located in the existing Agriculture Building at the far northeast corner of the property, with direct access off of Portola Road.

The applicant has revised their proposal two times in response to comments from the Planning Commission and community. The discussion below reflects the description submitted on November 18, 2019.

Project

Proposal	Square Footage	Address	Zone	General Plan	Parcel Size
Wine tasting and event space uses in existing Ag. Building	2,474	555 Portola Road	R-E/3.5A/SD-2/D-R	Proposed Community Preserve- "Meadow Preserve"	228.86 acres

Setting

Existing Building	Year Built	Easements/ Trails	Surrounding Properties
Ag. Bldg 2,474 SF Existing gravel drive and parking lot from Portola Road; building well screened by existing oaks.	Ag Bldg 2013	Portola Trail and 75' Scenic Corridor Setback on Portola Road; Earthquake Fault Setbacks	Scattered single family homes to the northwest; residential/farming uses to the north; single family homes to the east; Windy Hill Open Space to the south and west

Description

The application is primarily for an expansion of the existing winery use, to include wine tasting and event space, with minor physical improvements proposed in association with the expanded use. The wine production and vineyards would stay within previously-approved amounts, and the existing Ag Building would be repurposed to serve as a wine tasting room and event space.

Since the November 6, 2019 Planning Commission meeting, the applicant has supplied a revised proposal (Attachment 5). It is summarized below, with the key revisions in **bold**.

Weekend Public Wine Tasting and On-Site Sales

- A reservation system will be utilized
- **Limited to 16 hours per weekend (Friday to Sunday)**
- **Limited to average of 12 visitors per hour**
- Friday-Sunday, seasonal afternoon hours

Weekday By-appointment Wine Tasting

- Outside of public hours listed above
- **Monday – Thursday 10 am – 7 pm**
- Limited to 30 by appointment visitors per day

Events for larger groups

- **Definition: total guests above daily limit or hours extended past routine closing time**
- **All related to wine club membership**
- **No rentals to outside groups**
- **10 total events requested**
- **Limit on attendance:**
 - **4 events with 100 person limit**
 - **6 events with 150 person limit**
- **4 events may end after routine closing time (7pm)**
- **No amplified music**
- On event days, no regular public visits

Proposed physical improvements would be relatively minor and would be reviewed by the ASCC at a future meeting. They include the items below, with additions since the November meeting in **bold**.

- Creating 13 additional gravel parking spaces, to supplement the existing gravel lot adjacent to the building
- Installing low path lights around the parking areas as needed (no other permanent lighting is proposed)
- Reconfiguring of surrounding fencing to connect with existing driveway gate
- Installing a concrete ADA parking space adjacent to the building and reconfiguring the interior bathroom to create an ADA facility
- Shifting the previously approved vegetable garden toward the front of the vineyard area.
- Installing one new entry sign with four square feet of signage on each side, located at the driveway entrance along Portola Road (an encroachment permit would be required).
- **Warning/Stop sign at exit**
- **Safety improvements with Public Works Involvement such as small tree removal and lowering of berm**

STAFF ANALYSIS

The analysis below is focused on zoning requirements of the Municipal Code and whether the proposed land uses are allowed in the R-E Zoning District. Staff anticipates additional Planning Commission review of other topics related to potential impacts and review under the California Environmental Quality Act (CEQA) at future meetings.

The Applicant's proposal consists primarily of a change in use for an existing agricultural building to include wine tasting, on-site sales, and events. Physical changes to support this use are limited. The question before the Planning Commission is whether the proposed change in use of the existing building is consistent with the Municipal Code.

The Municipal Code allows Principal Uses, Conditional Uses when a Conditional Use Permit is granted, and Accessory Uses when those uses meet the requirements set forth in the Code. Therefore, the proposed uses would have to fall into one of those categories in order to be approved. The proposed uses do not fall into the category of Principal Uses, so that is not considered further. The Municipal Code does not allow tasting rooms, on-site sales, or event spaces as stand-alone (primary) land uses in the R-E Zoning District. The proposed uses of wine tasting, on-site sales, and events may fall into the category of Conditional Uses or Accessory Uses (or neither), so those are considered in the discussion below.

In order to be approved, the proposed uses have to be found to be Conditional Uses or Accessory Uses. The Planning Commission should consider whether the proposed uses fit within one of the allowed categories in the Code.

The discussion below includes the following formatting: Municipal Code language is indented, questions for the Planning Commission's consideration are in **bold**, and Staff analysis is in *italics*.

Conditional Use

The Portola Valley Municipal Code (PVMC) states that wineries are a Conditional Use in the Residential Estates zoning district, and describes what they entail:

Wineries which include all or any combination of the following:

1. Growing of grapes;
2. Importation of grapes for the purposes of establishing and sustaining a winery operated for the purpose of producing wine from grapes grown on the premises;
3. Making of wine;
4. Wholesale and retail trade of wine produced exclusively on the premises;
5. Winery buildings and related structures (PVMC Section 18.12.030.J).

A series of questions are included below for the Planning Commission's consideration, followed by Staff's analysis,

- **Are the proposed tasting room and on-site sales consistent with this definition?**
- **Are the proposed events, as described in the amended project narrative, consistent with this definition?**

Staff Analysis: Retail trade of wine produced on the premises is expressly included in the definition. As such, on-site sales would meet this requirement. The definition does not include a tasting room. The Commission should consider whether a tasting room could be considered integral to a winery as described in the Code.

The applicant has revised the request and describes all the proposed events as related to wine club membership. The Commission should consider whether these events could be considered integral to the land use of a winery, as described in the Code.

When making these determinations, the Commission should consider PVMC Section 18.02.120, which states:

Any use not authorized in any district by Chapters 18.10 through 18.32, 18.36 and 18.40 as a regular principal use, conditional use, or accessory use is prohibited unless and until so authorized in accordance with the procedures and requirements of Chapter 18.38. (Chapter 18.38 allows determinations by the Planning Commission in non-residential zones and does not apply to this case.)

Staff Analysis: In common language, this provision has been interpreted to mean that if a land use is not listed as a principal, conditional, or accessory use, then it is not allowed.

If the proposed uses of tasting room and events are not considered integral to a winery, then they cannot be approved as a Conditional Use and the Planning Commission should consider whether they meet the definition of Accessory Use.

Accessory Use

The Municipal Code includes two definitions of Accessory Use, the first in Chapter 18.02 General Provisions and the second in Chapter 18.36 Uses Permitted in All Districts.

The first definition is challenging to apply due to confusing language:

Accessory uses are those related secondary uses necessary or incidental, appropriate and subordinate to the operation and enjoyment of the principal use of the parcel or structure on which located in the districts where so authorized by the district regulations [sic]. No use in any district shall be permitted as an accessory use which is not qualified as set forth in this section, or which constitutes in effect a conversion of a principal use to one not permitted in that district. (PVMC 18.02.110)

The second definition includes language that is more clear and specific (spacing and bold added by Staff):

An accessory use is a related minor use which is either:

- (a) necessary to the operation or enjoyment of a lawful principal use or conditional use, **or**
- (b) appropriate, incidental and subordinate to any such use.

No use in any district shall be permitted as an accessory use which is not qualified as hereinabove set forth, or which constitutes in effect a conversion of a principal use to one not permitted in that district. (Excerpt from PVMC 18.36.040)

In determining whether the proposed use is accessory to the existing conditionally permitted use of a winery, the Code contains the following definition of a winery:

Wineries which include all or any combination of the following:

1. Growing of grapes;
2. Importation of grapes for the purpose of establishing and sustaining a winery operated for the purpose of producing wine from grapes grown on the premises;
3. Making of wine;
4. Wholesale and retail trade of wine produced exclusively on the premises;
5. Winery buildings and related structures.

(Municipal Code Section 18.12.030 (J).)

A series of questions are included below for the Planning Commission's consideration, followed by Staff's analysis.

- **Is the tasting room related and minor, compared to the winery uses?**
- **Is the tasting room necessary to the operation or enjoyment of the existing use of a winery? (Or)**
- **Is the tasting room appropriate, incidental and subordinate to the existing winery uses?**

Staff Analysis: The Commission should consider the scale and intensity of the proposed tasting room in considering whether it is minor. Furthermore, the Commission should ensure that the proposed tasting room would not result in a conversion of the principal uses of a residential property and a winery to a different use.

- **Are the proposed events related and minor, compared to the winery uses?**
- **Are the proposed events necessary to the operation or enjoyment of the existing winery uses? (Or)**
- **Are the proposed events appropriate, incidental and subordinate to the existing use of a winery?**

Staff Analysis: The Planning Commission should consider the number, type, scale and intensity of the proposed events to determine whether the totality of the events would be related and minor compared to the winery use. The Commission should ensure that the totality of the events would not result in the conversion of the principal uses as a residential property and a winery to a different use.

Additional Information on Accessory Use

At the April 17, 2019 Planning Commission meeting, the Commission requested additional information on how "Accessory Uses" are typically treated to assist in analysis and decision making. The Commission requested guidance from the Town Attorney on this topic, which is included below.

It is common for zoning ordinances to designate a list of expressly permitted uses in a given zoning district along with "accessory" uses.¹ There is no uniform definition of "accessory" use and regulations vary from town to town. That said, many codes require an accessory use to be integral, necessary or demonstrably related to the primary use. It is also common that accessory uses be incidental or subordinate to the primary use.² Some codes also evaluate the impacts of the accessory use compared to those of the primary use. Even if a zoning ordinance does not expressly authorize accessory uses, courts recognize that a permitted use may include some implied uses which could be also be viewed as accessory.³ For example, in an

¹ *In re Scarpitti*, 124 Cal. App. 3d 434, 440 (1981); *Greenfield v. Board of City Planning Com'rs of Los Angeles*, 6 Cal. App. 2d 515 (1935).

² 66 Cal. Jur. 3d Zoning and Other Land Controls § 231.

³ *City of Beverly Hills v. Brady*, 34 Cal. 2d 854 (1950).

office zoning district, the following types of uses may be considered as a permitted use: parking, storage of office supplies and equipment, operation of vending machines, monthly celebration of employee birthdays, videoconferencing, and talent exchange programs. However, it's unusual to see these types of uses expressly articulated in the code.

For residentially zoned property, privacy issues occasionally come into play. For example, while many cities have "single family" zones, courts have struck down regulations limiting the number of unrelated people from living together as unconstitutional.⁴ Also, courts recognize that people may pursue many incidental hobbies or activities in their home which do not materially affect the residential character and appearance of the principal residence or the neighborhood.⁵ On the other hand, courts have found that an attorney's primary use of a residentially zoned property for law offices, where the attorney resided at another residence, was not a valid accessory use.⁶

The language in the Town's Code is subjective and permits an ad hoc determination. As with any subjective criteria, it is up to the Planning Commission to evaluate whether the proposed uses fall within the parameters of the Code.

PUBLIC COMMENTS

A significant number of public comments have been received since the initial application. To ensure the complete set of comments are available to the Planning Commission and public, they are Attachment 6 to this staff report and will be included with future reports.

CONCLUSION

Staff recommends that the Planning Commission consider the application, staff report and public comment, and provide preliminary feedback and direction on whether the proposed project is consistent with the allowed land uses in the R-E Zoning District.

ATTACHMENTS

1. Minutes from April 17, 2019 Meeting
2. Staff Report from November 6, 2019 (without attachments)
3. Minutes from November 6, 2019
4. Previous Applications at the Site Since 2000 (Electronic version includes links to minutes from meetings. Residents that would like paper copies of the minutes should contact Planning Staff.)
5. Applicant Revised Project Narrative (dated November 18, 2019)
6. Public Comments (Initial application through publication of this report on November 27, 2019)

⁴ *City of Santa Barbara v. Adamson*, 27 Cal.3d 123 (1980)

⁵ *City of Beverly Hills, supra*, 34 Cal. 2d at 857.

⁶ *County of Butte v. Bach*, 172 Cal. App. 3d 848(1985).

PLANNING COMMISSION
Regular Evening Meeting, 765 Portola Road

APRIL 17, 2019

CALL TO ORDER AND ROLL CALL

Chair Goulden called the Planning Commission regular meeting to order at 7:00 p.m. Planning & Building Director Russell called the roll.

Present: Planning Commissioners: Kopf-Sill, Targ (arrived at 8:15 p.m.), and Taylor; Vice Chair Hasko; Chair Goulden
 Absent: None
 Town Staff: Laura Russell, Planning & Building Director; Arly Cassidy, Associate Planner

ORAL COMMUNICATIONS

None.

NEW BUSINESS

- (1) **Preliminary Review of a Proposal to Amend a Conditional Use Permit to Allow Wine Tasting and Event Space at the Spring Ridge Winery, Spring Ridge LLC, 555 Portola Road, File # PLAN USE 4-2018 (A. Cassidy)**

Associate Planner Cassidy described the application, the property history and background, the project description, staff analysis, and findings, as detailed in the staff report. Staff recommended the Planning Commission consider the application, receive presentations by staff and the applicant, as well as public comment, consider any other relevant information, and then offer comments, reactions and directions to assist the applicant to make any adjustments or clarifications that Commissioners conclude are needed before considering final action on the application.

Associate Planner Cassidy asked that the Commission consider the following specific questions:

- Is the tasting room consistent with the Code description of a winery?
- Is event space, as described by the applicant, consistent with a winery?
- Is it an integral, accessory, or an independent use?
- Do you have any initial feedback for staff on the findings and whether they can be made?
- Are there any requests for additional information that staff can provide?
- Is any further analysis needed for General Plan conformity?

Chair Goulden invited questions from the Commission.

Commissioner Taylor asked how many gallons of wine per year were proposed. The applicant said the current gallons in bond is approximately 2,400 which translates to approximately 1,000 cases.

Commissioner Taylor asked for clarification regarding the location of the proposed signage. Associate Planner Cassidy said a single blade sign is proposed, with signage on both sides of a flat surface. The sign itself would be reviewed by the ASCC and then need an encroachment permit because it is within the public right-of-way.

Commissioner Taylor asked if there had been any annual reviews of the CUP since 2013. Associate Planner Cassidy said there had been none to her knowledge. Chair Goulden said reviews were

historically set up at the discretion of staff, although lately the Commission has been asking that they occur more commonly.

Vice Chair Hasko asked about the overflow parking. The applicant said no trees would be removed and no grading would occur.

Vice Chair Hasko asked about the location of the reconfigured vegetable garden. Associate Planner Cassidy pointed out where the garden currently is located and the proposed reconfiguration. Vice Chair Hasko asked why it was being combined. The applicant said polycultures are healthier than monocultures.

Vice Chair Hasko asked if any studies had been done to support whether this would serve primarily Portola Valley. The applicant said they have not done any market surveys because they've been trying to stay within their permit. She said a little less than half of their current wine club is from Portola Valley and more than half of their holiday seasonal sales, which is the busiest time in the market, were Portola Valley residents. She said a year ago, they considered an open house, and when it was publicized via the PV Forum they had to cap ticket sales quickly, which indicated a strong interest.

Vice Chair Hasko asked about the permitting of the wine barrel storage. Associate Planner Cassidy said the structure itself is not bonded and cannot function as part of the winery, such as holding barrels containing wine, but it can store empty barrels. She said the structure would need to be bonded and permitted per State and Federal regulations.

Vice Chair Hasko asked if the nature of the use changed, would an analysis would be needed regarding the composting toilet. Planning & Building Director Russell said staff has not gotten that far in the process yet.

Commissioner Kopf-Sill asked if multiple CUPs can exist for a property at one time. Associate Planner Cassidy said the general approach is that if there are related topics such as wine tasting and a winery, then they would preferably be grouped into a single use permit and amended. She said in this case, the wine production existed previous to the Spring Ridge LLC buying the property, so there are two functioning uses – the winery and the residential use. One CUP is for the winery and the other is for the residential use.

Commissioner Kopf-Sill asked how many properties received notice. Associate Planner Cassidy said it went to a 300' radius but did not have that figure available, but said a list of the mailing addresses is available.

Commissioner Kopf-Sill asked what would trigger the CEQA review for the event uses. Planning & Building Director Russell said in their preliminary analysis, they found the areas that might warrant additional study included traffic, noise, and what the General Plan says regarding preservation of the meadow.

Commissioner Taylor asked regarding the residential CUP. Associate Planner Cassidy said the proposal for the residential uses in a number of the structures were beyond what's allowed by right (floor area, impervious surface) under the zoning codes, so the applicants were required to have a Use Permit to allow greater development. Planning & Building Director Russell said the project architect is present to answer questions.

Commissioner Taylor asked if the request is to convert the residential use to commercial use. Associate Planner Cassidy said there are two existing Use Permits that potentially cover the entire property. She said tonight's proposal is to alter the Use Permit 151, because the main proposal is

about the use of a building and the expansion of the winery use. The building itself is not being altered and was built according to the previously approved residential Use Permit. She said that the building is complete and that aspect of the approval has been exercised and completed. She said the use itself is what is being altered, so the winery use is what would change under this proposal.

Applicant Lucy Neely and her colleague, Shalini Sekhar, led a slide presentation regarding the project. She thanked the Planning Commission for their feedback, staff for their attentive review of the application, and the input from their neighbors and friends.

Ms. Neely said they have had vineyards for 38 years and a winery for 17 years. She said there have been significant changes at Spring Ridge recently coinciding with significant changes in the wine industry. She described the history and evolution of the vineyard and business into a more family-run affair. She said their priority is to be able to continue to live on the land in a way that feels beautiful to them, including open space, tranquility, agriculture, family, community, and friends.

Ms. Neely said their top priority is for Neely Wine to be able to help support the stewardship of Spring Ridge. She said due to the significant changes in the wine industry, the business must evolve in order to achieve that goal.

Ms. Sekhar said she is the winemaker at Neely Wine. She was previously in the production side of the wine business. She explained the direct to consumer channel includes tasting room, online sales, events, and wine clubs. She said the proportion of direct consumer sales versus distribution has greatly increased. She said small boutique wineries such as Neely cannot sell through the distribution channels in any profitable or even break-even way. She said they need to get their wines into the marketplace so that people know their name so they might direct order, visit, and join the wine club. She said the goal of a tasting room is to connect with consumers to grow the wine club.

Ms. Neely explained why it is preferable to have the wine tasting room adjacent to the vineyard. She said they believe the proposed location for their tasting room is beautiful, in the right neighborhood, has great screening, and will be low impact, requiring no modifications. She said the operations would include public drop-in hours, by appointment, and events. She said the tasting room is essential to create and maintain a thriving wine business whose purpose is to preserve the stewardship of Spring Ridge.

Ms. Neely listed their needs and desires. She said they need to be able to continue to live there, they need the tasting room, they need enough customers and visitors to sell their product direct to consumer, they need a variety of ways to interact with that space to keep it dynamic and interesting, and they would like to occasionally offer food and music. She said they desire to continue to steward Spring Ridge, to locate the tasting room as requested, have public hours by appointments and events, and to create positive externalities.

Ms. Neely said she understands and shares the neighbor concerns, and they are listening and hear them. She said they are committed to addressing the concerns, and they welcome more ideas from the Planning Commission and public.

Ms. Neely said, with regard to parking, that they are committed to no cars parking on Portola Road. She said they share the driveway with the Windy Hill Open Space parking lot, which has cars on the road every weekend, and they do not want to add to that situation. She said they want to have enough on-site parking for whatever they do. She said they want to create a tasting room culture that includes signage, penalties, communication from staff so that everyone knows that parking on Portola Road is not okay. They also want to explore the possibility of being a by-reservation-only tasting room, which would inherently limit the number of visitors so all parking can be accommodated on-site.

Ms. Neely said they understand the concern about noise. She said they also love the quiet tranquility of Portola Valley. She said these concerns can be mitigated with constraints and regulations about hours of noise, frequency, indoor versus outdoor music, seasonal timing, and a tasting room culture of tranquility. She said they do not want to create something that will inherently undermine the tranquility that they love about this place. She said if they could play music inside with doors closed and no neighbors can hear it, that may offer some comfort. She suggested best practices of communication with neighbors as well as a mechanism for receiving feedback.

Ms. Neely said safety is a great concern. She said this is also her neighborhood, and she is committed to this being a safe space. She said there has been concern expressed that people will be drinking wine and how to keep it safe. She said there will be appropriate warning signage upon exiting. She said staff will be trained and use best practices to limit alcohol consumption. She said they can incentivize designated drivers and create a tasting room culture discouraging overconsumption. She said there is tranquility and tastefulness to the space and being drunk is not compatible with that level of beauty. She said they will reach out to the Portola Valley Bicycle, Pedestrian and Traffic Safety Committee, and the Trails and Paths Committee to help facilitate safe interaction. She said minimal pruning at the driveway area will improve visibility. She said there can be a regulation of the number of cars able to visit the tasting room at one time, thereby limiting the traffic and mitigating safety concerns.

Ms. Neely said concerns have been expressed about events. She said their lack of specificity regarding the type of events they were considering contributed to community nervousness. She said if they do have events, they can be created and curated so they are not noisy. She said they are considering events for the Sequoia residents, wine club events, fundraisers for local nonprofits, celebrations, ceremonies, birthday parties, small weddings, family days, Earth Day, etc. She said they are less interested in hosting large corporate events, but more community-oriented events to support the wine club and the community.

Ms. Neely said there was concern about the visual effect on the Scenic Corridor. She said the site, including the building, parking, and adjacent patios are well screened from Portola Road and neighbors, and she does not anticipate this to be an issue. She said the goal is to preserve the Scenic Corridor by preserving Spring Ridge as an intact and undeveloped land base.

Ms. Neely said there was concern about the location selected for the tasting, and it was suggested they have an urban location, for example in downtown Saratoga. She said they prefer the proposed location because it is a better experience for customers and is a beautiful space. She said it would be prohibitive for them to go out and rent a space when they already have an existing building. She said it would be disorienting to go somewhere else to sell their wine when they want to be connected to the place where they are growing the grapes, making the wine, and living. She said they grow all of their grapes on-site and do not buy or sell any grapes. She said including their sales mechanism as part of the vertically integrated business allows for the greatest sense of connection and stewardship along the whole supply chain. She said it feels important to connect with their community, versus having, for example, a tasting room in downtown Saratoga. She said they carefully considered the suggestion about placing the tasting room in the uphill vineyards. She said if they go uphill, they will need to modify the buildings, build new buildings, increase parking, and modify roads, creating a lot more impact. She said the barn building is better suited as a large space to hold people in a beautiful way. She said the driveway up the hill is already chaotic on the weekends with the Windy Hill parking space.

Ms. Neely said it was suggested there is no need for their resource in this community. She disagreed, stating this will be a beautiful resource for the community, providing a place to connect with local agriculture, with proprietors that want to provide this as a community space. She said various community members have repeatedly told her there is a desire for more places in Portola Valley where people can have this kind of connection.

Ms. Neely addressed the concern about their motivation for the project. She said there were concerns that the Neelys would be compromising the Scenic Corridor for financial gain or that Portola Valley might be compromising its ethics to support a commercial venture that is inherently mercenary. She said their goal is to preserve Spring Ridge and to preserve the Scenic Corridor. She said making money in a wine business is an accessory use to the principal use of preserving Spring Ridge. She said if their goal was to make money, the real estate development potential of Spring Ridge is much greater than anything they could make from a boutique winery. She said the wine business is for the love of the land, of the agriculture, of the wine, and hopefully the community you can share it with.

Chair Goulden invited questions from the Commissioners.

Vice Chair Hasko asked about the current use of the agricultural building. Ms. Neely said it is a multipurpose space, used for storage and as a workshop. Vice Chair Hasko asked if that was the original intent when built. Ms. Neely said she believes the intent was related to the hay operation. She said CUP 169, approved in 2009, was for the buildings, but not the vineyards, predicated upon the idea there would be haying in the field and the agricultural use of that building would be related to the hay operation. She said in 2013, it was amended to allow the vineyards, and there was no longer a hay operation to utilize that building.

Vice Chair Hasko asked if the new 5-1/2 acres more recently approved were planted yet or just staked. Ms. Neely said two acres are planted and another two acres have trellising infrastructure that will be planted in the next month.

Vice Chair Hasko asked how the applicant derived that there is less traffic on the weekends. Project architect Carter Warr said there was a traffic study with the Windmill School project that identified the traffic days, times, and hours. It showed that traffic coming into town during the workweek is substantial, and during the weekend it is less. Vice Chair Hasko asked if that tracked the bicyclists on the weekends. Mr. Warr said he thinks that was also tracked.

Commissioner Kopf-Sill asked how important music was to the proposal. Ms. Neely said they propose to do up to 24 events a year. She said they could be done without music; however, she said music tends to make events more enjoyable, and they would prefer to have music. She said they can do it in a way where their neighbors don't hear it. She said they had an event a month ago with music inside, and their closest neighbor did not hear it because the doors were closed.

Commissioner Kopf-Sill asked about the proposal for food for events. Ms. Neely said they are not applying for any permit that serves food and have no kitchen to prepare food. She said the food plan would be to have an occasional food truck if it was an event that would benefit from food.

Commissioner Kopf-Sill asked if a developer could build 65 houses on the property. Planning & Building Director Russell said the yield would not likely be that high. She said that analysis has not been done. She said there are a lot of limiting factors including the significant slope, so it is not the simple calculation of dividing it into 65 3.5-acre parcels. She said, however, the property is in theory developable and subdividable.

Mr. Warr said he has been working with the Neelys since 1996. He said early on they did an assessment of the holding capacity of the property, both in the slope density ordinance and the two zones on the property. He said the holding capacity is significant, even considering the geography. He said the Neelys have always wanted to preserve that property as one. He said during the process of approving the vineyards as an alternate use to the hay, Chip McIntosh talked about the vineyards being a permanent crop, one of the best ways to preserve open space that is visually accessible to the public. He said the Neelys have done an awesome job stewarding the land, which does take money

and a sustainable attitude toward the land to achieve. He said Federal and State laws have clearly recognized wine grape producers and wineries as needing the opportunity to sell direct.

Chair Goulden asked Mr. Warr if they determined how many properties could be developed. Mr. Warr said it was in excess of 28. Ms. Neely added that most of those 28 would be where the vineyards are located.

Commissioner Taylor said as he looks through all the CUPs, this feels like a slippery slope incremental process to an unknown stopping point. He said he appreciates what the applicant is trying to do and said their presentation was wonderful. Ms. Neely said she understands how the various CUPs and amendments over the last decade could feel like a slippery slope. She said this is only her second Planning Commission meeting. She said she thinks it is probably up to the Planning Commission to decide those boundaries. She said her family's capacity and energy is limited, and she does not imagine them endlessly wanting to do more things. Ms. Sekhar said with the new plantings, as an example of later developments leading to where they are now, it will take three to four years for a first crop. She said they are confined to those four acres. She said there is also the capacity of the winery itself, which is the bonded facility to actually produce wine and will continue to be the facility in which they produce wine. She said that is mid-slope in the vineyards, built into the hillside. She said there is no way for them to expand much further in terms of a production facility. She said the Neelys' desire to grow grapes, make wine, and not sell grapes to other places is also a limiting factor.

Commissioner Taylor asked regarding the maximum number of cases the winery could create in any year. Ms. Sekhar said the maximum, 10 years from now, might be about 3,000 cases. She said that would be a limiting factor in terms of tasting room traffic.

Chair Goulden invited public comment.

Mike O'Donnell, 70 Stonegate. Mr. O'Donnell said it was not the lack of specificity in the proposal that concerned him. He said quite a few details concerned him, the major one being large outdoor events with up to 75 people with the potential of being outside with wine, food, and music – basically partying. He said it will feel like living next to a frat house. He said with that happening up to 24 times a year until 9:00 p.m., in addition to an unlimited number of times with up to 30 guests until 7:00 p.m., it is ironic that tranquility is mentioned as one of the goals of the program. He could not imagine how the Town could allow such an intrusion on the tranquil Portola Scenic Corridor with all the noise and parking problems, and what basically amounts to drinking parties on the property, which he does not think is necessary to increase wine sales to consumers.

Renata Dionello, 30 Stonegate Road. Ms. Dionello expressed her opposition to the proposal, as detailed in her letter of opposition, which was included in the staff packet. She said the proposal is inconsistent with development that has been previously allowed on the Scenic Corridor. She said the Town should be concerned about the effect of the events on residents and the public drop-ins of non-Portola Valley residents.

Sandy Patterson, 126 Stonegate Road. Ms. Patterson expressed her opposition to the proposal, as detailed in the letter of opposition from her and her husband, Wil Patterson, which was included in the staff packet. Ms. Patterson said she and her husband have lived here for 32 years. She said they do not see animals anymore, and instead, there is agriculture with fences and dogs to keep the animals out of the vineyards, but they understand that, being from farming families. She said the current proposal seems like a huge leap. She said the mingling of cyclists, hikers, horseback riders, and senior citizens with wine tasters worries her from a safety perspective and could be a liability for the Town of Portola Valley. She said it is important to maintain the tranquility of the Scenic Corridor. She said right now, from the Town Center to the Woodside Priory, it is quiet after 5:00 p.m.

Taylor Hinshaw, Stonegate Road. Mr. Hinshaw thanked the Planning Commission for their time and willingness to adjudicate these types of debates and try to figure out what's right for Portola Valley. He said he brought his copy of "Life on the San Andreas Fault," which provides a thrilling history of Portola Valley. He said tonight's debate is not new. He said the Town was incorporated because of dispute about how to use the open space. He said although the General Plan states that parking is to be discouraged on the side of Portola Road, it is now a regular occurrence on weekends. He said that issue should be solved first.

Laura Stec, 1100 Westridge Drive. Ms. Stec expressed her support of the Neely Wine Tasting Room, as detailed in her letter, which was included in the staff report. She was supportive of the Neely's stewardship of that property and would welcome another community gathering space. She said she is a founding member of the Farmer's Market and remembers when people were concerned about infected vegetables coming into town, pollution, noise, and traffic. She said the Market has been going for four years, and there is no longer an argument about it, and it has been welcomed in Portola Valley.

Leonard Lehman, 850 Los Trancos Road. Mr. Lehman owns and operates Portola Vineyards, located near the subject site, but within the jurisdiction of the City of Palo Alto. He expressed his support of the application, as detailed in his letter, which was included in the staff report. He said small wineries can only exist by building relationships with customers.

Jerry Kohs. Mr. Kohs is concerned about the slippery slope. He said if the Planning Commission goes along with something that just six years ago was explicitly prohibited, then CUPs have no value. He said there are many MBAs in Portola Valley who could offer suggestions to the Neely's regarding their financial issues. He said having half-drunken people coming in and out of that property is not an asset to the town.

With no additional public comment, Chair Goulden brought the item back to the Commission for discussion. He suggested beginning the discussion with general comments.

Vice Chair Hasko said it is clearly a beautiful property. She said the spirit of much of what the applicants are saying is admirable, sharing their local agricultural traditions and preserving the land use to be more compatible with open space. She said in order to get to the point of making findings, it must be found this is accessory use. She said the Town Attorney may be able to provide more context. She said parking is accessory; however, events may not necessarily be an accessory use. Vice Chair Hasko said she does not feel she has enough legal information regarding that aspect. She said she was on the Portola Valley Scenic Corridor Plan Ad Hoc Committee. She said a priority was to encourage pedestrian, equestrian, and bicycle use near the Town Center. She said she is concerned about the ingress/egress of the property. She said there are a lot more bicyclists on the weekends than during the week. She said someone coming to visit a vineyard might not be expecting the horse traffic they would encounter. She said the intent in theory to solve a lot of these issues is by having quiet parties, making sure people do not over-imbibe, etc. She said at the end of the day, however, this is a business, and she questions the ability to adequately control the customers. She was supportive of the spirit of preserving the land and the use of it.

Commissioner Taylor was also supportive of the spirit of the applicants. He said they need to proceed with caution and said the proposal as presented is too big a leap. The applicant prefers the northern driveway to the southern driveway because of the open space traffic. Commissioner Taylor said he believed the opposite and would rather see people come in the same driveway, and turn and come down the vineyard so there is one driveway that pedestrians, horses, and bicyclists are navigating rather than two. He preferred by-appointment versus drop-in for easier control. He said he is not fundamentally opposed to events, but 24 is too many. He suggested maybe four events plus a couple

of community events. He said he is also concerned that this is a slippery slope and perhaps just a stepping stone to something even bigger.

Commissioner Kopf-Sill said the property is beautiful and seems like a great place for wine tasting and events. She said she wants to be supportive of someone motivated to keep land as vineyards and open space. She said 28 luxury homes in that location would add a lot of traffic and light. She said the building is well screened, and no one would know there was wine tasting going on there. She said because it is hidden, however, bicyclists, pedestrians, and equestrians would not be expecting cars to drive in or out. She said without a legal opinion, it seems the wine tasting fits with the use. She was less comfortable with the impact of events on the neighbors, especially with music. She was not concerned about the slippery slope. She said the world changes, and it is sensible for people to come with new proposals, and it is up to the Planning Commission to make those evaluations to approve or not.

Commissioner Targ disclosed he is a member of the wine club and does enjoy the Neely Wine. He said he does not think that should be a cause for recusal. He said there is another winery in town, the Thomas Fogarty Winery. He said some amount of education would be helpful for him to learn about that facility's operations, events, and wine tasting, and what is treated as accessory and not accessory. He would want to know if there was an issue of half-drunken people coming out of the Fogarty Winery and if there has been a significant conflict between bicycles and hikers with the winery. He agreed with Commissioner Taylor's comments that some very basic and practical issues need to be hashed out. He said 24 events seems like a lot, but he is willing to keep an open mind about it. He said in general, he views agriculture as absolutely in keeping and essential to the valued rural nature of the community. He views winemaking as he views other maker activities and said it resonates with the historical spirit of the town and who we are now. He said it is essential that the Commission be attendant to issues of traffic, safety, conflict, noise, light, and probably parking, for which there may be some elegant solutions.

Chair Goulden agreed that a vineyard helps in supporting the rural character of the town and providing more of a farm community. He said he is also certain the Town is not trying to develop a destination point for a wine industry with tour buses. He said his initial reaction is that wine tasting makes a lot of sense for a winery. He said he thinks the concerns about traffic, parking, lights, etc., can be mitigated. He said he was concerned about the events and said they should be more focused as accessory to the winery and fewer. He was supportive of proceeding forward with the more general regular review of CUPs, checking in with neighbors and concerns checkpoints.

Chair Goulden asked staff if the primary questions had been addressed. Associate Planner Cassidy said staff would like to go through the uses. She said since the applicant has expressed some flexibility regarding events, she suggested the Commission expand on how they feel about various types of events. She said Ms. Neely talked a lot about community focus and community-based events. Associate Planner Cassidy said a lot of people, when reading the initial proposal, pictured corporate rental events. She asked the Commission to consider where the accessory line gets crossed in the spectrum of by-reservation only all the way to full-on rentals and weddings. She said the idea is to understand if both tasting rooms and events can possibly be considered as part of or accessory to a winery use and, if so, how that can be limited to make sure that it stays properly under that umbrella as opposed to bleeding out into something else.

Vice Chair Hasko said, regarding Commissioner Targ's suggestion to look at other examples, that the examples did not need to be limited to wineries. She said they could look at the events held at Windmill and what makes them accessory. She said the applicant needs to take the Commission's comments and repackage and reformulate their proposal. She said she could not provide more specific guidance

without having more information regarding accessory use. She said there may be other impacts that need to be fully understood regarding the open space.

Commissioner Taylor said he is sympathetic to promoting the wine club as a way to make the business viable. He said the winery is artisanal, will not be a great economic boom, and he understands the direct-to-consumer approach. He said he is comfortable with the tasting room being part of the winery, done by appointment, controlling the number of visitors and the amount they drink. He said if the event space is in service of the wine club and introducing the community to agriculture and the vineyard, he is comfortable, but for four to six events, nowhere near 24 events. He said 24 events does not sound auxiliary in any way.

Commissioner Targ said there is a lot of precedent and case law regarding what is and is not accessory. He said someone needs to do the work to determine the parameters. He said it needs to be figured out how accessory uses have been treated. He said the Fogarty Winery has periodic weddings in their large hall. He said he would need to understand the parameters before forming a solid opinion. He said on a barnyard level, the idea of a tasting room and selling wine at a vineyard seems quite connected, but he is not sure it is truly accessory. He said he didn't know if having an event in a beautiful open space is accessory. He said by-appointment visits seems challenging, and he is not sure that is a workable or necessary model.

Commissioner Taylor said he is also interested in seeing the Fogarty comparison. He said it does not seem similar to him just because it's a vineyard. He said the Fogarty vineyard is in a very remote place with no hiking trail, limited cyclists, no close neighbors, etc. He said, with regard to the by-appointment model, it could be an almost automated process with an app or the internet.

Commissioner Kopf-Sill said the accessory use for Fogarty's was made because the events were needed for financial viability. Planning & Building Director Russell said the Fogarty CUP was analyzed a different way at that time. She said today, a different standard would be used focused more on impacts and not financial aspects. She said the staff report includes quite a bit of material regarding the Fogarty CUP. She said based on the Commission's feedback, staff can focus the research done on Fogarty and present it in a way that specifically addresses these comments.

Commissioner Targ asked staff to also review what other municipalities are doing in the general area. Planning & Building Director Russell said they may be able to get some information regarding safety issues and interplay with traffic safety, pedestrians, and bicyclists. Commissioner Targ said he would also be interested in the definitions of accessory or non-accessory in the local practice in the area. He said he does not know how to think about accessory in the context of a winery.

Commissioner Kopf-Sill said it would be interesting to know how many events the Town Center holds and how many weddings the church holds. She wondered how many neighbors would be affected if there was music at the Town Center space versus the winery proposal and if it was a comparable noise generator.

Chair Goulden said, with regard to wine tasting, he is more concerned with managing the total number of people coming through as opposed to whether or not it is by appointment. He said he likes the idea of an app-based appointment system. Chair Golden said there is a big difference between an event with 30 wine tasters and an event with 75 people. He said when he says he doesn't want to see a lot of events, he's thinking of big events, and there may be some middle ground that may be very manageable.

Ms. Sekhar said she understood the concern regarding drinking and driving. She said licensing to have a tasting room through the ABC regulates how much wine they can pour and the size of the pours,

which limits how affected a person would be. She said spitting out the wine is commonplace. She said the types of consumers that their brand appeals to, because of the quality level and price point, tend to be serious tasters. She said they are also not located along a corridor as in Napa Valley where you can go from winery to winery where the cumulative effect is what becomes concerning.

Commissioner Taylor agreed that drinking in a tasting room is minimal, but the drinking is much different at events.

Commissioner Taylor asked the applicants to look at the option of using the common driveway as an entrance rather than an additional driveway.

Planning & Building Director Russell advised the public that all property owners within 300 feet will receive notice when the item is heard in the future.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(2) Commission Reports

Commissioner Kopf-Sill attended the ASCC meeting.

(3) Staff Reports

None.

(4) News Digest: Planning Issues of the Day

Associate Planner Cassidy shared an article of interest with the Commissioners – “Housing shortages and NIMBYism driving homeless crisis, says new report.”

APPROVAL OF MINUTES: February 6, 2019, and March 6, 2019.

(5) Planning Commission Meetings of February 6, 2019, and March 6, 2019

Vice Chair Hasko moved to approve the minutes of the February 6, 2019, meeting, with amendments to punctuation on red page 108 and confirmation of language on red page 110. Seconded by Commissioner Targ, the motion carried 5-0.

Commissioner Targ moved to approve the minutes of the March 6, 2019, meeting, as submitted. Seconded by Commissioner Taylor, the motion carried 3-0-2, with Commissioner Kopf-Sill and Vice Chair Hasko abstaining.

The Commission discussed how to handle last-minute comment letters that come in prior to a meeting. Planning & Building Director Russell said she will check in with the Town Manager regarding this, which may require some feedback from the Council to align the practices. She said staff might add to the notices a cutoff date for written comments to make it into the packet. Per Commissioner Targ’s comment, Planning & Building Director Russell said the matter can be taken up at the Mayor and Chairs meeting. Vice Chair Hasko said in general she would like to know what people are thinking sooner rather than later.

ADJOURNMENT [9:22 p.m.]



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission

FROM: Laura Russell, Planning & Building Director

DATE: November 6, 2019

SUBJECT: Preliminary Review of a Proposal to Amend a Conditional Use Permit to Allow Wine Tasting and Event Space at the Spring Ridge Winery, Spring Ridge LLC, 555 Portola Road, File # PLAN_USE 4-2018

RECOMMENDATION: Staff recommends that the Planning Commission offer preliminary comments on the proposed project's consistency with the General Plan

BACKGROUND

Planning Commission Review Process

The Planning Commission conducted a preliminary review of the proposed project on April 17, 2019. (The staff report without attachments is Attachment 1 and minutes are Attachment 2.) After the meeting, staff received comments from neighbors asking questions about the project history and expressing concerns about the proposal. Approximately 40 residents either provided comments or asked to be notified about upcoming meetings regarding the project.

To adequately respond to the neighbors' questions and clarify the process, staff has focused this report on the General Plan, as this is the primary policy document for the Town. Staff anticipates that there will be additional meetings of the Planning Commission to review other topics related to the project. Those include zoning code questions related to accessory use; potential issues of traffic, safety at the trail crossing, noise, light, and parking; review under the California Environmental Quality Act (CEQA); and potential safety considerations associated with wine tasting. The minutes from the April 17, 2019 meeting contain a detailed description of additional issues that will require Planning Commission discussion in the future.

Previous Applications Related to the Property

There have been previous applications for the property that provide background for the current application. A narrative of those actions since 2000 is included as Attachment 3. It includes a link to the minutes for the meetings where projects at the site were discussed. (If members of the public would like a paper copy of any of the minutes, please contact Planning staff.) A summary of the relevant background of the site is included below.

A previous property owner began planting vines on the property at 555 Portola beginning in the 1980s. In 1995, Kirk Neely and Holly Myers purchased the property under the corporation Spring Ridge LLC. The corporation was granted Conditional Use Permit (CUP) X7D-151 by the Planning Commission in 2000 for a winery and vineyard use. In 2009, Spring Ridge applied for a separate CUP for additional floor area and impervious surface for both private residential use and agricultural use (X7D-169). The Municipal Code limits on floor area and impervious surface are very restrictive for large properties, and a Conditional Use Permit is the appropriate tool to adjust the floor area allowance. The review of CUP X7D-169 continued through 2010 and was eventually denied by the Planning Commission in January 2011, largely due to a lack of specificity on some elements of the application and the location of the agricultural building. An appeal was prepared, but ultimately withdrawn with the formation of a Town Council subcommittee to work with the applicants on the outstanding issues.

In 2010, the Town Council adopted a new definition of “open space preserve” in a stand-alone resolution as a result of the proposal for the Springdown property and also undertook amendments to several Elements of the General Plan as part of the routine planning work program. The new definition of open space preserve was more specific, and it was felt that it would be more appropriate in the Open Space Element, rather than the Recreation Element, where it had been historically. The Town Council considered the General Plan amendments on May 25, 2011. At that time, Kirk Neely and Holly Myers expressed concern about some of the proposed language through their attorney, John Hanna. At the meeting, Council revised the language in Sections 2204 and 2216.2 in response to the concerns raised. Council noted that the Town is trying to move toward longer-term protection of certain portions of the property in exchange for some development concessions, and the omission of agricultural uses in the definition might undermine that effort. This amendment changed the description of the Meadow Preserve and moved the language to the Open Space Element. The current Open Space Element includes the language adopted at that time. (Minutes of the meeting are included as Attachment 4.)

In August of 2011, a revised application was submitted that addressed a number of previous concerns including moving the agricultural building to the north side of the property. The Planning Commission discussed the language in the General Plan describing the Meadow Preserve and whether the project was consistent with the General Plan. The perspectives of the Planning Commission varied, and the Commission asked for guidance from the Town Council. The Council directed the Planning Commission to utilize the General Plan at the time of the application, prior to the 2011 amendment. After considerable discussion, the Planning Commission approved the project on January 18, 2012. It included a complete building program for residential uses and the agricultural building at the northern end of the site. However, the applicant's request for additional vineyards was not found consistent with the General Plan and was therefore not approved.

From April until November 2013, the Planning Commission considered amendments to both CUPs (X7D-151 and X7D-169) to increase acreage for the vineyards and allow production of wine from those vineyards. The Commissioners were split on whether the application was consistent with the General Plan, but ultimately approved 5.5 acres of new vineyards at the northern end of the meadow area. This allowed the conversion of hay/grass to vineyards in this area and brought the total acreage of vineyards on the property to 19. With the approval, the Commission included detailed written findings including General Plan consistency. (Resolution 2013-3 and associated documents, Attachment 5.)

PROJECT DESCRIPTION

On December 13, 2018, staff received an application for an Amendment to an existing Conditional Use Permit (CUP) for wine production (X7D-151). The application requests that wine tasting and events be added to the approved winery uses, to be located in the existing Agriculture Building at the far northeast corner of the property, with direct access off of Portola Road.

Project

Proposal	Square Footage	Address	Zone	General Plan	Parcel Size
Wine tasting and event space uses in existing Ag. Building	2,474	555 Portola Road	R-E/3.5A/ SD-2/D-R	Proposed Community Preserve- "Meadow Preserve"	228.86 acres

Setting

Existing Building	Year Built	Easements/ Trails	Surrounding Properties
Ag. Bldg 2,474 SF Existing gravel drive and parking lot from Portola Road; building well screened by existing oaks.	Ag Bldg 2013	Portola Trail and 75' Scenic Corridor Setback on Portola Road; Earthquake Fault Setbacks	Scattered single family homes to the northwest; residential/farming uses to the north; single family homes to the east; Windy Hill Open Space to the south and west

Description

The application is primarily for an expansion of the existing winery use, to include wine tasting and event space, with minor physical improvements proposed in association with the expanded use. The wine production and vineyards would stay within previously-approved amounts, and the existing Ag Building would be repurposed to serve as a wine tasting room and event space.

Since the April 17, 2019 Planning Commission meeting, the applicant has supplied a revised proposal (Attachment 6). It is summarized below, with the key revisions in **bold**.

Weekend Public Wine Tasting and On-Site Sales

- **A reservation system will be utilized** (added since April meeting)
- Friday-Sunday, seasonal afternoon hours
- Limited to 24 hours/week

By-appointment Wine Tasting

- Daily 10am – 7pm (outside of public hours listed above)
- Limited to 30 guests/day ~~and 60 guests/week~~ (removed since April meeting)

Events for larger groups

- **No weddings (except family)** (added since April meeting)

- **18 total events** (number reduced since April meeting)
- **6 seasonal promotional events**
 - **Examples: wine release / club pick up dates, community days, holiday celebrations, race/walk up Windy Hill**
 - **Daytime events, usually Saturdays**
 - **Spread over several hours**
 - **Maximum 120 visitors for entire day**
- **12 events for community or non-profit groups**
 - **Examples: fundraisers for non-profits, farm to table dinner, Sequoias dinner, Town staff/volunteer appreciation, barn dance, indoor concert**
 - **Evening events**
 - **Limited to 75 guests**
- **Restriction on regular public visits on these days**
- Musicians allowed for events
 - i. Amplified music limited to indoors with doors closed
 - ii. Acoustic allowed outside
 - iii. Stop time 9 pm

Proposed physical improvements would be relatively minor and would be reviewed by the ASCC at a future meeting. They include:

1. Creating twelve additional gravel parking spaces, to supplement the existing gravel lot adjacent to the building
2. Installing low path lights around the parking areas as needed (no other permanent lighting is proposed)
3. Reconfiguring of surrounding fencing to connect with existing driveway gate
4. Installing a concrete ADA parking space adjacent to the building and reconfiguring the interior bathroom to create an ADA facility
5. Shifting the previously approved vegetable garden toward the front of the vineyard area.
6. Installing one new entry sign with four square feet of signage on each side, located at the driveway entrance along Portola Road (an encroachment permit would be required).

STAFF ANALYSIS

The analysis below is focused on the General Plan. Staff anticipates additional Planning Commission review of other topics related to zoning, accessory use, review under the California Environmental Quality Act (CEQA), and potential impacts at future meetings.

The Applicant's proposal consists primarily of a change in use for an existing agricultural building to wine tasting, on-site sales, and events. Physical changes to support this use are limited. The question before the Planning Commission is whether the proposed change in use of the existing building is consistent with the General Plan. Specifically, the following finding is required:

"The proposed use will be in harmony with the general purpose and intent of this title [Municipal Code] and the general plan."

Staff has identified sections of the General Plan that relate to the proposed project for the Planning Commission's consideration. The first question is whether the project is consistent

with the land use classification as shown on the General Plan Map, and the second question is whether the project is consistent with other relevant policies. The site of the proposed use has a General Plan classification of Proposed Community Preserve and is identified as “Meadow Preserve.” The text and map of the General Plan do not provide clarity on what is meant by “Proposed” but the previous reviews of the subject site have considered the site as an open space preserve and utilized the description of Meadow Preserve.

To answer the primary question of what is allowed on the property, the Land Use Element and Open Space Element both have guiding policies. Those sections are provided below followed by staff’s analysis. That discussion is followed by the relevant section of the Portola Road Corridor Plan, which provides additional guidance.

LAND USE ELEMENT

Parks, Recreation areas and Open Spaces- Description [underline added by staff for emphasis]

2136a The comprehensive plan diagram proposes certain parks, recreation areas and open space uses on privately owned land. It is anticipated that some of these proposals will be implemented through appropriate dedications pursuant to planning regulations when private development takes place. In some instances, rights in land may be purchased by the town or other appropriate agency. In other instances, the private use of the land for a recreation or open space use constitutes conformity with the plan. Nonetheless, there may be instances when a property owner wishes to put land to a use not shown on the comprehensive plan diagram and the town or some other public agency is not able to obtain public rights through regulation and does not negotiate a purchase with the owner. In such instances and only for lands designated on the comprehensive plan diagram as neighborhood preserve, community preserve, scenic corridor and greenway, or labeled “Other Community,” the general plan hereby permits:

1. private use of a character and intensity no greater than the public use indicated on the comprehensive plan diagram, or
2. private use at the lowest residential intensity suitable for the property and designed to maximize the open space character of the land.

In implementing the foregoing policy with respect to any proposal by a property owner, the approving authority of the town shall exercise judgment in approving a use to ensure compatibility with surrounding and nearby uses, circulation facilities and the applicable objectives of this general plan. Any use permitted must, of course, conform to the zoning for the property.

Staff Analysis: The subject site is privately owned land. The southern portion of the Meadow adjacent to the Midpeninsula Regional Open Space District (MROSD) property is required to remain as hay/grass according to the 2013 CUP amendments. This area could be considered private use of the land for open space, which would demonstrate conformity with the plan. (The 2013 Planning Commission considered maintenance of this area as hay/grass as important to overall compliance with General Plan requirements.)

This policy goes on to allow areas designated as “community preserve” to have land uses other than open space when those uses have a character and intensity no greater than the public use

indicated or the lowest residential intensity suitable for the property, maximizing the open space character. The policy also calls for the decision making body to exercise judgement in approving such uses to ensure compatibility.

The Planning Commission should consider whether the character and intensity proposed under the CUP amendment would be consistent with the intensity allowed under this policy. The Commission may wish to consider that the southern portion of the meadow, which is more visible from the public right-of-way, is limited to hay/grass according to the 2013 CUP so the intensity of that part of the property is already restricted. If the property were used for public open space, it could have a relatively high intensity of use if there were trails and/or recreational facilities. The Planning Commission may also wish to consider the intensity of the proposed use of a tasting room and event space compared to the intensity if the property was developed as residential development.

OPEN SPACE ELEMENT

Definitions

2203 Community Open Space Preserves are scenic areas kept essentially in a natural state for the benefit of the residents of the town. Such preserves provide visual pleasure and accommodate very limited access and use, such as by trails and paths. They serve major parts of the town and generally are up to 50 acres in size.

Staff Analysis: The project site is designated as a Proposed Community Open Space Preserve on the General Plan Map. Section 2203 calls for Community Open Space Preserves to be kept in essentially a natural state for the benefit of the Town. Furthermore, they should accommodate very limited access and use. The Planning Commission should consider whether the meadow would retain these attributes of essentially a natural state with very limited access and use if the proposed wine tasting and event uses are approved in the existing building.

The applicant has supplied an opinion that this section of the General Plan does not apply to the project (Attachment 7). It is their position that Section 2203 was intended to apply only to properties owned by the Town. Staff does not share this opinion; our reading is that Section 2203 applies to all open space preserves while Section 2204 applies only to properties owned by the Town. The Town Council minutes of May 25, 2011 include discussion of Section 2204 applying to properties owned by the Town. Section 2203 is not expressly discussed (Attachment 4).

Description [underline added by staff for emphasis]

2216(2) Community Open Space Preserves - The Orchard Preserve is an existing apple ranch known as the Jelich Ranch. It contains three historic structures included in the historic element: the Jelich house, the tank house and the Chilean Woodchopper's house. The property and structures help identify the rural nature of the town. If they ever cease to be in private ownership, the town should attempt to retain them as historic resources and open space for limited recreation and perhaps agricultural use.

The Meadow Preserve, the large field adjoining Portola Road and north of The Sequoias, lies astride the San Andreas Fault and is visually important to the entire quality of the valley. This preserve should be kept in a natural condition and the existing agricultural character preserved. A southern portion of the preserve is owned by the Midpeninsula Regional Open Space District and is a part of the Windy Hill Open Space

Preserve. The parking lot serving the preserve should be maintained so as to cause minimum conflicts with the meadow and remain compatible with the natural setting to the maximum extent possible.

The Morshead Community Preserve should capitalize on the natural and man-made lake of the property. It is shown by symbol on the plan diagram without specific recommendations with regard to size or shape of the preserve.

Stables Preserve is between the town center and the Orchard Preserve. The front part of the property is owned by the town and forms part of the open space corridor along Portola Road. This area should be kept as a natural resource with very limited access by individuals. Distant views from this part of the Stables Preserve are to be preserved.

The boarding stable buildings are on the rear of the preserve and set back approximately 700 feet from Portola Road. The boarding stable is one of the recreation facilities in the town. Should the boarding stable ever cease, the town should attempt to see that this part of the property is retained as open space.

Staff Analysis: Section 2216(2) related to the Meadow Preserve is the primary section the Planning Commission considered when approving the CUP amendments in 2013, increasing the acreage of vineyards. The Planning Commission's findings at that time are included with Resolution 2013-3 (Attachment 5). In 2013, the Planning Commission considered the description of the Meadow Preserve and determined that maintaining the hay/grass areas at the southern part of the meadow contiguous to the MROSD grassland was critical to maintaining the intent of the Meadow Preserve. The area of hay/grass would not change with this application; the Ag Building is located at the north end of the meadow.

The Planning Commission should consider the description of Meadow Preserve and determine whether the proposed changes in land use to allow a tasting room and event space would be consistent. The General Plan notes that the Meadow Preserve should be kept in a natural condition and the existing agricultural character preserved. However, it does not define "natural" or "existing agricultural character." It is appropriate for the Planning Commission to interpret these policies, keeping in mind the current application is for a change in use of an existing building that was found to be consistent with the General Plan. The 2013 amendment is a reference for consideration. (The original approval of CUP X7D-169 is not a direct reference because it was subject to a previous definition of Meadow Preserve.)

PORTOLA ROAD CORRIDOR PLAN

Introduction

6401 Immediate views and distant vistas within and from the roadway corridor define its character and underscore the open space and more rural values of Portola Valley as a whole. Therefore, management and treatment of both public and private lands along the corridor and the more critical viewsheds from the corridor should reflect the basic town values as set forth in this general plan. Landscaping, buildings and other land uses within and along the corridor need to be sited and designed to conserve the open and rural character.

Principles

6405 10. Land within the corridor should continue to be zoned and otherwise managed to promote open space and enhance scenic quality. Special consideration should be given to building size, design and setbacks along this road.

Description- Segment 2, Sequoias to the Town Center

6413 In this segment, larger parcels, some of which extend from the road up into the western hillsides towards the Skyline scenic corridor, are located on the west side of the corridor. The largest property on the western hillsides is the Windy Hill Open Space Preserve, which is owned by the Midpeninsula Regional Open Space District, while other properties are in private ownership. In addition, this area includes lands closer to the road which are identified for Community Open Space Preserves in the Open Space Element. The west side of the corridor along this segment provides some of the most magnificent views in town. The Town will need to manage its lands along the right of way to protect and improve these views and should also work with both private and public land owners to take actions on their properties consistent with this Corridor Plan and other applicable elements of the General Plan. Where appropriate, the town should acquire land or other property rights, such as conservation or open space easements, from willing property owners, or should encourage designation under the Williamson Act.

Staff Analysis: Few physical changes are proposed as part of the project; it is primarily a change in use of an existing building. The Planning Commission should consider these guiding policies in its consideration of the change in use. The phrase “enhance scenic quality” might be interpreted to limit the number of people and impacts along the road, or might be interpreted to encourage ways for people to participate in and enjoy the natural setting of Portola Valley.

PUBLIC COMMENTS

Public comments received prior to the April 17, 2019 meeting were provided with the staff report for that meeting. Additional comments received after the publication of the staff report were also provided to the Planning Commission at the meeting on the dais. After the April 17, 2019 Planning Commission meeting, staff received written comments from 17 residents and had meetings with two residents. Additional comments were received after staff sent notice of the current meeting. The public comments received since publication of the previous staff report through publication of this staff report are included in Attachment 9.

CONCLUSION

Staff recommends that the Planning Commission consider the application, staff report and public comment, and provide preliminary feedback and direction on whether the proposed project is consistent with the General Plan.

ATTACHMENTS

1. Staff Report for April 17, 2019 Meeting (without attachments)
2. Minutes from April 17, 2019 Meeting

3. Previous Applications at the Site Since 2000 (Electronic version includes links to minutes from meetings. Residents that would like paper copies of the minutes should contact Planning Staff.)
4. Town Council Minutes of May 25, 2011
5. Planning Commission Resolution 2013-3 and associated documents:
 - a. Adopted Negative Declaration for CUPs X7D-151 and X7D-169
 - b. Exhibit A: Findings to Support Proposed Amendments to CUPs X7D-151 and X7D-169
 - c. Exhibit B: Terms and Conditions for Amended CUP X7D-169
 - d. Exhibit C: Terms and Conditions for Amended CUP X7D-151
6. Applicant Revised Project Narrative (dated May 14, 2019)
7. Applicant Narrative on Consistency with the General Plan (dated October 29, 2019)
8. General Plan Open Space Element
9. Public Comments (Comments presented on the dais on April 17, 2019 through publication of this report on November 1, 2019)

PLANNING COMMISSION
Regular Evening Meeting, 765 Portola Road

NOVEMBER 6, 2019

CALL TO ORDER AND ROLL CALL

Chair Goulden called the Planning Commission regular meeting to order at 7:00 p.m. Planning & Building Director Russell called the roll.

Present: Planning Commissioners: Kopf-Sill, Targ, and Taylor; Vice Chair Hasko; Chair Goulden
Absent: None.
Town Staff: Laura Russell, Planning & Building Director; Cara Silver, Town Attorney
Town Council: John Richards

ORAL COMMUNICATIONS

None.

OLD BUSINESS

(1) **Proposal to Amend a Conditional Use Permit to Allow Wine Tasting and Event Space at the Spring Ridge Winery, Spring Ridge LLC, 555 Portola Road, File # PLAN USE 4-2018**

Planning & Building Director Russell described the background of the proposal and the resulting questions and comments from residents about the project's history and how the project fits in with the Town's policies and General Plan. Planning & Building Director Russell explained that tonight's presentation will address the General Plan. She said that there will be additional meetings to review other topics related to the project.

Planning & Building Director Russell invited anyone not already on the contact list to let her know so they can be emailed directly regarding future meetings regarding this project.

Included in the staff report, in Attachment 3, was a narrative of applications related to the property since 2000 with links to minutes. She offered to provide printed copies of the minutes to those interested.

Planning & Building Director Russell led the presentation, describing the Planning Commission review process, the previous applications related to the property, the project description, staff's analysis of the project as it relates to the General Plan, and public comments received, as detailed in the staff report. Staff recommended that the Planning Commission consider the application, staff report, and public comment, and provide preliminary feedback and direction on whether the proposed project is consistent with the General Plan.

Chair Goulden invited questions from the Commission.

Commissioner Targ asked regarding the meaning of "proposed preserve" and asked if it was different than preserve. Commissioner Kopf-Sill said she had a similar question because she saw both "community preserve" and "open space" and wasn't sure if they were the same. Planning & Building Director Russell said staff recognizes there is not absolute clarity between the map and documents. She said the ambiguity was also recognized in previous reviews of this site regarding the word "proposed." She said the best information that staff has available is that the record shows that in the past, this property was considered to be an open space preserve.

Commissioner Targ asked if a preserve is treated the same under Section 2204 whether it is public or private. Planning & Building Director Russell said there are two different sections. Staff's interpretation of one of them is that it applies to all open space preserves, and the other section applies only to open space preserves owned by the Town. Commissioner Targ said Section 2204 says, "The Portola Valley town council, after much consideration, adopted the following definition of 'open space preserve' by resolution ... Consequently, whenever an area is owned by the town, it must comply with the following definition ... Open Space Preserves are areas to be kept largely in a 'natural' condition with limited permitted uses as described ..." Commissioner Targ said it does not appear that Section 2204 is germane to private lands. Planning & Building Director Russell said staff agreed that Section 2204 does not apply to this project. She said it is staff's opinion that Section 2203 does apply to this project.

In response to Commissioner Targ's question, Planning & Building Director Russell said Section 2203 applies because a proposed preserve is the same as a preserve. Commissioner Targ asked, for the purposes of consistency, how Section 2203 was considered in the previous review done in 2013. Planning & Building Director Russell said in 2013, the conversation was focused almost exclusively on Section 2216, which describes the Meadow Preserve. Commissioner Targ said he did not recall talking about Section 2203 in 2013. Planning & Building Director Russell said she thinks that is accurate based on the materials she's read. Commissioner Targ then asked what has changed. Planning & Building Director Russell said today's reading of the General Plan finds that other sections are also relevant. Commissioner Targ asked if there is a problem with making a CUP amendment if the 2013 CUP isn't consistent with Section 2203. Planning & Building Director Russell said at that time the Planning Commission deliberated over many meetings, made written findings, considered the elements of the General Plan, and found the project to be consistent with the General Plan. Commissioner Targ said then it should be assumed that the 2013 CUP was consistent with Section 2203. He said they are interpreting a CUP that was found to be consistent with the General Plan in 2013, and he wants to apply the same rules today. Planning & Building Director Russell said the point is well taken; however, she said the nature of this application is somewhat different in that it is the change in the land use of existing buildings. She said the 2013 CUP and analysis was largely related to the location, size, and intensity of new buildings to be constructed. Commissioner Targ said there are definitely different facts, but the law is the same. He said there may be a lack of clarity of what the words mean and maybe a change in the interpretation or approach.

Commissioner Taylor asked how intensity of residential use is characterized – i.e., car traffic, noise? Commissioner Kopf-Sill asked if the residential use refers to how the residents already there used it or refers to how it would be used if developed with several houses. Planning & Building Director Russell said it is the latter. She said developing the property in this manner could potentially be approved because use at this intensity is allowed. She said the Planning Commission has latitude in interpretation, but the different types of potential impacts that could be associated with residential development, at an intensity that still maximizes open space character, would be the comparison. She said the General Plan does not provide specific factors or criteria for consideration.

Commissioner Taylor asked that all written public comments be dated.

In response to Vice Chair Hasko's question, the applicant said he thinks there will be 12 new parking spaces, but it can be confirmed on the map, and the surface of them would be gravel. The applicant said they are not improving any existing parking. Vice Chair Hasko asked if they would be in the one-acre area shown on the diagram. Ms. Neely said the parking spaces will be on the west side of the building, so they are far from Portola Road.

Commissioner Taylor said the proposal includes updating the existing handicapped spaces so there will be some addition of hard surfaces in the existing area.

Vice Chair Hasko asked if the current general regulation of music includes limits on indoor amplified music. Planning & Building Director Russell said there are noise limits measured at the property lines, but the code assumes that any kind of music would be regulated by a Conditional Use Permit, so additional restrictions would be put in place by the CUP.

Commissioner Kopf-Sill asked how many properties in town have the designation of Proposed Community Preserve. Planning & Building Director Russell said she did not know and would have to research that further, comparing the General Plan Map to the Parcel Map. Commissioner Kopf-Sill said she would want to know how many of those with that designation are privately owned and how many are publicly owned. She also wanted to know how many are Meadow Preserves or have some other type of preserve status. Planning & Building Director Russell said others immediate adjacent are listed in the same section of the Open Space Element so, they are not exactly the same, but have similarities.

Commissioner Kopf-Sill said the classification is Proposed Community Preserve, but the Land Use Element refers to Parks, Recreation, and Open Space. Staff said it is the right section, but perhaps is not very intuitive. She said in looking at the General Plan Map, the land use categories are listed in each part of the legend, with the main category being Parks, Recreation, and Open Spaces.

Commissioner Kopf-Sill asked if you can have a private use on your own private land that is an open space. Planning & Building Director Russell said it could have a private, recreation, or open space use and be in conformity with the General Plan.

Commissioner Targ asked, considering Section 2136a.2 – “private use at the lowest residential intensity suitable for the property and designed to maximize the open space character of the land” – if he should be thinking of a generic private use of property and what the limitations on winery or vineyard use would be, or if this is a broader statement. Planning & Building Director Russell said they are comparing the winery and event land uses compared to Options 1 or 2 of the section with regard to intensity and use. Planning & Building Director Russell noted that it is challenging language. Commissioner Targ agreed. Town Attorney Silver said this is an unusual land use designation. She said the comparison is the use and the intensity of the use. She said looking at residential uses and traffic generated, number of people typically living in and visiting a residence, daily staff – comparing that intensity to the proposed use. Commissioner Targ asked if he should be thinking about the general intensity of a residential use including a winery on residential land and comparing it to this proposal. Town Attorney Silver said she would first look at if the property was zoned residential, how many houses could be developed there. Planning & Building Director Russell said there was a calculation by the applicant’s architect; however, that number has not been confirmed. Commissioner Targ asked if he should be comparing the proposal to what a build out of the property would be. Town Attorney Silver said it should be compared to the lowest residential density, which has not been determined.

Planning & Building Director Russell confirmed Commissioner Taylor’s statement that the meadow part is only small portion of the 229 acres. He said, when talking about residential intensity, it does not include the number of homes that could be built on 229 acres, but the number of houses that could be built within the 17 acres. Town Attorney Silver said she would interpret it as only applying to the 17-acre meadow portion, not the entire 229 acres, but said that is up for discussion.

Commissioner Kopf-Sill said the Community Preserve allows a private use of the intensity no greater than the public use. She asked if there is a designated measurement of the intensity allowed for the public use in the case of a Community Preserve. Planning & Building Director Russell said it would still have to have the attributes as described in the definition of Meadow Preserve in terms of the amount of access and use, but it could have trails and paths and could be improved as open space or recreational use. Commissioner Targ said that is under Section 2204, which does not apply. Planning

& Building Director Russell said it is also in Section 2203 and 2216. Town Attorney Silver said, with respect to that criteria, there is the adjacent Mid-Pen parcel, so there should be some data to compare.

Commissioner Kopf-Sill said Section 2216(2) states "This preserve should be kept in a natural condition and the existing agricultural character preserved." She said native would not seem to include agriculture. Commissioner Targ said this issue was examined extensively, and there was a discussion in the 2013 minutes in which they looked at the agricultural character as being a general agricultural area, also recognizing that the natural condition of the property was chaparral and before that was a willow grove, which is different than the meadow it is now. He said they ended up resolving the issue based upon the character of its agricultural nature.

Chair Goulden invited comments from the applicant.

Lucy Neely, said she is grateful every day to wake up and call 555 Portola Road home and also getting to work there for Spring Ridge LLC and Neely Wine. She said she grew up in Portola Valley, the first eight years at Cresta Vista and moved to Windy Hill when she was nine, living there until she was 18. She left for a decade and has been back for five years. She said she loves living on that land, the relationships she has there, and loves the non-human beings. She said she wants to take care of that land and help it to realize its ecological potential and steward the place. She said she is here because of a love of local agriculture, the belief in the connective potential of local agriculture and its importance in our world, a love of community, and a belief in business as a connective community tool. She said this is an extraordinary moment in time, the sixth mass extinction, where human and non-human beings are facing unprecedented challenges. She said the times call for a lot of creativity and to listen to personal callings. She said her particular calling is to take care of the land and life of her property. She said, more than ever, cooperation is necessary. She said this is a cooperative process with everyone in this together, but coming with different perspectives. She believes they can work together to find a sweet spot. She thanked the Planning Commission for their volunteer work, to the staff for their attentive analysis, and to all the neighbors and community members for their contributions to the conversation so the best solution can be found to provide the best benefit for all.

Ms. Neely described the property. She said the vast majority of the land is maintained as open space and agriculture, which benefits Portola Valley residents who call out undeveloped western hills repeatedly as important to the General Plan, as does the Proposed Meadow Preserve. She said there are significant costs associated with maintaining this large property in a place like Portola Valley. In addition to the business as usual costs of taxes, road maintenance, and tree work. She said there are also important potential costs for land stewardship, investing in regenerative agriculture, agroforestry and forest stewardship, which addresses climate change and catastrophic fire risk. She said the goal and intention of the winery is to support the financial viability of maintaining such a large property in Portola Valley. She said they want to cover costs and reinvest whatever is left over into taking care of the property. She said the winery supports the undeveloped western hills and open space. She said the conversation indicates people care about the open space and want to protect it, but some express opposition to the very mechanism that can help to support the preservation of that open space. Ms. Neely said her property does not have a tax base like Mid-Pen or Portola Valley. She said that perhaps 50 or 100 years ago it was thought that open space could just be left alone but, as Mid-Pen and Portola Valley are also learning, the property needs to be cared for due to catastrophic fire risk and ecological changes resulting in things such as rampant sudden oak death.

Ms. Neely said the original 2000 winery CUP had the very restrictive language stating that customers may not come to the winery for tasting or purchasing of wine. She said a lot has changed in the last 19 years in the wine industry - massive consolidation, massive proliferation, and the internet as a sales and connective tool. She said in order for small wineries to be viable, direct to consumer sales is of paramount importance, especially in the form of a wine club. She said it is no longer viable to operate

through retail and wholesale channels, which no longer covers costs. She said a tasting room at a vineyard is the most effective way to generate direct to consumer sales and to gain and retain wine club members.

Ms. Neely said there have been some comments from people unfamiliar with the wine industry suggesting they just get some marketing help instead of having a tasting room, some citing Portola Vineyards as an example. Ms. Neely pointed out that Len Lehmann, the proprietor and operator of Portola Vineyards, has stated that it is clear to them that the one thing preventing them from being a financially viable winery is the absence of a tasting room.

Ms. Neely said they first met in April, heard the feedback from the Planning Commission and community, and revised their proposal. She said the conversation has continued and evolved since then, and the revised May proposal is now outdated. She said the general trend is that they still are committed to having a reservation system which will control the number of visitors and amount of traffic and provide a lot of constraints and control. She said they have trended toward fewer events, reducing from 24 to 18. She said they could go lower because it appears that events is the most contentious issue, although they feel some events are essential for a successful wine club. She said they are trending toward fewer visitors. She said they are generally flexible, but they need to be able to host visitors, have on-site sales, develop their wine club, and have people come and taste wine on-site.

Ms. Neely said she has read the General Plan in the context of their proposal, focusing on the sections pointed out by staff as the most relevant.

Ms. Neely stated that the Open Space Element, Section 2216(2), defines the Meadow Preserve as follows: "The Meadow Preserve, the large field adjoining Portola Road and north of The Sequoias, lies astride the San Andreas Fault and is visually important to the entire quality of the valley. This preserve should be kept in a natural condition and the existing agricultural character preserved." Ms. Neely said the emphasis of the definition is on the visual importance of the Meadow Preserve. She said the Planning Commission findings in the 2013 CUP were as follows: "The commission finds that only by maintaining the hay/grass area on SK-1 in conjunction with the grass uses on the adjacent MROSD property ... can the proposed uses be found to achieve conformity with general plan 'meadow preserve' provisions." Ms. Neely said this is about the visual importance and character of the meadow. She said the Planning Commission had already found that the dedication and maintenance of that land and hay grass preserves that visual character and visual importance. She said they are not proposing any change to the visual character of that acreage of grassland nor any proposal for a visual change to the entire site. She said "natural condition" is up for debate, but said her proposal will not change the current condition. She said it did change in 2013, and she understands that was difficult and it was also difficult for her. She said what will change now are areas that already were changed, but the natural condition will not change. She said the definition – preserving the existing agricultural character – is what they're asking for, a mechanism to be able to preserve the agricultural character. She said with any small-scale agriculture, not just wineries, the nature of it is you have to have visitors.

Ms. Neely said the Meadow Preserve is one of the Community Open Space Preserves. She said the Town Council minutes from May 25, 2011, are unclear regarding whether or not the definition was to apply to both Section 2203 and 2204; however, it only got noted as part of 2204. She said the definition of Community Open Space Preserves is as follows: "... scenic areas kept essentially in a natural state for the benefit of the residents of the town. Such preserves provide visual pleasure and accommodate very limited access and use, such as by trails and paths. They serve major parts of the town and generally are up to 50 acres in size." Ms. Neely said the emphasis again is on the scenic and visual, and they are not proposing to change that. She said it is up to the Planning Commission to interpret "very limited access and use." She said their interpretation is the limited access and use is designed to protect the called out visual pleasure of the preserve. She said the southern acreage remains as hay

grass with essentially no access or use and the proposed access and use is for the northernmost, least visible part of the site. She said their proposed reservation system and tasting room with constraints provides limited access; it is limited access. She said it could be considered like a trail or path that leads into a tasting room on a patio, accessing the least visible parts of the Community Open Space Preserve.

Ms. Neely recited Land Use Element, Parks, Recreation Areas and Open Spaces, Section 2136a: "The comprehensive plan diagram proposes certain parks, recreation areas and open space uses on privately owned land. It is anticipated that some of these proposals will be implemented through appropriate dedications pursuant to planning regulations when private development takes place. In some instances, rights in land may be purchased by the town or other appropriate agency. In other instances, the private use of the land for a recreation or open space use constitutes conformity with the plan." Ms. Neely said they interpret that the private use of the southern portion of the 17 acres of the Neely lands in the proposed Meadow Preserve already constitutes conformity with the General Plan. She said the 2013 CUP also determined that the hay/grass use of the southern acreage constituted conformity with the General Plan. She said this conformity was based on the visual importance because the most relevant guiding portions of the General Plan emphasize the scenic character, which is the conformity being asked for and already found to be conforming in 2013.

Ms. Neely said their interpretation is that they are already a private use in conformity, but if they were not, "... there may be instances when a property owner wishes to put land to a use not shown on the comprehensive plan diagram ... In such instances and only for lands designated on the comprehensive plan diagram as neighborhood preserve, community preserve, scenic corridor and greenway, or labeled 'Other Community,' the general plan hereby permits: 1. private use of a character and intensity no greater than the public use indicated on the comprehensive plan diagram, or 2. private use at the lowest residential intensity suitable for the property and designed to maximize the open space character of the land."

Ms. Neely said it does not say "site," but says "property." She said the property is already at the lowest suitable residential intensity. She said the tasting room is being designed to maximize the open space character of the land, which is the essence of the whole winery operation, to be able to maintain the open space character of the land. She said if there was no building, but a trail and benches for public use, there could be more visitors daily than they are proposing.

Ms. Neely recited, from the Portola Road Corridor Plan, Section 6413, Description of Segment 2, Sequoias to the Town Center, as follows: "The west side of the corridor along this segment provides some of the most magnificent views in town. The Town will need to manage its lands along the right of way to protect and improve these views ..." She said management doesn't mean not allowing anything to happen. She said they are asking for permission for a mechanism to run a successful winery so that they can maintain those western hillsides in open space. She said their interpretation is that permitting them to have a limited with constraints way for people to be able to visit the site is actually protecting the open space character of the western hillsides.

Ms. Neely concluded her presentation and expressed her appreciation for this process. She said she was confident they could come up with something that works for everyone. She said they were in it for the long haul and dedicated to this piece of land.

Chair Goulden invited questions for the applicant.

Commissioner Targ said his understanding was that numbers had been proposed regarding visitors and the metrics by which they would be measured (i.e., daily or weekly) and also the number of events, and that there is flexibility in that. He asked if there was flexibility on the issue of intensity.

Commissioner Taylor asked how many members were in the applicant's wine club. Ms. Neely said there are approximately 81 club members. She said of the members in the Bay Area (that they don't ship wine to), 48 percent of their members live in Portola Valley. Commissioner Taylor asked how many club members were needed to be viable. Ms. Neely said they need between 300 and 400 members.

In response to Vice Chair Hasko's question, Ms. Neely said concerns were expressed regarding the concentration of traffic for a larger event. She said the by-appointment wine tasting could be as small as 4 people to a maximum of 30, so the negative effects wouldn't be as strong.

Vice Chair Hasko said it was not clear how some of the listed events related to a wine club. She asked if, for example, the barn dance, town staff/volunteer appreciation, farm-to-table events, etc., were selectively focused on enhancing the wine club. Ms. Neely said that list is from May and is outdated and will be revised as they continue to understand that events are a big concern. She said, however, they would love to be able to provide a farm-to-table dinner for their wine club members, perhaps yearly.

Vice Chair Hasko asked how important the music piece is to the applicant. Ms. Neely said she likes music, and they would like to be able to offer music, but they certainly don't want to detract from their neighbors' quality of life. She said if they did provide music, it would be within the noise ordinance restrictions.

Chair Goulden said the original April proposal provided an estimate of the number of car trips associated with the related activities; however, that estimate was missing from this latest update. He asked that those numbers be provided in conjunction with the calculations on numbers and people.

Commissioner Taylor said the diagram shows overflow parking for 50. Ms. Neely said it is just open field. She said overflow was proposed for larger events.

Vice Chair Hasko noted that she met with the applicant earlier this week to hear some of the differences in the current proposal, but did not engage in discussion.

Commissioner Targ disclosed he also had a similar set of conversations. He also disclosed that he is a member of the Neely Wine Club and a member of the Fogarty Wine Club.

Commissioner Kopf-Sill disclosed that she visited the winery earlier this week.

Chair Goulden disclosed that he also met with the applicants earlier this week.

Commissioner Taylor disclosed that he also met with the applicants earlier this week.

Chair Goulden invited public comment.

A member of the public asked if they would have an equal amount of time as the 1-1/2-hour presentation. Chair Goulden advised the public that speakers would have two minutes per person. Planning & Building Director Russell clarified that in total it may be 1-1/2 hours, but each individual speaker will be limited to two minutes.

Meredith Manning, Senior Planner, representing Mid-Pen Regional Open Space District. Ms. Manning thanked the Commission for the opportunity to comment. She explained that Mid-Pen owns and manages nearly 64,000 acres of open space, including the 1,300-acre Windy Hill Open Space Preserve immediately adjacent to the subject property. She read a list of Mid-Pen requests: 1)

Assistance from the Town to create a new separate address and written intention from the applicants to associate this new address with the events center and winery; 2) Assistance from the Town to formalize an access easement between the applicants and Mid-Pen for use of the preserve driveway at 555 Portola Road as currently no easement has been granted or recorded; 3) That the Town identify mitigation measures in the environmental review and CUP amendment, requiring traffic and parking enforcement if there are large events; and, 4) That the Town conduct a noise study to support the environmental review and amendment that includes measures to mitigate potential noise impacts associated with expanded uses and specifically for the amplified music.

John Bulkeley, Woodview Lane, Woodside. Mr. Bulkeley advised that he's lived there since 1974 and his parents since 1960. He said he can't understand why the Town would allow more people in the valley in the so-called protected zone when they wouldn't even allow the elementary school next door to expand their facilities because of the earthquake fault. He said talking about residential development is absurd because they would never allow residential housing in that area.

Sandy Patterson, 126 Stonegate Road. She thanked everyone for the time and energy they give to the Town. She thanked Planning & Building Director Russell for the incredible report. Ms. Patterson said she has lived on Stonegate Road overlooking the meadow for more than 32 years. She said about a month ago, a friend of the Neely family had a wedding. She said Ms. Neely came around and advised the neighbors of the upcoming event. She said the music went on until about 10:00 p.m. and was tolerated because they just closed their doors and considered that occasionally a neighbor will have a party. She said, however, she and her family and her neighbors do not want to be forced to tolerate it 18 times a year. She said tonight is the first time she has heard about farm-to-table dinners, etc., because she didn't think there was any mention of serving food in the original proposal. She said if music is allowed, then a request for food service will follow, which would be necessary for a party or special event. She said this is a slippery slope into a commercialization of the area. She said for her, it is more than just a beautiful rural setting. She said it conveys a promise of tranquility which is an escape for hikers, equestrians, pedestrians, and the town residents, including four-footed friends. She said she hopes the Commissioners will think carefully and continue to protect this oasis because it is a priceless asset of the Town.

Fred Wydler, 1385 Westridge. Mr. Wydler said his main concern is that this is an opening for a long-term thing that will increase in size. He said Fogarty now imports grapes from the Santa Cruz Mountains in order to make the business commercially viable. He said these kinds of things can happen here, too. He said parking is another issue, like the explosion around Rossotti's right now. He said the Town has no mechanism or measure for control, and the winery would have to self-enforce the number of people that visit. He said the Windy Hill parking overflows on popular weekends, and it is becoming more and more popular, with parking becoming more and more of an issue.

Ward Paine, 290 Mapache. Mr. Paine said he is opposed to the wine tasting and the rental party house. He said he is pleased the Commission is paying more attention to what is going on. He said he has not read the General Plan and suspects that few have, and he does not speak land-planning-speak. He said he is speaking more emotionally about what is going on. He said the property was purchased in 1995, and the first time the applicants came to the Town about the winery, there was a tremendous commotion that went on for quite a while. He said the Almanac, which is much easier to read than minutes, repeatedly said, "No Napa Valley in Portola." He said, nevertheless, they were granted permission to proceed, but with specific restrictions of no wine tasting, no wine sales, and no trucks bringing grapes in or out. He said there are thousands of boutique wineries in the United States. He said the characteristic of a small winery is that it's a life adventure for the owners, a hobby, a fun business, challenging, trying to make a better wine than the year before, and belonging to a fraternity of other winemakers. He said this proposal, however, is to put retail sales of wine in Portola Valley, right in the middle of the open space with a 4' x 4' sign inviting people to the wine tasting room by

appointment or to rent their facilities for parties. He said the Town is under no obligation to make sure their operation has a positive cash flow or even that they have a reasonable return on their investment. He said it has long been said of the wine business that if you want to make a small fortune in wine, start with a large fortune and then buy a winery. He said for that reason he does not support the idea that the wine tasting room is mandatory. He said he helped to organize and run the Peninsula Open Space Trust. He said much of the fundraising for that organization took place in Portola Valley. He said Windy Hill is the diamond in the Peninsula. He said prior to 1964, when the Town was formed, Windy Hill was casually zoned by San Mateo County with a checkerboard of approximately 200 houses. He said nobody wants it to be Santa Monica up there. He said the Peninsula Open Space Trust, in conjunction with Portola Valley and in conjunction with Mid-Pen, bought Windy Hill and transferred it to Mid-Pen who made it into a regional park. He said Portola Valley protected that whole area with that one step. He said the park is almost too popular now, and there is a parking problem, but it is still there and available to everyone. He said he is dead set against this proposal. He said it is a corruption of the open space concept of Portola Valley to put retail sales in the middle of a garden.

Mike Lozeau, an attorney representing Angela and Greg Semans. He said they submitted extensive comments, and he has read the General Plan. He said not mentioned by the staff or the applicant are the objectives in the Land Use Element to prevent continuous commercial development along arterials which would detract from the scenic character of the meadow area. He said in the Portola Corridor Plan, there are the same kind of notions that the two existing clusters of commercial and civic facilities be maintained and not allowed to encroach on the Meadow Preserve area. He said the same notion is also in the Land Use Element, where it finds sufficient space in those two areas, that the meadow or any other area is not needed to expand commercial use. He said that is an important part of the General Plan as well as the Corridor Plan. He said obviously, a commercial use in the meadows would run counter to each of those pieces. He said the noise is also a General Plan issue. He said 75 people or outside acoustic music will exceed the restriction of 60 decibels. He listed the decibel levels for various acoustical musical instruments. He said if there is the possibility that noise will exceed those levels, there must be a noise study, and there is none. He said the key item of the elements already discussed is that the parking is inconsistent with the criteria. He said 34 cars parked and an overflow area for 50 cars are not natural conditions or agricultural character, but is parking. He said that is not an ancillary use, but is a major part of the project. He said the Corridor Plan calls for reduction of motor vehicle trips, and this proposed project is not a reduction. He said Section 2136a.2 states that the private uses of the Meadow Preserve must also be designed to maximize the open space character of the land and that amount of parking goes in the other direction. He said that previous staff reports indicated they would be relying perhaps on a categorical CEQA exemption, which would be Class 3. He said the exception to that exemption is triggered by the Meadow Preserve designation. He said whatever the use or meaning of Proposed Community Open Space might be, it is clearly designated as a Meadow Preserve and clearly defined in the General Plan as a designated environmental resource. He said they do not think the Class 3 exemption will apply. He said Google Earth appears to show some grading activity on the site which is somewhat worrisome in terms of the current CUP requirements which prohibits any kind of change to the driveways or anything like that.

Joann Cashin, 134 Stonegate Road. Ms. Cashin said they spend a lot of their time at the back of their property at their pool. She said this proposal is very shocking. She said they have a driveway on Portola Road that gets blocked frequently by cars using the open space for hiking and bicycling. She said the cars parked along Portola Road open their doors and knock bicyclists into cars. She said the cars travel 45 to 50 miles per hour in the 35-mile-per-hour zone. She said few children are allowed to ride their bikes on that road any more. She wondered if she should turn her property into an AirBnB and hold weekend weddings because no one will want to live there as a regular residence when it is flooded with more traffic, more parking, more noise, and more everything. She said they are not even allowed to have a light on their own driveway and wonders how the lighting for the facility will be handled. She asked who would monitor the number of cars or nighttime noise levels or if it would just

be up to the residents to continually call the police. She said they moved here in 1996 because of the Town's mission of treasuring the Town's environment and historic heritage. She said she sees the Town going a different direction if anything like this could be approved.

Will Patterson, 126 Stonegate Road. Mr. Patterson said his house overlooks the meadow. He said he is the Chair of the Town's Public Works Committee and has served for many years on the Bicycle, Pedestrian & Traffic Safety Committee. He said traffic management and the safety of pedestrians and cyclists have always been a challenge in Portola Valley, and the challenge is growing all the time. He said the addition of visitors who have been wine tasting will only add to this problem. He said there is already an existing parking problem on Portola Road with the Windy Hill open space overflow. He said they do not see the Spring Ridge proposal as a Town resource, but as a Town responsibility or liability. He asked if the Town can provide traffic management, noise control, and the safety of pedestrians, cyclists, and equestrians.

With no further public comments, Chair Goulden closed the public hearing and brought the item back to the Commission for discussion. Chair Goulden reminded the Commissioners that the focus tonight is how the proposal relates to the General Plan.

Commissioner Kopf-Sill said this is an agricultural use and fits in the open space. She said her general feeling is that if a tasting room and small events can keep the property from being developed into houses or something else, she would prefer that. She would like to know how many other properties have similar designation and how many are private and public. She said the idea of forcing public requirements on a person's private land is troubling.

Vice Chair Hasko said the Town's General Plan clearly lays out a vision that asks people to place a priority on open space and a natural environment. She said there are restrictions implicit in some parts of the General Plan and the Planning Commission is being asked to interpret it and look at the balance. She said the applicant emphasized a lot of the visual aspects. She said she thinks the only thing different that is being proposed is the change in use. She said the question is if the change in use can be consistent with the General Plan. She said there is the ability to think about noise and at what point it is too much to be consistent with an agricultural use. She said it is currently a winery, and they want to modify that piece of the operation. She said she is open to looking at all of it, but said that at some point, if the number of events is too large, it may upset the natural condition and agricultural feel. She said large outdoor events and outdoor music need to be evaluated carefully. She said turning a whole field into parking, for example, will not work. She said there is the question of balance on whether this is reasonably accommodating to their need to grow the winery. Vice Chair Hasko said she does support the vision for a community-based winery and noted that the applicants have been very thoughtful in many things they've done with the property. She said she wants to look at what elements the applicants will be asked to be flexible. For her, it is the number of events, amount of music, parking, precision on statements regarding a reservation system and how that will work, and overall trips. She said right now she asks trip over some of the key phrases in the General Plan, but the flexibility the applicant has exhibited is something the Commission should use to explore if there can be a good balance between giving them the ability to support the business and continue to use the land in a way that's relatively open and making sure that the community dialogue continues.

Commissioner Taylor said he is in general agreement with Vice Chair Hasko. He said the Town has a General Plan and Zoning Ordinance, and all homeowners are limited in what they can build on their property. He would like to better understand 2136a.1 and 2. He would like to see some examples to get some rough idea of what that kind of usage might mean. He said a tasting room on a regular ongoing basis sounds commercial and sounds like a business being put right in the middle of a new area. On the other hand, he said he is sympathetic to trying to make the wine club work, allowing some

member events. He said he hopes to find some balance that is not continuous and ongoing, but enough to ensure the wine club is viable.

Commissioner Targ said the general touchstone when thinking about Portola Valley, where his family has been for the last 45 years, is rural character, built environments that are subservient to the natural surroundings, and small government. He said when the details of the various element sections come into play, he looks at it through that lens. He said he has a bias against reading unclear language that is prescriptive and that hasn't been previously applied to a property in a new way, because it smacks of inconsistency. He said in a town where issues of open space, use, and intensity are so important, consistency is very important. He said Section 2136a is about intensity. He said if Windy Hill is the point of comparison, the proposal is a pretty passive use but different from Windy Hill's use. He said 2216(2) is the touchstone of agriculture use, natural use, rural character. He said this property probably meets some aspects of that and goes to the flexibility. He said in principle, he can see a tasting room commerce connected closely to wine sitting pretty comfortably within the context of the General Plan. He said tonight's discussion is about the General Plan, and he does not need to decide tonight if the current proposal sits that comfortably. He said the nexus between the land's agricultural use and what the applicants are doing up there – noting that the applicants have been wonderful stewards of the property for decades – are what will be looked at, as well as the intensity of those kinds of activities and how it is consistent with the expectations within the community and the expectations of serenity and tranquility that people have come to expect.

Commissioner Taylor noted that Commissioner Targ was present during the 2013 discussions of this property. He said Commissioner Targ seemed concerned that the things were potentially being interpreted differently this go around. He asked if in 2013 there was an explicit and intentional decision not to use that section. Commissioner Targ said the record would have to be reviewed.

Chair Goulden said there was concern about whether or not some of the specifics in the General Plan applied or whether or not it was technically correct. He said the Commission's job is to interpret things when they are not clear. He said there has been clear intent in Town to try to manage the open spaces and use the CUPs and tools to do that. He said whether or not a particular section applies is less concerning to him. He said he is also less concerned about precedent in the sense that things change over time. He said the wine business has changed over time. He said the interpretation of what's right and wrong can change, as well, and the current Commission will have to make that call. He said wine tasting associated with the vineyard seems along the right lines. He said they do not want to create a new commercial sector in town, so he sees issues with the volume. He said if he had to decide today, he would be tempted to say events do not fit within that kind of usage, but perhaps some wine tasting and maybe some events for the wine club; however, the idea of general events, and even though nicely offered as community usage, the Town is not asking for that. He would like to see more information regarding intensity, cars, traffic, noise etc. He asked for more information on what is required of town businesses. He wanted to know more about financial liability considerations.

Vice Chair Hasko said there is inherent contradiction in the General Plan in that one principle encourages more pedestrians, horseback riding, and bicycling along this main corridor, and there have been comments regarding the safety issues about ingress/egress. She said there is a General Plan issue with a little more context around what that means and how to think about that as well as the safety element.

Chair Goulden called for a short break.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(2) Commission reports

Commissioner Targ attended the ASCC meeting last week and was impressed by the expertise and thoroughness of the evaluation of the proposed plans, the thoughtful design by the project proponent, and thoughtful and wise recommendations by the ASCC.

Chair Goulden attended the Mayors and Chairs meeting in September where they discussed Town noticing requirements for construction and decided that a simple and inclusive rule is to increase notification for CUP regulated properties from 300 feet to 1,000 feet, but decided it was not necessary to try to include renters in the notification. He said they discussed construction staging and site management, such as contractor parking and tree protection, and a study group will be initiated regarding this. He said the Town Council is likely to initiate a public discussion about enforcement of Town regulations due to concerns and complaints that the Town comes up with rules and regulations, but nobody bothers to enforce them.

Commissioner Taylor asked when the Stanford proposals would be coming before the Commission. Planning & Building Director Russell said they've received the official formal application and issued an incompleteness letter on October 11 and have had meetings responding to questions so Stanford can revise their application and resubmit. The Town has retained an environmental consultant, and Council has approved the contract. She did not have an estimate of when it would be presented to public bodies, but anticipates a preliminary review with ASCC and Planning Commission fairly early in the process, prior to the environmental review and project revisions, and then a series of review meetings for ultimate consideration and decision. Planning & Building Director Russell said there a fair number of conflicts of interest in several of the Town bodies. Town Attorney Silver said someone owning property with 500 feet must recuse and are presumed to be a conflict. If it is between 500 and 1,000 feet, there are factors applied to determine if there is a conflict. If more than 1,000 feet, it is presumed not to be a conflict.

(3) Staff Reports

Planning & Building Director Russell said the new Assistant Planner, Dylan Parker, is off to a great start. She said they also have some Contract Planner assistance right now to fill in some of that gap and will be coming up with a plan to fill the open position and balancing that with the Council's priority for the work program.

(4) News Digest: Planning Issues of the Day

Staff shared an article of interest with the Commissioners – “Who’s really leaving California and why does that matter?”

APPROVAL OF MINUTES: September 4, 2019.

(5) Planning Commission Meeting of September 4, 2019

Commissioner Taylor moved to approve the minutes of the September 4, 2019, meeting, as submitted. Seconded by Commissioner Targ, the motion carried 5-0.

ADJOURNMENT 9:28 p.m.

Narrative of Applications Related to the Property Since 2000

The initial Conditional Use Permit (CUP) governing wine production at 555 Portola Road was approved by the Planning Commission on June 21, 2000. Condition 5 of the Resolution states that “Customers may not come to the winery for tasting or purchasing of wine.”

June 3, 2009 PC meeting – [Minutes](#)

On June 3, 2009, the Planning Commission reviewed a new CUP application for the Neely property that requested new square footage for buildings associated with both private use and agricultural uses. The agricultural uses were not defined in the application, and were requested for allocation at later dates for “phased improvements on the property.” Agricultural square footage was requested for 8,000 square feet, split between a barn-type facility and miscellaneous uses.

The Meadow Preserve and open space issues were limited to one paragraph in the staff report regarding the consideration of “trail easement or some form of more permanent assurance that the meadow area would be preserved in open space”.

June 17, 2009 PC meeting – [Minutes](#)

Commissioners discussed at the June 17th meeting open space issues, with the project architect stating that the goal was to “maintain the open space nature of the property.” The Commission expressed concern over the square footage requested for future use, and the applicant did not provide specifics to how it would be used, but did say that improvements within their proposal would be spaced over the next two to three years. The applicant also did not want to exclude the meadow as a buildable area, as some Commissioners were questioning the meadow as an appropriate site for buildings.

August 5, 2009 PC meeting – [Minutes](#)

Planning Commission continued to indicate concern over future square footage and the lack of specificity; the Commission requested further input from the applicant. One resident comments on whether a wine tasting room would be considered in the future.

October 14, 2009 Town Council meeting – [Minutes](#)

November 11, 2009 Town Council meeting – [Minutes](#)

The Town Council considered changes to the definition of “open space preserve” as a result of proposal for the Springdown property. Committee feedback was requested by the Council.

November 18, 2009 Planning Commission meeting – [Minutes](#)

The Planning Commission discussed the placement of a newly-proposed, smaller sized agricultural building on the property, as part of a revision to the application based on feedback

at the August 5th meeting. A barn was also proposed at 4,000 square feet. No action was taken at this meeting.

April 28, 2010 Town Council meeting – [Minutes](#)

The Council received feedback from committees on the open space preserve definition. The new definition is adopted by resolution on May 12th.

September 15th, 2010 Planning Commission meeting – [Minutes](#)

The Planning Commission/ASCC held a joint meeting on September 13th, and discussed the proposed agricultural building in the meadow. The agricultural building in question is referred to as a “maintenance building” that would be used so equipment would not have to be hauled from different locations. Commissioners discussed the lack of detail related to what kinds of agricultural uses are proposed for the site.

Ultimately, Commissioners believed that other locations, including a northern location, were preferable for the agricultural building.

October 25, 2010 ASCC meeting – [Minutes](#)

At this site visit, Commissioners noted that the agricultural building had been re-sited to the northern location, and appeared to be sized appropriately for the resumption of haying operations in the meadow. It was also noted that, the agricultural building was designed to maintain the meadow. Commissioner Clark noted that he was unsure why the agricultural building was needed; as did Commissioner Hughes; Commissioner Aalfs commented that any building constructed should be only as big as needed to actually support the intended agricultural uses.

December 15, 2010 Planning Commission meeting – [Minutes](#)

Staff noted changes to the project, including the re-siting of the agricultural building to the northern part of the property. ASCC concerns over the lack of specificity on the agricultural activities were noted as well. As such, staff did not support the current proposals for the meadow area. The meadow is indicated to be a significant and recognizable feature in Portola Valley, and called the “key open space symbol of the town” after Windy Hill.

The applicant shared, through the project architect, their desire to retain flexibility over a 10-year timeframe, and that is why there was not as much specificity in uses. The Commission was unable to support the new location of the agricultural building.

January 19, 2011 Planning Commission meeting – [Minutes](#)

The Planning Commission continued their December discussion. Commissioners agreed that the currently-proposed location of the agricultural building was unacceptable. Commissioners also generally agreed that findings associated with geologic issues, reasonability compatible with

surrounding land uses, harmony with the General Plan, and its general location in the community were challenging to make. The Commission voted 5-0 to reject the application.

In early 2011, an appeal was prepared, but ultimately withdrawn, and a Council subcommittee, supported by staff, was created to meet with the applicant to discuss issues.

May 25, 2011 Town Council meeting – [Minutes](#)

As part of an ongoing update to the General Plan, the Town Council considered changes to the Open Space, Recreational and Conservation elements. Representatives of the Neely application expressed their concerns about the changes to the open space preserve definition in May 2010 that they were not aware of, specifically concerning the deletion of agricultural uses. By way of a recommendation from the Town Attorney at the meeting, the description of Meadow preserve was changed from “This preserve should be kept largely open and the existing character preserved” to “The Meadow Preserve should be kept in a natural condition, and the existing agricultural character preserved.”

August 17, 2011 Planning Commission meeting – [Minutes](#)

The application is resubmitted with changes to the location of the agricultural building to the northern side of the property, in line with previous staff recommendations. The building is proposed to be 600 sf larger than its previous incarnation.

The meadow is designated for hay harvesting, and existing vineyard/wine uses are not requested for modification. Additional vegetable and fruit plantings are requested for the northern and western parts of the property.

Some Commissioners indicated perceived conflicts with the new definition of open space preserve. Commissioner Zaffaroni said that “if agricultural use is managed, the implications are significant in terms of potential impacts on traffic, runoff, ancillary structures such as fences, and ... water sources.”

September 7, 2011 Planning Commission meeting – [Minutes](#)

The Planning Commission could not reach consensus on the interpretation of “Meadow Preserve” and requested further discussion.

September 21, 2011 Planning Commission meeting – [Minutes](#)

The Commissions requested guidance from the Council.

October 26, 2011 Town Council meeting – [Minutes](#)

The Town Council directed the Planning Commission to utilize the General Plan language at the time of the application’s submittal of a “largely open” meadow with “present agricultural uses maintained.”

December 7, 2011 Planning Commission meeting – [Minutes](#)

Public hearing on the project. Staff supported the concept that other agricultural uses than haying could be considered, and that the meadow could be preserved with an agricultural building. Three commissioners agreed that there continued to be inconsistencies with the open space preserve definition. One commissioner thought he could approve the project. The meeting was continued.

January 18, 2012 Planning Commission meeting – [Minutes](#)

Continued meeting. Consensus formed around the approval of the project, including the siting of the agricultural building, but commissioners did not believe additional vineyards were consistent with the General Plan. 4-1 vote to approve application without additional vineyards and associated fencing, along with selected thinning of various trees.

September 26, 2012 Town Council meeting – [Minutes](#)

The Neelys request that the Town Council consider “broader agricultural use interpretation allowing for vineyards to be located within the meadow preserve area.” The Council, attending Commissioners, and members of the public discussed whether “meadow preserve” was an apt name; how agriculture should be treated at the site in the future, how the site must be maintained. A joint session with the Planning Commission is recommended.

February 13, 2013 Joint Town Council/Planning Commission meeting – [Minutes](#)

Dr. Neely requests that the current definitions for the Meadow Preserve be changed to allow for any kind of agriculture. Some Commissioners wished to start their conversation with the intentions for the site, and that “words would follow.” No action was taken at the meeting.

April 17, 2013 Planning Commission meeting – [Minutes](#)

The Planning Commission reviews two CUP amendments from the Neelys to increase acreage for vineyards, and allow for the production of wine from those vineyards. This application would result in the reduction of meadow lands for hay operations. The staff reports reminds the Commission that this was requested in the last CUP approved in January 2012, but not included in the final approval. Commissioners are split on their opinions; some supported this expansion as a use allowed under General Plan definitions; others believed the opposite.

May 13, 2013 Joint PC/ASCC meeting – [Minutes](#)

This site meeting was held to discuss consistency with the General Plan

October 2, 2013 Planning Commission meeting – [Minutes](#)

Public Hearing on the amended CUP application. Commissioners continued to have split views on the General Plan compliance of the plan similar to their April 17th meeting. Meeting is continued to October 16th.

October 16, 2013 Planning Commission meeting – [Minutes](#)

As above

November 20, 2013 Planning Commission meeting – [Minutes](#)

As with previous meetings, Commissioners were split on whether vineyards were consistent with the General Plan. Applications were approved 3-2. Detailed findings are included with the approving Resolution.

**Spring Ridge LLC
555 Portola Rd
Portola Valley, CA 94028**

November 18, 2019

Planning Commission
Town of Portola Valley

Subject: Wine tasting/sales room application

Dear Commissioners,

We have attached the revised summary of our tasting and sales room proposal.

We are grateful to our neighbors, the Planning Commission, and staff for their perspective and guidance in helping us move towards a project proposal that better serves the community. We have heard that intensity of noise, traffic, and visitors is of greatest concern, and have done our best to mitigate those concerns while also maintaining a minimum necessary for a viable business.

Major changes from the May 2019 proposal include the following:

- reduction in total weekend hours from 24 to 16
- reduction in hourly visitors from 15 to 12 (5 vehicles)
- 'events' reduced from 18 to 10

We look forward to the December 4 hearing. Let us know if you have further questions.

Sincerely yours,

The Neely Family

Spring Ridge Vineyard/Neely Wine proposed tasting/sales room, DRAFT revised summary (11/18/19):

Facility

- Use existing 2474 sf metal barn on north side of 555 Portola Rd field adjacent to new vineyards
- Entrance from Portola Rd separate from Windy Hill Open Space entrance
- Existing on-site parking, to be expanded within approved impervious surface limits
- Absolute commitment to no parking on Portola Rd
- No structural modification of building
- Minimal interior changes
- Make ADA compatible
- 'Wine premises' would be expanded under Neely Wine state ABC license; only our wines can be sold in the tasting room
- Not applying for a food facility permit
- Remainder of building for limited tax-paid wine case storage, future limited bonded barrel storage, and office/workroom
- All grape crush and wine fermentation activities remain at winery uphill

Weekend Hours

- We will utilize a reservation system
- Visitors must have a reservation for gate access
- Limited to 16 hours per weekend (Fri-Sun afternoons)
- Limited to average of 12 visitors per hour (children do not count against cap), which is an average of 5 vehicles entering per hour
- Proposed initial hours:

<u>November-February</u>	<u>March-October</u>	<u>Visitor maximum</u>	<u>Vehicles</u>
Friday 12p-5p	Friday 1p-6p	60	24
Saturday 12p-5p	Saturday 1p-7p	72	29
Sunday 12-5p	Sunday 1p-6p	60	24

- We would like to reserve the possibility of adjusting these hours in response to experience, maintaining a 16 hr/wk maximum and overall visitor/vehicle maximum
- If sales successfully match or exceed our production capacity, we will reduce days/hours
- Any 'event' will supplant these visitor numbers on a given day

Weekday by-appointment visits

- Outside of public hours listed above
- Available Monday-Thursday 10a-7p
- Limit of 30 by-appointment visitors per day (12 cars per day)
- By appointment visits are more customizable to group needs than weekend hours

'Events'

- All related to wine club membership
- Definition: total guests above daily visitor limit and/or hours extended past routine closing time
- No rentals to outside groups
- 10 'events' requested
 - Seasonal wine release parties/wine club pick-up
 - Portola Valley (and sphere of influence) community days
 - Holiday celebrations
 - Winemaker/farm-to-table dinners
 - Barn dance
- 4 will have 100 person limit, and 6 will have 150 person limit (including staff)
- Only 4 events may end after routine closing time
- On event days, we will eliminate regular public visits
- No amplified musicians
- All noise will comply with Portola Valley ordinance No. 2009-380

Parking and signage

- On-site parking to accommodate all tasting/sales room parking needs
- 19 existing improved spaces (base rock) adjacent to building (1 to be asphalted for ADA compliance)
- 13 new spaces along entrance drive (base rock only), or in field west of existing parking area; proposed total of 32 on-site spaces, total surface area within approved IS total
- Pathway lights for driveway if needed
- 2x2' two-sided sign at head of driveway, proposed between public trail and road
- Warning/Stop sign at exit re: presence of pedestrians/cyclists
- Safety improvements (Public Works involvement), including small tree removal and lowering of berm
- Absolutely no parking along Portola Rd (signs as needed)
- Carpools, car hire, bicyclists, and pedestrians will be incentivized

Community benefits

- Maintenance of the property in open space and agriculture
- Specific community days
- Access to vineyards, gardens, and scenic vistas
- Connection to local agriculture
- Lovely local place to take out-of-town guests

Ongoing review

- All aspects will be reviewed on a regular basis with neighborhood representatives (starting at 3 months after opening)
- Review with town at 1 year

Arly Cassidy

From: Sandra Patterson
Sent: Monday, April 8, 2019 3:30 PM
To: Arly Cassidy
Cc: Laura Russell
Subject: Spring Ridge LLC Proposal to Amend an Existing Conditional Use Permit

Dear Arly,

Thank you for taking time to show us the Spring Ridge LLC Proposal. Our major concern is the request to allow on-site wine tasting. The mingling of cyclists, hikers, horse back riders and wine tasters is a risky one. During the weekends, the number of visitors increases as evidenced by the cars parked along Portola Road contrary to the proposer's idea of lighter traffic on weekends. The hours for these public drop-ins on weekends could extend to 8pm to possibly 9pm. Another part of the proposal is the holding of special events (with up to 75 guests) as often as 25 times per year. Events would take place indoors and outdoors.

We do not see this new proposal as a town resource but a town responsibility or worse a liability. Can Portola Valley provide traffic management, noise control, and the safety of bicyclists and pedestrians?

As residents of Stonegate Road for over 30 years, it seems not so long ago the land was open space. Now the request is a commercialization of an agricultural venture. Most boutique wineries do not make money. I am surprised that the owners did not foresee their need to augment their wine revenues (as stated in the the proposal) before they entered the wine business.

The center of Portola Valley scenic corridor (from Town Center to the Priory) is quiet in the evenings. Why would any resident want to disturb this tranquility - it's the reason so many residents moved here.

Thank you for your consideration.

Best,
Sandy and Wil Patterson

Taylor Hinshaw & Renata Dionello
30 Stonegate Road
Portola Valley, California 94028

April 11, 2019
Ms Laura Russell
Ms Arly Cassidy
Town Planners
Town of Portola Valley

Dear Ms Russell and Ms Cassidy,

We are writing to register our opposition to the proposed changes to the Conditional Use Permit (CUP) of Spring Ridge LLC. We believe that the tasting room which Spring Ridge LLC has proposed to open at 555 Portola Road is a significant deviation from the intended use of the property. We also believe that it will fundamentally alter the character of the Portola Road scenic corridor and negatively impact the neighborhoods in the immediate vicinity.

While we sympathize with the Neely family's desire to expand their commercial enterprise and respect their right to petition the town for changes that would benefit their business, we believe their proposal is fundamentally flawed. It is inconsistent with the Portola Road Corridor Plan. It will impose negative externalities on their immediate neighbors (the residents of Stonegate Road, Westridge and possibly Willowbrook). Finally, this change to the CUP will effectively provide a public subsidy to a private enterprise. This will set a dangerous precedent and cause the town problems down the line when it attempts to exercise its authority over commercial development in other mixed use areas within the Town limits.

1. Regardless of how Spring Ridge LLC has positioned their request, **what they are proposing is the creation of a retail establishment on Portola Road, in the heart of the scenic corridor, in close proximity to residential neighborhoods.** While we acknowledge they have proposed guardrails, we believe they will be ineffective. Furthermore, we also feel that Spring Ridge LLC is proposing changes that will fundamentally alter the character of the meadow. This is part of a pattern of small requests over the past decade, each of which seems reasonable in isolation, but when viewed holistically could be construed as components of a long-term strategy to fundamentally alter the way the meadow is used. We would argue that the meadow is no longer primarily an open space, but rather an economic asset. Opening a retail establishment is yet another step down this road – and one which we believe is contrary to the spirit of the Portola Road Corridor Plan that was established in 2014.
2. Furthermore, the retail establishment that Spring Ridge is proposing to create will principally be in the business of selling alcohol, both in packaged form and for consumption on site. In addition, the hours that the petitioner is proposing to operate – afternoons and early evenings Thursday through Sunday – coincides with the periods when juvenile usage of the trail system is at its highest. For example, there are currently 13 children under the age of 16 living on Stonegate Road, with the potential for more given the turnover in the housing stock the past 3 years. There are countless

others that live in Westridge, Grove, Willowbrook, Farm Road etc who use the trails to navigate between Corte Madera School, the Town Center, the Woodside Priory, Roberts and Alpine Hills. We do not believe it is prudent to open an alcohol-centric retail business in this location in light of this.

3. In their letter, Spring Ridge LLC alludes to the negative externalities that they will impose on their neighbors (noise, congestion, nuisance). We believe the remedies they are proposing do not go nearly far enough and would in all likelihood be ineffective.
 - a. The 19 existing and 12 as needed spaces create multiple problems. First, the number of spaces seems far too low, given that they want to be able to host events with up to 75 guests. Between guests, staff and vendors we worry that parking will overflow onto Portola Road and Stonegate Road, Westridge and possibly Willowbrook.
 - b. We believe the petitioners haven't adequately addressed the potential impact from the creation of a new retail establishment. Stonegate Road, in particular, will be negatively impacted due to its proximity to the driveway. We also believe that the parking constraints on site will push parking on Stonegate Road. This already happens on days when Windy Hill is at peak utilization. Stonegate Road is not designed to accommodate street parking, due to its narrow streets and low visibility (the multiple S turns). When cars park on the street, it becomes a one way road. This makes it difficult/impossible for emergency responders, service vehicles and residents to access their homes.
 - c. Another concern we have is that the intersection of Stonegate and Portola Road is becoming more dangerous over time. The reasons are limited visibility (overhanging branches, Cal Water pump station, cars parked on Portola Road); the proximity of the Westridge/Portola Road intersection; and the volume of bike and automobile traffic on Portola Road. Furthermore, our experience is that the problems exiting/entering Stonegate Road are most acute on weekends, since that is the peak period for both Windy Hill hikers and cyclists. Having a steady procession of cars entering/exiting 555 Portola Road will make it even more challenging for the residents of Portola Road to access/exit the cul de sac.
 - d. We also believe that the construction of 30+ parking spots in the meadow is inconsistent with the general plan for the scenic corridor. According to the Portola Road Corridor Plan, the scenic corridor "defines the visual character and quality of the community". The residents of the town have made it clear through the planning process over the years that they want to preserve the scenic corridor. We don't believe a retail establishment and its attendant parking infrastructure is consistent with this vision.
 - e. We also believe the proposal to host large groups will lead to unwanted/undesirable noise. This is grounded in experience. On April 29, 2017 a wedding was held at the proposed location. At 9PM the noise inside our house – with the windows shut – was louder than our home entertainment system. It was so loud that it prevented our four children from sleeping. At 9:03 PM, one of us made a public post on PV Forum to see if anyone knew the source of the noise. At 9:11 PM a community member responded that it was a wedding

- (see attached). We refrained from calling the sheriff's department out of respect for the family during their celebration. But the experience has made us very skeptical that the noise from operating an event center at that location can be contained.
- f. Finally, we believe that there is already a well-established recent precedent around corporate events in private spaces, namely the Windmill School CUP. Windmill is limited to a very low number (we believe four) of events annually, out of respect for their neighbors in Wyndham. We believe that at a minimum this precedent should be applied to Spring Ridge should the Town decide to overrule our objections.
4. The principal justification that Spring Ridge LLC provides for altering the CUP is the need to "augment revenues" with a tasting room in order to "sustain the agriculture and open space configuration." This is a red herring and provides no basis for amending their CUP.
 - a. Spring Ridge LLC is essentially asking the community for public subsidy via an exception to the land use requirements on the Portola Road scenic corridor. We don't believe the town is under an obligation to provide this. There is no guarantee of success in private enterprise and the economics of the wine industry are driven by factors far beyond the control of any one producer. We don't think the town should make it a practice to weaken land use constraints in order to assist a private, for profit enterprise.
 - b. Furthermore, we believe that Spring Ridge has other viable options to create a DTC wine business. They could open a tasting room in an existing retail location – perhaps at the Village Center, Shoppes at Ladera, or in Menlo Park / Palo Alto. This is what many small vineyards in Sonoma, Napa and the Santa Ynez valley do. Another option would be to invest in a professional marketing campaign to build brand awareness and acquire customers. Neither approach would require the creation of a retail establishment in the scenic corridor.
 5. The secondary justification that Spring Ridge LLC offers is the desire to create a "valuable new community resource" for Portola Valley residents. We believe there are already plenty of places for Portola Valley residents to gather, bond and build community. The proposed tasting room would not, in our opinion, bring anything new to the town.
 - a. The Town Center has emerged as the primary civic and cultural space for the community. This location can accommodate large crowds and has the infrastructure already in place to host large events (parking, bathrooms, multi-purpose rooms, flat lawns, eating areas, family areas, etc). Furthermore, the volume of activities there has skyrocketed in recent years (Farmer's Market, Summer Concert Series, Co-ed softball, co-ed soccer, Flight Night, town picnic, library events, etc). It is redundant to build new capacity a few thousand feet away.
 - b. In addition to the Town Center, there is also the new Windmill School. The school has hosted a number of events for members of its community and sits in the commercial heart of town. Windmill could easily increase its capacity if the Town decided it was important to have a location to host corporate events.

- c. The Alpine Hills Tennis & Swim club is in the midst of a major capital project that will greatly enhance its capacity to host large events. Once the full project is complete, Alpine Hills will have two kitchens (clubhouse, roadhouse), ample parking and the ability to host large events while still providing service to existing members.
- d. Finally, for those residents who wish to either host events or do wine tastings at a local winery, there are already options. Fogarty Vineyards does weekend tastings and has a large event facility. Portola Vineyards also has the capacity to host events.

In closing, we are opposed to Spring Ridge LLC's current proposal. However, in the spirit of helping our neighbors, we would like to propose a compromise.

We would be willing to endorse a proposal that locates the tasting room on the far west side of the property, near the upper vineyards (ie, on the "spring ridge"). Our rationale is as follows:

1. This part of the property is far removed from the open space corridor (0.9 miles according to Google Maps) and thus would not impact the views of hikers, equestrians, cyclists, etc.
2. This part of the property is far from Portola Road and leverages the existing driveway at the Windy Hill parking lot. It thus is less likely to impact access to neighboring streets or result in overflow parking on Portola Road and the nearby neighborhoods.
3. This part of the property is far enough away from the neighboring residential areas to mitigate the noise and nuisance created by the tasting room.

The drawback to this compromise is that it is more complex and costly to implement. It also locates the proposed tasting room near what appear from satellite maps to be residential structures.

However, we believe that since Spring Ridge LLC will be the primary beneficiary of the tasting room, it is only fair that they should be the ones to bear the negative externalities associated with their proposal. They should not, in our opinion, impose those costs on the greater community by placing the tasting room in the middle of the scenic corridor, in close proximity to a residential neighborhood.

We look forward to discussing this further with the Planning Commission on April 17, 2019 at the hearing.

Regards,

Taylor Hinshaw & Renata Dionello

Taylor Hinshaw (TYH)

From: Taylor Hinshaw
Sent: Wednesday, April 10, 2019 4:02 PM
To: Taylor Hinshaw (TYH)
Subject: Fwd: [PVForum] Does anyone know what is going on at Jelich Ranch tonight?

Sent from my iPhone

Begin forwarded message:

From:
Date: April 29, 2017 at 9:11:10 PM PDT
To: Danna Breen
Subject: Re: [PVForum] Does anyone know what is going on at Jelich Ranch tonight?

Awesome thanks.

Sent from my iPhone. Pls forgive the typos.

On Apr 29, 2017, at 9:06 PM, Danna Breen wrote:

Neely wedding. Should wrap up soon. It was fabulous!!!

Sent from my iPad

Danna Breen

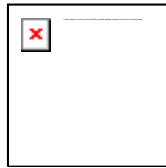
On Apr 29, 2017, at 9:03 PM, [PVForum] <PVForum-noreply@yahoogroups.com> wrote:

We live on Stonegate Rd. There is loud music coming from the field on the south side of the barn. It's louder than our outdoor speaker system and we are 1000+ feet away. I can hear it clearly inside our house when the doors and windows are shut.

Sent from my iPhone. Pls forgive the typos.

Posted by:

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Arly Cassidy

From: Wendy Hafkenschiel
Sent: Tuesday, April 2, 2019 12:29 PM
To: Arly Cassidy
Subject: Neely Winery tasting room

We are writing in support of Neely Winery's request for opening a tasting room in our town of Portola Valley. We are enthusiastic Neely club wine members, enjoying and supporting a local business. In addition, supporting Neely Winery helps their efforts to farm and maintain the beautiful open space we all appreciate in Portola Valley.

Cinnabar Winery has a tasting room in Saratoga Village on Big Basin Way. We have been delighted with the opportunity to take out of town guests or local friends to their tasting room to experience the locally made wine under the oaks or inside the tasting room where they hold occasional events. Having such an opportunity in our town of Portola Valley would be wonderful!

Please approve the Neely Winery's request for a tasting room in Portola Valley! We think you'll enjoy it too!

Sincerely,
Wendy and Tom Hafkenschiel

Arly Cassidy

From: Christopher Lyle
Sent: Sunday, April 7, 2019 4:32 PM
To: Arly Cassidy
Subject: Neely Winery

Hi Arly,

I'm a resident in Portola Valley and a member of the Neely wine club. I recently had the opportunity for the first time to visit their incredible property and spend time with the wine maker. It was a great experience -- to visit such a beautiful part of our community and engage with the community members doing a wonderful job at their craft. Lucy Neely let me know they are in the process of applying to extend their tasting program and that it is coming before the town. While I do not know the full details of the proposal, I do support the general idea of a) enabling more people to visit the winery; b) allowing the winery to be used to host periodic events; c) supporting local businesses, particularly one like Neely Winery that is aligned to many of our community values.

Thanks,
Christopher Lyle

Arly Cassidy

From: Laura Stec
Sent: Wednesday, April 3, 2019 8:16 AM
To: Arly Cassidy
Cc: Laura Stec
Subject: Letter in support of Neely Wine Tasting Room

Arly Cassidy
Associate Town Planner
Portola Valley, CA

Dear Portola Valley Planning Commission,

My name is Laura Stec and I live at 1100 Westridge Dr. I'm writing in support of the Neely Wine Tasting Room.

My window looks out across the valley onto the broad expanse of western Portola Valley, underneath Windy Hill. I wondered for years why there were so few lights on that hill, and none at night, and now I know it is because most of that land is open space owned by Neely Wine. We are graced to have such strong land stewards in our community, who have kept the property free from development. Because of this, not only does the community get to share in this light-free blessing, we also get some delicious, local wine out of the deal! I hope the hills remain this way, and I'd like to show my support in whatever way I can.

I love the idea of a weekend tasting room. It's nice to have more options for things to do in town. It's bicycling distance for many of us to a fun destination. It gives the community another gathering space. It supports the land being used for agricultural purposes, an idea dear to my heart. And it opens up possibilities for other exciting projects.

Go Local!

Laura Stec
1100 Westridge Dr
Portola Valley, CA 94028

LSIC Visit us at www.laurastec.com. 650-387-1067

Arly Cassidy

From: Len Lehmann
Sent: Thursday, April 4, 2019 3:10 PM
To: Arly Cassidy
Subject: proposal by Spring Ridge LLC for amendment of their Conditional Use Permit X7D-151

Ms. Cassidy,

Please add these comments to the public file for the consideration of the proposal by Spring Ridge LLC (Neely Wines) to amend their Conditional Use Permit X7D-151 to permit the operation of a new wine-tasting room at 555 Portola Road.

I have owned and operated Portola Vineyards, located near the subject site but within the jurisdiction of the City of Palo Alto, for the past 12 years. Portola Vineyards does not have a tasting room, but it does host a series of jazz concerts each summer (at 200 attendees each concert) pursuant to a use permit, and we do offer occasional private tastings by advance arrangement. It's clear to us that our lack of a tasting room is the single most significant factor limiting our financial viability.

Portola Vineyards sells about half its volume through retail channels such as grocery stores, restaurants, and wine shops. We do so at a substantial financial loss, and we would be unable to continue the operation of our winery if we were limited to off-site resellers.

It is generally accepted in our industry that small wineries can not sustain themselves by relying on resellers; rather, they must develop "direct-to-consumer" sales as the great majority of their overall sales. With thousands of wine brands just in California, it is essential to build develop a direct relationship with the consumer, ideally on the winery property. Awareness of the brand's distinctions are otherwise very difficult to develop. Also, the reseller channel requires deep price discounts and high promotional and handling costs, which can price small producers out of the market.

That direct relationship with the winery is what greatly delights many consumers in the central Peninsula who desire to support local agriculture, be outdoors, enjoy an afternoon among the vines in our picturesque foothills, and learn about the wine-growing process directly from the wine-grower.

Sadly, we've lost almost all our local agriculture. Historically, wine-growing was very prevalent in Portola Valley and Woodside. Vineyards are beautiful, sustainable, and appropriate use of our land; we've been tending grapes for over 5,500 years. I believe Neely is the only remaining commercial winery in Portola Valley. I hope we won't lose it to restrictions preventing it from connecting with customers.

I urge the Town to consent to the proposed CUP amendment.

Respectfully,

/Leonard Lehmann, owner and manager
Portola Vineyards
850 Los Trancos Rd
Portola Valley, CA 94028

Arly Cassidy

From: Nicole P. Thomson
Sent: Tuesday, April 9, 2019 4:50 PM
To: Arly Cassidy; Laura Russell
Subject: Comments re: Spring Ridge Proposal

Dear Arly,

I would like to write in support of the Spring Ridge LLC Proposal to add a wine tasting room to their existing structure.

My husband, Heath Thomson and I, have lived in Portola Valley and Woodside for more than 60 years combined (born and raised here) and are now residents of Stonegate Road. We moved to Stonegate in 2014 and have been eager for new business to come to town. We are excited about the prospect of the tasting room for the Neely winery and think it would be a wonderful addition to the neighborhood.

I am sure other residents of our street have concerns about traffic, parking and noise, but I think with the right limitations, parking accommodations and restrictions on private events (say 2 per month), it could be perfect.

We would very much like to stay informed on this as it makes its way through the process of approval and community meetings. We are very excited to see this come to fruition and think the Neely's are the perfect stewards for this project.

All the best,

Nicole Perlroth Thomson and Heath Thomson
99 Stonegate Road, Portola Valley CA

--

Nicole P. Thomson | Mobile- 609.306.4716 | Email-
nicole.perlroth@gmail.com

Arly Cassidy

From: Robert Bergstrom
Sent: Tuesday, April 2, 2019 10:02 PM
To: Arly Cassidy
Cc: Recha Bergstrom
Subject: We support the Neely Tasting Room

Dear Ms. Cassidy,

I am writing this email in support of the proposed Neely Tasting room off Portola Road. We are nearby neighbors to the proposed Tasting Room site. We believe the winery and vineyards respect the agricultural heritage of Portola Valley and allow for a sustainable and beautiful use for the land. The tasting room would support the winery which in turn would ensure the sustainability of the Neely winery and its agricultural activities. Also, having another community gathering spot where we can meet our neighbors in a relaxed setting and connect and enjoy the beauty of open and agricultural space in Portola Valley is much needed and would be greatly appreciated by our family. Finally, we believe wine is food and it plays an important part of our daily meals. We try to source local foods as much as possible and we likewise are motivated and very glad to drink local wine - particularly from Portola Valley.

We wholeheartedly support this project and hope to visit with our Neighbors at the Neely Tasting room very soon.

Best Regards,
Recha and Robert Bergstrom
111 Corte Madera Rd., PV

Arly Cassidy

From: Sadie Ingle
Sent: Monday, April 1, 2019 8:35 PM
To: Arly Cassidy
Subject: Neely Wine Tasting Room

To Whom It May Concern,

I wanted to share my enthusiasm and support for the approval of a Neely Wine Tasting Room in Portola Valley. As a PV resident who loves both agriculture and wine, I feel it has been a wonderful addition to the community that the Neely family has started to share their love of their farm, teach others about their sustainable stewardship, and engage with the community. The Neely family takes great pride in what they have created, and tremendous joy in sharing their farm and stewardship with the community. They are great neighbors in our community, responsible in what they do, and the opportunity to enable them to share their goals more widely with the PV community should be encouraged.

I hope the Planning Commission agrees that this is a true asset to our community, and opening a tasting room will be an opportunity to both diversify our local business landscape and provide learning opportunities to our residents.

Warm regards,
Sadie Ingle



Ben Salisbury
President
Salisbury Creative Group, Inc.
www.salisburycreative.com
469-265-2210

Ms. Laura Russell
Ms. Arly Cassidy
Town Planners
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028

Dear Laura and Arly:

I am writing on behalf of one of my clients, Neely Wine to ask you to allow them to open a tasting room in Portola Valley. In my considerable experience (35 years in wines sales and consulting), I know first hand how critical it is for wineries to host visitors and fans at their own facility. In fact, it is the primary way wineries generate revenue and sustain their businesses.

The wine industry is by far the most competitive consumer product category in the world and California is the most competitive region. For any winery to survive and thrive, an on-site tasting room facility is essential. Another important consideration is the role wineries can and do play in supporting the local area. Not just with jobs but also as a place for people to enjoy wine, food, music, art and other entertainment. It is a marvelous way to enhance the community!

Thank you for considering this request and, as a well-established and reputable industry expert, I would be very happy to answer any questions you may have.

Respectfully and sincerely,

Ben Salisbury



March 26, 2019

Town Planners, Town of Portola Valley
RE: Neely Wine Tasting Room Application

I would like to express my support on the behalf of the Santa Cruz Mountains Winegrowers Association and its membership for the Neely Wine proposed tasting room. The Santa Cruz Mountains Winegrowers Association represents wineries and growers in the Santa Cruz Mountains Appellation, many of which are small, family run businesses.

For a small, boutique winery, the winery tasting room is crucial to developing customers and sales. Most small wineries are unable to survive without direct-to-consumer sales. Wineries use tasting room visits as a way to engage consumers, attract wine club members and conduct on-premise sales.

Today, only approximately 30 percent of Santa Cruz Mountains wineries sales are through distributors and 70 percent of sales are through tasting rooms and wine clubs. Unfortunately, a wholesale model does not work for local small wineries and they must emphasize direct-to-consumer sales –without the ability for a small winery to sell directly to customers, they can't be economically viable.

While it is understandable for individuals to consider the impact that a tasting room may have on neighbors and the environment, I am confident that Neely Wine will manage both of these aspects in a responsible, sustainable and amicable way that satisfies any reasonable concerns.

We hope the Neely Wine tasting room is able to come to fruition as agriculture is a rich part of local history and a dwindling facet of our modern economy. I am confident that a vast majority of people in Portola Valley would agree that local agriculture should be promoted, not discouraged. Vineyards and wineries, especially those in our area, are known to be good neighbors and great stewards of the land and we hope that Neely family is given the opportunity to prove just that.

Sincerely,

A handwritten signature in black ink, appearing to read "Keikilani McKay". The signature is fluid and cursive, with a long horizontal stroke extending to the right. It is positioned above the typed name and title of the signatory.

Keikilani McKay
Executive Director
Santa Cruz Mountains Winegrowers Association

Dianne Fisher O'Donnell
70 Stonegate Rd
Portola Valley CA 94028

Ms Laura Russell

Ms Arly Cassidy

Town Planners Town of Portola Valley

Dear Ms Russell and Ms Cassidy,

My husband, Mike, and I are writing separately in opposition to the proposed changes in Conditional Use Permit (CUP) of Spring Ridge LLC.

I have been a top producing real estate agent in this area for 27 years and I know that this amendment will cause a loss in property values for those of us directly associated with the driveway, noise pollution, increased traffic, increased over flow parking issues to Stonegate Road, and increased danger to pedestrians, cyclists and equestrians from excess traffic and potential alcoholic overconsumption in combination with motorized vehicles.

The Neelys are potentially asking to open their "barn" as a retail business which will greatly change the personality of Portola Valley and the reason we moved here 20 years ago. I am completely opposed to the idea in its entirety because it will devalue our property as potentially one of the least desirable places to live in Portola Valley due to noise and lights from venues and parties and the danger of drunk drivers to our already challenged roads. This will cause over flow parking issues onto Stonegate directly as it is directly across the street from the proposed entrance.

I believe that this also is the proverbial Nose of the Camel under the tent issue. Where once the nose is in the tent the entire body will follow. Once we start letting people change the conditional use to commercial use the town will become more and more commercialized and less and less desirable to live in. We live up here and not down in Palo Alto or Menlo Park because of the proximity to businesses that most of the homes in these towns exist near. I believe most people live here due to the quieter more rural nature of the town, size of properties and proximity to open space and nature than down the hill.

I along with my husband agree that the Neely's should bear the added costs of traffic pressure and management if this does get approved and that we the neighbors and residents should not. We also strongly agree if this is passed that there should be no more people attending than parking spaces they presently have on site. And furthermore believe that 7 pm should be the latest any events could be held. And events should be inside only with no music or lights outside for events at all. This is going to greatly impact the use of our outside area for most of the year as we are directly across from the proposed driveway. I am personally very concerned about alcohol consumption and driving and children, dogs, horses and bikers will be the unlucky beneficiaries of this winery retail entity. We are wine drinkers ourselves and love wine but this will hurt the neighborhood not enhance it.

Thank you for heading our concerns. We look forward to discussing this further.

Dianne and Mike O'Donnell

Arly Cassidy

From: Joanne Cashin
Sent: Wednesday, April 17, 2019 5:35 PM
To: Arly Cassidy; irussell@portolavalley.net
Subject: Fwd: Opposition to Spring Ridge LLC Proposal to Amend an Existing Conditional Use Permit
Attachments: Dianne Fisher O'Donnell.docx

TO: Ms. Cassidy and Ms. Russell
 Town of Portola Valley, CA

My husband Skip Cashin and I live at 134 Stonegate Road, overlooking Windy Hill, and though we no longer have to see vehicles speeding by our Scenic Corridor, 35MPH zone of Portola Road, we most certainly do hear them far more and far louder than ever before now. We totally agree with and feel exactly the same as our neighbor Dianne Fisher O'Donnell just so eloquently described in her very recent letter to you of April 16th (see below). I would only like to add that after living at our beloved Stonegate Road home for some 22+ years now, we have seen such a tremendous increase in non-preventable road noise coming from faster and heavier traffic that almost never stops now along our once quiet country road. Once a year, the Town hosts a picnic with music. We can all hear that music over a mile away. What would it be like to hear that all weekend all summer, spring and fall when "events" will be held by Spring Ridge outside 25 times a year, which is every other week.

Why, we used to ask ourselves, since there has been virtually no growth in the area, no new residential or commercial growth or new roads to blame it on, yet it's sometimes a long wait just to get onto Portola Road from Stonegate Road or to cross from Portola Road to Whiskey Hill to get to Redwood City, especially during morning and evening "commute" times as commuters now frequent the Sand Hill overpass to get off the over-crowded 280 freeway and speed by the Horse Park and then continue to speed down Portola Road or Whiskey Hill Road at 55MPH easily though both are posted 35MPH roadways with only residential properties and open space dotting the length of both those country roads. Now with so many commuters tuning to sites like "Waze" and other on-line sites where commuters are advised to use our country roads where they speed and block residents from getting from here to there even though our section of Portola Road is some five miles in from 280 but now even our section of Portola Road sounds like another 280 freeway with speeders everywhere every day of the week! And it doesn't stop after 6 or 7pm as it used to. It roars until late at night now, every night of the week and begins again every morning just after 5am. Yet we don't seem to have any of the Sheriff presence along our scenic corridor roadway. It stands to reason that a few days a week at commute time instead of in the middle of the day, that the Sheriff's deputies would surely issue a huge number of speeding tickets and that would definitely curtail some of our speedy commuters from continuing on their way through our little town at 55MPH.

We'd also like to ask why the town would even think of considering creating winery traffic and considerable roadside parking on our already over-crowded bicyclist, hiker and jogger-friendly road! Why is this town expecting its residents to allow this company's overflow of cars to park alongside our properties and in our driveways as is already happening to us now already? And why don't we see joggers, pet walkers or kids riding their bikes to and from school along our 35MPH country road any more? We can guess that it has everything to do with too many cars and no speeding oversight. What will it be like when there are traffic jams every weekend along our little country road? And where will our bicyclists go when its no longer safe for them to share the road with endless lines of Sunday drivers like there is from San Mateo to Half Moon Bay on weekends and parked cars lined up covering our bike lanes. This one 17 mile long "loop" along Alpine and Portola Road

and down to Sand Hill Road is all our bicyclists have left to enjoy in relative safety with bike lanes throughout its very popular stretch of country road! We cannot handle more cars parking along our very special rural community roadway than we are already dealing with as we already don't have near enough parking just for our bicyclists and Windy Hill hikers who all have to park in way too few spaces! Too many cars already block our Portola Road driveway and all along our Scenic Corridor to climb Windy Hill. And with only a very small Open Space hiker/biker parking lot for all to share, how can we expect to stretch those few parking spaces even further to host winery events when the proposers already admit to plan to host over 75 people at a time just for their events. Where will their wine tastings customers park if there will only be 30 parking spaces to handle it all! If anything, this Town should protect its residents, its roads and its parking areas' current use and absolutely REQUIRE that Spring Ridge or anyone wanting to create a commercial endeavor along Portola Road or any road and who want to only enrich themselves from it but not even agree to create enough parking for even HALF of its first stage of speculated usage when they should be required to create a large enough parking area on their own property to handle a required Study's maximum number of projected vehicles of its own users and as an "olive branch" offer to share it with those who park their cars so they may also bicycle, hike, run, or shop at their facilities instead of the Town agreeing to allow even more street parkers to block our bike lanes and create more unsafe bicycling, jogging and walking along our picturesque landscape.

As it is now, we rarely see any children at all being allowed to ride their bikes along our Scenic Corridor stretch when it should be so safe and the speed limit should be watched and adhered to. Instead of our town's kids being able to ride their bikes to/from our local schools like Ormandale, Corte Madera and the Priory or our new Windmill school and our newly renovated Alpine Hills Swim and Tennis Club, our PV families are not willing to take the chance due to heavy and way too fast drivers passing through. Our kids are having to contend with having someone drive them back and forth to be safe. If they cannot be safe on our country roadway then why in the world should we have to soon stretch and share the limited amount of parking spaces we have now with yet another group fighting for parking - when already we have to put up with cars often lined up and carelessly blocking our own Portola Road driveway! It appears that if the Town allows yet one more "variance" for whatever reason, especially since the Town won't even allow its own residents to have any lighting whatsoever on our own property's walkways and driveways for safety and security reasons, then why are they even thinking of considering such a proposal to an area already overburdened country roadway with too many users. Wineries belong and are welcome in the Napa Valley where they don't have to share their roadsides with so many who have come before them and have nowhere else to go. We hope that you do NOT allow this to further cause potential uprooting and harm to those who have no other choice. Anyone wanting to change the rules for personal financial benefit does not belong shoving everyone else out. They must be required to handle ALL visitors and ALL vehicles and then some within the confines of their own property, and not on yours and ours.

Thank you for your careful and caring consideration of all Portola Valley residents.

Sincerely, Joanne Cashin

Michael O'Donnell
70 Stonegate Road
Portola Valley, CA 94028

Ms. Laura Russell
Ms. Arly Cassidy
Town Planners, Town of Portola Valley

Dear Ms. Russell and Ms. Cassidy:

My wife Dianne and I are owners and residents of 70 Stonegate Road in Portola Valley. We write to you in regards to the proposed changes to the conditional use permit of Spring Ridge, LLC. While we understand the Neely's desire to increase the profitability of their wine business, we do not think it should be done at the cost of imposing significant burdens on the other property owners in the neighborhood.

Specifically, we are very concerned about the Neely's request to hold quite large outdoor group events for up to 75 guests now and potentially even more in the future (!) extending until 9 pm any day of the week up to 24 times a year, and to host an unlimited number of events for up to 30 people per day between 10 am and 7 pm, any day of the year. Such frequent large gatherings will have an enormous impact on the tranquil Portola Valley neighborhood where we have chosen to live for the last 20 years.

There is almost certain to be overflow parking on Stonegate, which is a major problem given the nature of the street, and such large events (which apparently could include weddings and other parties) will result in significant noise and light pollution. The Neely's proposal would allow outdoor use of the facilities with food services and with amplified music indoors and acoustic music outdoors, which could occur any day of the week until 9 pm under the proposal. Permitting such large group events with outdoor food service and music would create a circus-like atmosphere which is completely inconsistent with the scenic nature of the Portola Valley corridor and is unnecessary to accomplish the goal of allowing direct to consumer wine sales. The proposal itself acknowledges that such large events will provide additional income for the Neely's business beyond sales of wine providing an incentive for them to hold many such events at the cost of imposing substantial burdens on us and our neighbors.

If any accommodations are to be made, it should be strictly limited in nature. Allowing public indoor wine tasting on Friday, Saturday and Sunday restricted to the hours of 4 pm to 7 pm with no amplified or outdoor music and with sound not to exceed a specified decibel level measured at Portola Road, and with the number of guests limited to the existing parking of 19 spots, would seem appropriate and adequate to accomplish the listed goal of increasing direct to consumer wine sales.

Guests should not be allowed to park on neighborhood streets, which could be signed "Resident Only" and enforced with tickets given by parking officials (Spring Ridge, LLC could be charged an annual fee to pay the costs of the parking enforcement officers and residents could be provided placards for use by their service providers, children and guests who may need to park temporarily on the street). No use of the facility for public or private wine tasting outside of those specific hours or outside the facility should be permitted, and no additional parking spaces or lights should be allowed.

I would be happy to discuss these specific concerns in person.

Sincerely,

Michael O'Donnell
650.714.8512



Midpeninsula Regional
OpenSpace

Midpeninsula Regional Open Space District

GENERAL MANAGER
Ana M. Ruiz

BOARD OF DIRECTORS
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April 17, 2019

Planning Commissioners
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028

Re: Application to Amend an existing Conditional Use Permit for wine production (X7D-151) to allow wine tasting and event space at the Spring Ridge Winery, Spring Ridge LLC, located at 555 Portola Road, (Neely/Myers)

Dear Commissioners:

Thank you for the opportunity to review and comment on the above-mentioned project. Midpeninsula Regional Open Space District (Midpen) is an immediate neighbor of the project site and is concerned about parking and noise impacts, potential natural resource impacts as a result of overflow parking, and any direct and indirect impacts to the visitor trail use experience at our Windy Hill Open Space Preserve (Preserve) that may result from new development or uses. We respectfully submit the following comments for the Planning Commission's consideration of this proposed Conditional Use Permit application.

Midpen owns and manages approximately 63,000 acres of public open space land within the Santa Cruz Mountain Region of the bay area, including Windy Hill Open Space Preserve, which is approximately 1,300 acres and located immediately adjacent to the proposed project site. Midpen's mission is:

To acquire and preserve a regional greenbelt of open space land in perpetuity; protect and restore the natural environment, and provide opportunities for ecologically sensitive public enjoyment and education.

The project applicants for the proposed new Conditional Use Permit (CUP) amendment for the property at 555 Portola Road, located adjacent to the Preserve, request to repurpose the existing Agriculture Building as a wine tasting room and occasional event space to be added to the approved winery uses, with direct access off Portola Road. The proposed uses include drop-in wine tasting, by-appointment wine tasting, wine sales, and event rentals for larger groups up to a maximum of 75 guests including amplified indoor or acoustical outdoor music. Anticipated parking includes up to 18 cars on each weekend day and 30 cars at twice-monthly events. Plans show an expansion of existing

parking to a total of 31 parking spaces including the existing gravel lot plus proposed spaces in an area adjacent to the Agriculture Building.

Previous comments requesting limits on future use and development

Midpen previously commented on the 2009 CUP Amendment, citing concerns that the expansion of the facilities include restrictions on future use, which is now being considered as part of this application. In a letter dated December 10, 2009, Midpen commented:

"The District (Midpen) is concerned that the establishment of a new structure and potential commercial use in an undisturbed meadow area may lead to increased use and development of the meadow in the future. Therefore, we ask the Planning Commission to develop strict restrictions to limit such a change or increase in use" and "In general, the District (Midpen) requests that the Planning Commission include strict restrictions on future development and use of the property as part of this CUP. For example, the Planning Commission may consider placing a conservation easement on the remainder of the property that is not developed as part of this CUP. This will ensure the preservation of the property's environmental and aesthetic values, especially given its connectivity to a large, protected public open space preserve and its scenic views as seen from many other vantage points within the large Town of Portola Valley."

In a letter dated January 19, 2011, Midpen provided a similar comment to a new application for an expanded use proposal, stating:

"It is our understanding that the application prepared by the Town staff for the Planning Commission's consideration does not contain the full extent of the Applicant's proposal, but only includes the cabana and greenhouse buildings. In response, the Applicant requested that the Planning Commission considered their full proposal (the cabana, greenhouse, artist's studio, barn, and agricultural building). The Applicant also indicated that they would consider a Development Agreement to identify and constrain future development of the property at a later date. It is the District's (Midpen's) belief that the Planning Commission should not approve the full extent of the Applicant's proposal without requiring guarantees for permanent open space protection at the time of approval. If the Planning Commission does approve the full proposal, it should include strict restrictions on future development and use of the property in the form of a Development Agreement. For example, the Planning Commission may consider placing a conservation easement on the remainder of the property that is not developed. This would ensure the preservation of the property's natural environment and aesthetic values, especially given it's connectivity to a large, protected public open space preserve and the scenic views it provides to many other vantage points in the Town of Portola Valley."

Now, with this new application for an amendment to the CUP, Midpen continues to cite concerns that the establishment of a new structure and potential commercial use in an undisturbed meadow area may lead to increased use and development of the meadow in the future. Therefore, we again ask the Planning Commission to develop strict restrictions to limit such a change or increase in use.

Parking

The lower parking lot at the popular Windy Hill Open Space Preserve is commonly at maximum capacity, and is undersized for the demand. Midpen has concerns that the large events anticipated on a bi-weekly basis, which will likely occur on the weekends coinciding with peak demand for Preserve parking, may result in overflow parking demand in Midpen's lot and also along Portola Road. The Preserve parking lot is easily visible and within walking distance to the Spring Ridge Winery, and large events have potential to add additional pressure to the already-constrained parking availability at the Preserve lot for Preserve users. Similarly, the meadow areas would become a tempting area to relieve overflow parking pressure. Midpen has concerns that this meadow area be protected from accommodating parking for the winery.

Noise

Sounds carry easily across meadow ecosystems because there are no obstructions such as buildings or trees to provide a filter. Midpen is concerned that amplified music, even in an indoor environment, could be heard on the Preserve, impacting users who use the Preserve as a place of quiet retreat and reflection. The general setting of the Preserve is a quiet open space with no background ambient noise as found in more developed areas. Since there is typically low ambient background noise experienced while recreating in a preserve, intermittent noises such as a dog barking, hammering, or a car passing on the highway can significantly cut through the stillness of the preserves. Sustained, amplified music and live band sounds would have a still more pronounced effect by comparison. If amplified music (even indoors) is considered, Midpen requests a thorough noise study be conducted in advance of approval to provide adequate data with which to make a determination. Without a robust noise study, there is not a sufficient level of detail to describe the potential impacts of allowing amplified music as part of this proposal.

Again, we appreciate the opportunity to review this project and thank you for your time reviewing this letter. If you have any questions regarding this letter, please contact Meredith Manning, Senior Planner, at 650.691.1200.

Sincerely,



Jane Mark, AICP, Planning Manager

Cc:

Jeremy Dennis, Town Manager, Town of Portola Valley
Laura Russell, Planning & Building Director, Town of Portola Valley
Ana Ruiz, General Manager, Midpeninsula Regional Open Space District
Midpen Board of Directors

Arly Cassidy

From: Tim McAdam <[REDACTED]>
Sent: Thursday, April 11, 2019 11:56 AM
To: Laura Russell; Arly Cassidy
Subject: 133 response to CUP amendment for 555 Portola Road

Laura and Arla,

I'm a little late to the game here but wanted to pen a very quick note in opposition to the Spring Ridge LLC amendment that the Neely family is proposing.

As a business person and entrepreneur, I can understand the desires of the Neely family to capitalize on the success of their wine operation and respect their right to petition the town for changes that would enhance their business and create diversity of revenue. But, as a fifteen-year resident of Portola Valley, we just cannot envision such an establishment (really a retail, roadside operation selling alcohol) fitting in to what is the most serene part of our lovely town. Between increased traffic, the risk of drunk drivers and parking that will inevitably spill over into the neighborhoods on Stonegate, Westridge and Willowbrook (imagine this on a nice day when Windy Hill is crowded!), we believe this would be a dangerous precedent to set in the town and one that will result in a great deal of neighborhood turmoil. In addition, how can we even consider turning a portion of the meadow into a parking lot? This part of town is a scenic corridor. Lastly, as noise drifts across the valley and moves eastward with the wind, the noise concern is a real one. Between construction on the Neely property and a VERY loud wedding in April, it is clear to me that there will be a noise issue a couple of dozen times a year that will result in complaints and overall a rift between the Neely family and any residents within 500 yards of the noise.

Thank you for including our voice in this matter.

Best,

Tim & Wendy McAdam

Arly Cassidy

From: Laura Russell
Sent: Tuesday, May 28, 2019 12:16 PM
To: Arly Cassidy
Subject: FW: Planning Commission [DO NOT EDIT SUBJECT]

-----Original Message-----

From: Alice Schenk
Sent: Tuesday, May 28, 2019 11:49 AM
To: Town Center <TownCenter@portolavalley.net>; Laura Russell <lrussell@portolavalley.net>
Subject: Planning Commission [DO NOT EDIT SUBJECT]

Please place my name alongside those who oppose a new tasting room here in Portola Valley. I have lived here since the town was formed and the traffic and congestion is already taking a toll on life here. Sometimes it's impossible to even park in the local shopping centers. The original intent was to permit businesses which catered mostly to local residents. A wine tasting room would need many out of towners to justify its existence. I think that it would be clearly out of place.

Alice Schenk

Portola Valley, Ca. 94028

Arly Cassidy

From: Carol Borck
Sent: Wednesday, May 29, 2019 2:52 PM
To: Arly Cassidy
Subject: FW: winery tasting room permit

-----Original Message-----

From: Sylvia Thompson
Sent: Wednesday, May 29, 2019 2:19 PM
To: Town Center
Cc: Carol Borck; Andy Thompson
Subject: winery tasting room permit

Dear Commissioners,

We are writing to express our opposition to the creation of a wine tasting venue next to the Windy Hill preserve.

The Town agreed to allow a winery with restrictions so that we would collectively maintain the rural character of the town while allowing use of a property for grape growing. We believe it is important that no exceptions are made to this permit.

A wine tasting venue will bring more vehicle traffic to the Portola Road scenic corridor. Parking already overflows onto the street every weekend due to hikers. Additional parked cars could disrupt bike lanes and create road safety risks.

A wine tasting room is an incremental step that could lead to requests for events such as concerts and weddings. A commercial events venue is not in keeping with the rural character of Portola Valley.

Furthermore, a tasting room for this winery will set a precedent that would make it hard to control the growth of other wineries and commercial enterprises.

Please uphold our commitment to protecting the environment and quiet mood of the town. We respectfully ask you not to grant a permit for a tasting room.

Sincerely,

Andrew & Sylvia Thompson

Arly Cassidy

From: Laura Russell
Sent: Wednesday, May 22, 2019 1:15 PM
To: Arly Cassidy
Subject: FW: Wine Tasting Room near Windy hill

From: webmaster@portolavalley.net [mailto:webmaster@portolavalley.net]
Sent: Wednesday, May 22, 2019 9:39 AM
To: Laura Russell <lrussell@portolavalley.net>
Subject: Wine Tasting Room near Windy hill

Message submitted from the <Portola Valley, CA> website.

Site Visitor Name: Barbara Seipp
Site Visitor Email:

Dear Laura ,

I have recently been made aware that there is potential for a public tasting room associated with the winery located next to Windy Hill Open Space Preserve to open in Portola Valley

Please correct me if this is rumor, but if not I would like to voice my serious concerns about this type of business and its location. I feel it completely goes against the cultural heritage of our natural valley. We value our peaceful, rural style fostered in part from the wonderful trails, lack of sidewalks, and appropriate low wattage nighttime lighting.

I fear that a business near WH would disrupt this valley. I also fear that walkers, hikers and cyclists could be endangered on the stretches of Alpine and Portola roads that potentially impaired drivers would be traveling. I do not believe that a winery qualifies as a "necessary service for local residents".

Our visionary founders established our character with the following goals from our own PV history page:

".....in 1964, they voted to incorporate in order to have local control over development. The goals were to preserve the beauty of the land, to foster low-density housing, to keep government costs low by having a cadre of volunteers, and to limit services to those necessary for local residents.

School, ca. 1894

In the view of many, a good balance between modern development and pastoral quiet exists in the community today. Portola Valley is home to 4500 residents in 1700 households. Nineteen hundred acres of permanent open space exist within the town. Residents continue to treasure the town's environmental and historic heritage, its excellent public schools and its town government staffed by a multitude of volunteers."

I urge the Planning Department to reject any proposal for a business venture associated with the winery near Windy hill. Thank you.

Barbara Grantham Seipp

Portola Valley, CA 94028

Keep some room in your heart for the unimaginable.~ Mary Oliver

To: Laura Russell, Planning and Building Director;
Arly Cassidy, Associate Planner;
Members of the Planning Commission
From: Betsy Morgenthaler
Re: Proposal to Amend a Conditional Use Permit to Allow Wine Tasting and Event Space at the Spring Ridge Winery

June 3, 2019

I am writing in opposition to the proposal submitted by Spring Ridge to amend their Conditional Use Permit to include a Tasting Room and Event Space. It is incompatible with the surrounding land use that includes the Portola Road residential neighborhood in which I live. As well as its single-family residents, our neighborhood includes The Sequoias, our senior community; the many hikers, bikers, and horseback riders who populate the trails and adjoining roads of the Windy Hill Open Space; a winery and vineyards. I believe adding a tasting room - event space will compromise the safety and peacefulness of this neighborhood and our Town-at-large.

My belief comes from experience as a resident owner in the Napa Valley wine industry. Since the late 60's and until 2000 my family was the managing partner of Freemark Abbey and Rutherford Hill Wineries. I both witnessed the scene and, over the years, assisted-in wine tasting rooms, event centers, and financial management. Best efforts aside, the culture of wine promotion, wine tasting and winery event centers is just plain challenging to manage. Not everyone attracted to wine tasting rooms follows or even knows their limit of respectful drinking, and it is unrealistic to expect employees to vet and monitor every guest, all the while. To the best of my knowledge there are no wineries in the Napa Valley today who continue to host weddings for anyone but family members, because they are notoriously the worst, though not remotely the lone, offenders.

In Portola Valley, evening events promoting wine service would put those less familiar with our roads onto our dark streets with underlit pedestrian crosswalks, and with what consequences? By day this segment of Portola Road is highly traveled, known for congestion and spillover parking. Here again, it is unrealistic to expect employees of Spring Ridge to manage all their visitors' arrival and parking choices nor to oversee their safe departures. This intersection already brings together senior drivers, regional hikers, bike enthusiasts, and local pedestrians. To this mix, Spring Ridge proposes to add a flow of wine enthusiasts. If there were one, the community purpose that would be served by this proposal cannot match its risks. It is too much to ask of this particular site.

Portola Valley is known for protecting open space and keeping it open to outdoor enthusiasts. If we focus on doing what we do well, there is no reason to tempt fate with an on-premises tasting room and event space.

Respectfully,
Betsy Morgenthaler

Portola Valley

Dear Portola Valley Planning Commission,

We are Clair and Jay Jernick, at Portola Valley, since March of 1984. This letter is to contribute to the discussion of the Neely Family Vineyard's application (CUP) to open a wine tasting room, and event facility at 555 Portola Rd.

We want you to stay with the 2013 Town Council decision to not have a tasting room or event facility at 555 Portola Rd.

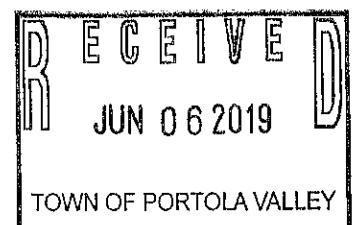
It is our understanding that all commercial activity in Portola Valley is to serve the residents of Portola Valley. A wine tasting operation does not fit that objective. A wine tasting room would bring in outside traffic, contributing to the congestion on Portola and Alpine Roads. It would increase conflicts between cars, pedestrians, horse back riders and cyclists, which has reached a point where it is already difficult to navigate our roadways.

We are opposed to the 24 events a year that The Neely Family Winery applied to have. This will draw weddings, and other large parties. Our objections include noise problems, light distractions, security problems, and large increases in traffic. All noise generated along the floor of the valley, where the winery is located, echoes and amplifies in sound. Please don't vote for something that will increase the noise in Portola Valley.

Our wise Town Founders worked hard to articulate and establish rules to preserve our rural environment, a tasting room and event center is in conflict with these objectives. Both of these uses will draw customers from outside the valley, and will not serve predominately Portola Valley residents. They also have the potential for generating alcohol related accidents.

A decision to allow these uses, would cause an irrevocable change to the rural character of Portola Valley. We do not need or want these kind of commercial operations in Portola Valley. Please vote no on the applications.

Clair and Jay Jernick



Arly Cassidy

From: Laura Russell
Sent: Monday, May 20, 2019 5:38 PM
To: Arly Cassidy
Subject: FW: Neely Family wine tasting room

-----Original Message-----

From: Town Center
Sent: Monday, May 20, 2019 9:26 AM
To: Laura Russell <lrussell@portolavalley.net>
Subject: Neely Family wine tasting room

And another

-----Original Message-----

From: JAMES F GIBBONS
Sent: Sunday, May 19, 2019 8:10 PM
To: Town Center <TownCenter@portolavalley.net>
Cc:
Subject: Neely Family wine tasting room

Dear Planning Commission:

My wife and I understand that you are presently considering whether to allow the Neely Family Vineyards to build a wine tasting room more or less in the middle of the town. We strongly favor the judgment of the 2013 Planning Commission, who voted not to allow the tasting room to be built. We find their arguments to be persuasive and urge you to follow their precedent.

Thank you for your service to the Town.

Respectfully submitted,

Jim and Lynn Gibbons

Portola Valley, CA 94028

Arly Cassidy

From: Laura Russell
Sent: Monday, May 20, 2019 5:39 PM
To: Arly Cassidy
Subject: FW: Planning Commission [DO NOT EDIT SUBJECT]

From: Town Center
Sent: Monday, May 20, 2019 9:25 AM
To: Laura Russell <lrussell@portolavalley.net>
Subject: FW: Planning Commission [DO NOT EDIT SUBJECT]

Hi Laura,
Forwarding your way...

From:
Sent: Monday, May 20, 2019 7:26 AM
To: Town Center <TownCenter@portolavalley.net>
Cc:
Subject: Planning Commission [DO NOT EDIT SUBJECT]

I am opposed to a wine tasting room on Portola Road. We have enough traffic and this could increase the many bike accidents. Let's keep our town safe and keep Windy Hill as is! Jan Pieper

Jan Pieper

Portola Valley, CA 94028

Arly Cassidy

From: Laura Russell
Sent: Monday, May 20, 2019 5:38 PM
To: Arly Cassidy
Subject: FW: Planning Commission [DO NOT EDIT SUBJECT]

-----Original Message-----

From: Town Center
Sent: Monday, May 20, 2019 9:27 AM
To: Laura Russell <lrussell@portolavalley.net>
Subject: Planning Commission [DO NOT EDIT SUBJECT]

-----Original Message-----

From: Kathleen Bennett
Sent: Saturday, May 18, 2019 8:15 PM
To: Town Center <TownCenter@portolavalley.net>
Subject: Planning Commission [DO NOT EDIT SUBJECT]

Dear Members of the PV Planning commission,

I am writing to let you know that I hope you will all vote against the Neely proposal of having wine tasting rooms and events within the town limits.

As a person who sat on the last general plan review committee, it became clear to me that business within the town limits are supposed to serve Portola Valley residents. To keep the rural character of the town, neither the planning commission nor the town council should approve any commercial undertaking that is not targeted to PV residents, that caters to non-residents, and that creates traffic in our quiet little town.

Thank you for your kind attention to this matter.

My very best regards,

Kathleen Bennett

Portola Valley, CA
94028

Arly Cassidy

From: Laura Russell
Sent: Monday, May 20, 2019 5:38 PM
To: Arly Cassidy
Subject: FW: CUP for 555 Portola Road - Neely Winery Expansion

-----Original Message-----

From: Town Center
Sent: Monday, May 20, 2019 10:18 AM
To: Laura Russell <lrussell@portolavalley.net>
Subject: CUP for 555 Portola Road - Neely Winery Expansion

-----Original Message-----

From: Ken Lavine
Sent: Monday, May 20, 2019 9:41 AM
To: Town Center <TownCenter@portolavalley.net>
Subject: CUP for 555 Portola Road - Neely Winery Expansion

I am writing to add my voice to the conversation regarding the Neely Family Vineyard's application (CUP) to open a wine tasting room at their 555 Portola Rd. winery.

As a 42 year resident of Portola Valley, I am strongly in favor of retaining the town's rural and open-space character. This includes commercial activity that is centralized and focused on serving the needs of residents.

In my opinion, Portola Valley does not need to build a tasting room and event center in the middle of our town. The Neely winery is a welcome addition to the town, but the proposed new 'tourist' extensions of that facility should not be allowed, as the 2013 Town Council already has ruled.

Ken Lavine

Portola Valley, CA 94028

Arly Cassidy

From: webmaster@portolavalley.net on behalf of Town of Portola Valley, CA
<webmaster@portolavalley.net>
Sent: Thursday, May 30, 2019 8:27 AM
To: Arly Cassidy
Subject: Support for Neely Wine Tasting Room

Message submitted from the <Portola Valley, CA> website.

Site Visitor Name: Kevin Lanigan
Site Visitor Email:

Hello Arly -

Adding our 2 cents to the many in support of the Neely wine tasting room.

As 18 year residents of Portola Valley we know this would be a tremendous addition to the community. Having a place nearby to drop in, without appointments, to wine taste and an alternative space for special events would be great. As a member of Fogarty's Wine Club and occasional visitor to their tasting room and events we see the benefit of that open space for people to enjoy without any negative impacts. The Neely proposal is a big win on many levels and we hope to see it happen. Thanks.

Arly Cassidy

From: Laura Russell
Sent: Monday, May 20, 2019 5:37 PM
To: Arly Cassidy
Subject: FW: Planning Commission [DO NOT EDIT SUBJECT]

From: Town Center
Sent: Monday, May 20, 2019 10:59 AM
To: Laura Russell <lrussell@portolavalley.net>
Subject: FW: Planning Commission [DO NOT EDIT SUBJECT]

From: mimi meffert
Sent: Monday, May 20, 2019 10:58 AM
To: Town Center <TownCenter@portolavalley.net>
Subject: Planning Commission [DO NOT EDIT SUBJECT]

I am opposed to a Tasting Room at 555 Portola Road, Portola Valley. Not only the Tasting Room being very near the Open Space Windy Hill Trail, but object to having the many Events that the Tasting Room is hoping to attract. If the Tasting Room were in Shopping Center area such as Ladera or the center near the PV Town Center, it might be acceptable, but not at 555 Portola Road. Please consider my objection as a supporter of Portola Valley as well as a resident.
Amelia (Mimi) Meffert

PV 94028

Arly Cassidy

From: Laura Russell
Sent: Monday, May 20, 2019 5:39 PM
To: Arly Cassidy
Subject: FW: Planning Commission [DO NOT EDIT SUBJECT]

From: Town Center
Sent: Monday, May 20, 2019 9:26 AM
To: Laura Russell <lrussell@portolavalley.net>
Subject: Planning Commission [DO NOT EDIT SUBJECT]

From: Nick McKeown
Sent: Sunday, May 19, 2019 8:43 PM
To: Town Center <TownCenter@portolavalley.net>
Cc: Asena Gencel
Subject: Planning Commission [DO NOT EDIT SUBJECT]

We are writing to oppose the proposed wine tasting room for Neely Vineyard. It is great to have a vineyard here in PV - but a tasting room will detract from the local charm and be out of keeping with the spirit of our town.

Nick & Asena McKeown
PV

--

Nick McKeown 马格理

Arly Cassidy

From: Laura Russell
Sent: Thursday, May 30, 2019 4:41 PM
To: Arly Cassidy
Subject: FW: Planning Commission [DO NOT EDIT SUBJECT]

From: Town Center
Sent: Thursday, May 30, 2019 10:57 AM
To: Laura Russell <lrussell@portolavalley.net>
Subject: FW: Planning Commission [DO NOT EDIT SUBJECT]

From: Nicole Amundsen
Sent: Tuesday, May 28, 2019 11:02 AM
To: Town Center <TownCenter@portolavalley.net>
Subject: Planning Commission [DO NOT EDIT SUBJECT]

Dear Commissioners,

I am writing to encourage your continued protection of our beloved Portola Valley and its incredible rural character (truly a miracle valley that we live in considering all of the commercial encroachment and real estate pressures that are constant and ever increasing!!!).

I want to express complete and **total opposition to the creation of a wine tasting or event venue next to the Windy Hill preserve.**

This is the kind of commercial encroachment that changes the very character and natural environment of our community. The Town agreed to allow a winery with restrictions so that we would collectively maintain the character of the town while allowing use of a property for wine growing. But having a wine tasting venue and commercial venue will bring traffic, drunk driving, noise, and general disruption of the natural spaces adjacent the gem of Windy Hill. This is not Napa, it is a unique, wildlife inhabited community and I think we have to remain strong in our commitment to protecting the environment and quiet mood of the town. We have an event center in the Town Commons already. I think that once a domino like this falls, then more and more will come, because there is no other place to develop. Please maintain and protect this community by not allowing a permit for this request.

-Thank you,

Nicole Amundsen

Arly Cassidy

From: Laura Russell
Sent: Tuesday, May 21, 2019 1:22 PM
To: Arly Cassidy
Subject: FW: Planning Commission [DO NOT EDIT SUBJECT]

From: Town Center
Sent: Tuesday, May 21, 2019 8:15 AM
To: Laura Russell <lrussell@portolavalley.net>
Subject: Planning Commission [DO NOT EDIT SUBJECT]

From: Phyllis Willits
Sent: Monday, May 20, 2019 7:38 PM
To: Town Center <TownCenter@portolavalley.net>
Subject: Planning Commission [DO NOT EDIT SUBJECT]

This is to express my strong opinion that the town of Portola Valley should stay with the 2013 decision of the Town Council that the Neely Vineyard should NOT be granted permission to open a tasting room and Event venue. As a hiker who enjoys the Betsy Crowder trail regularly, I do not want the beauty and serenity of Portola Valley disturbed by a tourist destination.

Thank you for your consideration,

Phyllis Willits

Portola Valley

--
Phyllis Willits

Arly Cassidy

From: Laura Russell
Sent: Wednesday, May 22, 2019 1:10 PM
To: Arly Cassidy
Subject: FW: Planning Commission [DO NOT EDIT SUBJECT]

From: Town Center
Sent: Wednesday, May 22, 2019 1:01 PM
To: Laura Russell <lrussell@portolavalley.net>
Subject: Planning Commission [DO NOT EDIT SUBJECT]

From: Gordon Kruberg
Sent: Wednesday, May 22, 2019 12:21 PM
To: Town Center <TownCenter@portolavalley.net>
Subject: Planning Commission [DO NOT EDIT SUBJECT]

As you deliberate over the upcoming decision whether to allow a wine tasting rom and festivals, I hope you would take our opinion into consideration.

Portola Valley is not for businesses, it is for residences.

Businesses, including my own private office at the corner of Alpine and Portola for 5 years, eschew non-local traffic. This has defined the character of the Town as long as I have been a part of it, just over 25 years.

Please don't change it.

Gordon

W. Gordon Kruberg, M.D.



To: Planning Committee, Portola Valley
Subj: CUP Neely Winery for Wine Tasting Room and Event Area

May 29, 2019

I oppose the Neely CUP as discussed at your 4/17/19 meeting

1) It reverses the 2013 Town Council decisions to specifically deny a wine tasting room as part of the permit to operate the winery. What has changed?

2) It violates the town founders basic concept that Portola Valley should be a rural community with only commercial and retail services that directly serve the residents such as grocery, hardware, feed store, and the like, A wine tasting room benefits the owners, not the residents.

3) A wine tasting room is, in essence, a tourist attraction in the middle of our rural scenic entry corridor. We have always protected the Town Entry Vista. The Town has taxed itself to this end, has bought open space for this purpose.

4) Portola Valley has no need for such activities. The negatives outweigh any benefits.

5) As a wine tasting room is basically a drive-in-drive-out activity, it adds to our traffic problems

6) Parking is already an issue near the 555 Portola Rd. location; we do not need more of a problem

7) The boutique winery is an addition to the community. However, 'Wine tasters' are not.

8) The location will interfere with the operation and the value of the Open Space Experience of hikers and nature walker on the Windy Hill Preserve

9) The 'Event House introduces another series of problems that are associated with it including NOISE CONTROL, LIGHT INTERFERENCE IN THE FOOTHILLS, SECURITY, PLUS PARKING AND TRAFFIC

SUMMARY: Having a commercial operation, a wine tasting room and wine sales, in the center of Portola Valley one purpose of which is to attract non-PV residents who drive in and drive out in short cycles is clearly not what the townspeople want today. It is not what they thought they bought when they moved here. It is not within the spirit of this community. There is no community need for it. The Spring Ridge Vineyard is a boutique winery and welcome to the community as such. Its business today fits well with the Town. Making it a Tourist Attraction violates the accommodation they agreed to with the Town when they first got started about 40 years ago. 'No tasting rooms' was reaffirmed in 2013. Boutique Wineries are essentially a self-fulfilling hobby; Spring Ridge's business today fits well with the Town. Making it a Tourist Attraction with retail and wine tasting violates the accommodation the Neely's reached with the Town when they began the business about 40 years ago. This was reaffirmed in 2013 CUP.

Boutique Wineries, particularly family owned ones, are a way of life, a challenging and expensive Endeavour. Anyone who starts such a venture would be aware of these facts. However, in Silicon Valley, what Neely has done is create an excellent long-term investment for their family. The property's value has been greatly increased with the Neely's efforts to date. It will be a winery forever and I believe never sub-divided into housing lots. This is an active earthquake area hostile to houses but OK for grape vines.

I urge you not to approve this modification to the Neely winery operation. Let it continue as is; it is an asset to the community.

Ward Paine, 290 Mapache dr. Portola Valley

A handwritten signature in black ink that reads "Ward Paine". The signature is written in a cursive, flowing style.

From: [Town Center](#)
To: [Laura Russell](#)
Subject: Application for wine tasting room for Neely ranch - Attention Jon Goulden, Chair, Planning Commission, and all members
Date: Tuesday, July 30, 2019 8:04:36 AM

Hi Laura,
Forwarding you the below email.

Thanks,
Sharon

From: Ellie Ferrari >
Sent: Monday, July 29, 2019 4:48 PM
To: Town Center <TownCenter@portolavalley.net>
Subject: Application for wine tasting room for Neely ranch - Attention Jon Goulden, Chair, Planning Commission, and all members

I hope the planning Commission rejects this application as it is not a benefit to the town. The entrance to this property crosses the town trail easement which is heavily used by hikers, runners, bikers and equestrians. Also road bikes are constantly in motion on the bike lane along Portola Road. Traditionally the town has viewed applications such as this - a commercial proposition - in the light of what benefits accrue to town residents ? I say very little. It will mainly attract out-of-towners and the town is already inundated with immense amounts of traffic - whether vehicles or bicycles - on Portola Road, especially on week-ends. This would set a bad precedent for similiar ventures in our small community. I seem to remember that when the family built their 'barn', it was suspected that it may have been for winery usage but we were told it was for storage for implements for the ranch, or somesuch language. I thank you for working to preserve the spirit of the General Plan and our founders in keeping Portola Valley free of such overtly commercial ventures, and hope you will continue to uphold this delicate tradition.

Ellie Ferrari - Resident,
Willowbrook Drive.

From: [Town Center](#)
To: [Laura Russell](#)
Subject: PLANNING COMMISSION - Spring Ridge Farm
Date: Wednesday, October 30, 2019 2:44:24 PM

Hi Laura,
Please forward to the Planning Commission.

Thanks,
Sharon

From: Mary Page Hufty
Sent: Wednesday, October 30, 2019 2:41 PM
To: Town Center <TownCenter@portolavalley.net>
Subject: Spring Ridge Farm

Dear Planning Commission and Town Council,

We all so rely on your wisdom and strength to protect the safety and value in our community. Thank you!

To that end please consider that the General Plan and the codes of our town need to be strengthened to protect the rural and residential open space character of our town. As we know from looking at all the towns and cities in California, we have been uniquely protected by the hard work and commitment of our residents to open space and to nature. You are the one's who have been appointed to uphold and consider those protections.

Northern California environment has been hard hit by grapes replacing grazing and open space. Further development, traffic, and population density brings an intolerable fire burden into our wild urban interface community as our environment becomes increasingly dry, degraded and hot. We cannot continue to make destructive mistakes.

We need to renew our commitment to environmental protection and restoration not decrease it or weaken it.

Please do not make exceptions in considering the plans for increased public use of the Spring Ridge Farm. I am reminded of Simon Winchester's cynical references to our love of wine and our fearless attitude toward earthquakes but will quote the deceased Marion Softky our most ardent supporter against Winchester's blistering condescension, when she said "I enjoy the good life here, keep my cache of emergency earthquake supplies up to date, and participate as a safety marshal in regular earthquake and fire drills. (I'm more afraid of wildfire in our crackling dry hills than earthquakes.)"

All my best,

Mary Hufty

"No greater monument to hubris can be found than in a pretty little town forty miles south of San Francisco, where people have lately made untold millions from their work on designing computers and the vitals that make the work. The town is called Portola Valley..."².

1. Simon Winchester got it wrong about Portola Valley by Marion Softky 12/21/2005. Read it it is a good article in praise of how we have been able to lead as a very small community towards safer and progressive interactions between man and nature.

2. The Crack in the Edge of the World by Simon Winchester.

From: |
To: [Laura Russell](#)
Subject: CUP or 555 Portola Valley Road
Date: Wednesday, October 30, 2019 1:23:55 PM

Dear Ms Russell,

I just received your letter regarding the application to amend the CUP for the property at 555 Portola Road. I feel strongly that the idea of having a tasting room/party venue in the center of Portola Valley is a bad idea.

Portola Valley has always been an idyllic community. We have built a spectacular town center with a heavily used library and beautiful playing fields. Everyone goes there. We drive, walk and ride bikes and horses along Portola Road. The walking path crosses the road several times and in front of the 555 driveway. Do we really want to share this important and busy corridor with more drivers and tipsy drivers?

A tasting room, a party venue to promote wine, is a purely commercial venture and is not a glamorous thing. It is not a controlled venue and it is a significant change to the character of our town. It increases traffic on an already busy rural corridor. Why would we want to encourage and attract alcohol-impaired drivers to the center of our town? Yes, one enters on a private drive, but once one crosses the walking path and enters Portola Rd, then the community is involved and it is a public nuisance. I received a notice because my house is within 1000 ft of the property, but when is changing the character of the town and affecting its major thoroughfare of interest to only those living within a 1000 ft of a winery entrance? Is a driver less alcohol impaired at 1050 ft or 5000 ft from the entrance?

I prefer to maintain the town's more bucolic and safe qualities. I encourage the town and the council to reject this amendment--nothing is gained, much is lost.

Sincerely yours,

Leslie Kruth

From:
To: [Laura Russell](mailto:laura.russell@hklaw.com); jonathangoulden@gmail.com; judith.hasko@lw.com; anneark59@sbcglobal.net; nicholas.targ@hklaw.com; ctaylor@2ct.com
Cc: [Craig Hughes](mailto:Craig.Hughes@hklaw.com); [Jeff Aalfs](mailto:Jeff.Aalfs@hklaw.com); [MaryannMoise-DG](mailto:MaryannMoise-DG@hklaw.com); [Ann Wengert](mailto:Ann.Wengert@hklaw.com); [JohnRichards-DG](mailto:JohnRichards-DG@hklaw.com)
Subject: May 14, 2019 Revised Spring Ridge CUP - Events
Date: Wednesday, September 4, 2019 3:38:47 PM

Dear Members of Planning Staff, Planning Commission, and Town Council:

The May 14, 2019 Revised Spring Ridge CUP claims that a noise study is not warranted. Noise is at the very heart of the proposed changes to the existing Spring Ridge CUP which would allow wine tasting and special events.

Please note on page 3 of Mid-Peninsula Open Space District's April 17, 2019 letter to the Planning Commission, Midpen's request for a thorough noise study to be conducted in advance of Planning approval. A "robust noise study" is needed to determine the impact (especially of music) on the Windy Hill Open Space and the effect on the meadow ecosystems. I think the Town should consider carefully Midpen's request if we are to continue to be good neighbors.

The Portola Road scenic corridor has commercial clusters at both the south and northern ends. Why disrupt the tranquility of this rural treasure - the scenic corridor - by allowing retail/commercial events at its very center.

Thank you for your consideration,

Sandy & Wil Patterson
126 Stonegate Road

To: Portola Valley Planning Commission

As a resident of The Sequoias, we, and so many of our fellow residents, treasure the beauty and tranquility of this very special and wonderful valley.

The Neely Winery fits into the scene.

However, the addition of a tasting room and wine sales would bring traffic, noise, parking problems, interference with the enjoyment of Windy Hill open space by hikers and residents.

Please do not allow this to happen!
Thank you.

Anne M. Westerfield and Putney Westerfield
The Sequoias, 501 Portola Rd. #8021

P.S. As a thirteen year member of the Board of POST (1991 – 2004) I celebrate the current and future importance of open space to the citizens of this and other communities. Anne M. Westerfield



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
michael@lozeaudrury.com

BY E-MAIL

November 4, 2019

Jon Goulden, Chair
Judith Hasko, Vice Chair
Anne Kopf-Sill
Craig Taylor
Nicholas Targ
Planning Commission
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028
planningcommission@portolavalley.net

Laura Russell
Planning & Building Director
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028
lrussell@portolavalley.net

Re: Comments re: 555 Portola Road Application - File # PLN_USE 4-2018, November 6, 2019 Planning Commission, Agenda Item No. 1.

Dear Chair Goulden, Vice-Chair Hasko, Commissioners Kopf-Sill, Taylor and Targ, and Ms. Russell:

I am writing on behalf of Angela and Greg Semans to identify a number of serious concerns with the application submitted by Spring Ridge LLC to amend the existing Conditional Use Permit ("CUP") to allow wine tasting and event space uses at the Spring Ridge Winery. The Semans' property is located directly across Portola Road from the proposed event space. The Semans request that the Planning Commission ultimately deny the application to introduce commercial alcohol sales and use along this rural, residential stretch of Portola Road and within a designated Meadow Preserve. The proposed project is inconsistent the Town's Residential Estates Zoning, numerous elements of the General Plan, and the goals and intended uses of a designated Meadow Preserve area. Because the Project will have significant noise, safety, and aesthetic impacts on neighboring properties, the Planning Commission cannot make the necessary finding required to authorize the CUP. Any effort by the Town to exempt the Project from the California Environmental Quality Act ("CEQA") pursuant to 14 California Code of Regulations ["CCR"] §15303, the "New Construction or Conversion of Small Structures" or Class 3 exemption, would be an abuse of discretion because the proposed events are not a project within the scope of that exemption. Moreover, the Project is not eligible for a Class 3 exemption because of its proposed location within a

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designated Meadow Preserve, an environmental resource of critical concern adopted pursuant to the Town's Ordinances. Lastly, the Class 3 exemption cannot be applied to the project because the Project will have significant noise impacts on neighboring properties and may have significant impacts on wildlife, aesthetics, safety, parking and traffic due to unusual circumstances associated with the Project's location within a designated Agricultural Preserve, adjacent to a local scenic road, and in close proximity to residential neighborhoods.

Over the years, the applicants have established a pattern of intermittently expanding the winery and vineyard uses at the site. Thus, what was originally a barn intended to help harvest hay in order to maintain the meadow as a hay meadow has now largely been abandoned by the approval of 5.5 acres of vineyard on the meadow and the barn instead gravitating toward the winery use. The current application is the culmination of that evolution, now transforming the barn from something helping to preserve the hay meadow to a use expanding the winery uses, bringing in commercial events, wine sales, wine drinking, and parking to what is intended to be a natural and agricultural preservation area.

It also appears that the applicants have gotten a jump start on their application. Recent Google Earth images indicate that, sometime prior to June of this year, the Neely's went ahead and appear to have graded the proposed patio area on the south side of the barn. Attached are two Google Earth Images showing the change to the site. The disturbance of a portion of the meadow is in direct conflict with the existing CUP which forbids any modifications to the driveway and strictly limits the size of the barn and the areas to be planted with vineyard. Nothing in the CUP authorizes grading the meadow to make way for a possible concrete patio area. The Town has indicated to us that no inspections have ever occurred to evaluate the applicant's compliance with their CUP. The Semans request that the Town immediately inspect the property to confirm whether the meadow has been graded without permission and in violation of the current CUP. This also calls into question whether the various restrictions on crowd sizes and hours will be enforceable by the Town going forward. For these reasons, as well as the numerous conflicts with the Town's land use plans and CEQA discussed below, the Commission should express significant doubt as to whether it will be able to approve the Project should it come before the Commission for a vote. At a minimum, the Commission should instruct staff to require the applicant to fund an acoustic study, a parking and traffic study, including a safety analysis, and appropriate wildlife surveys and wildlife noise impact assessments as necessary for the Town to evaluate the potential impacts of the Project and to support any findings necessary to issue a CUP for the Project.

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///

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I. BACKGROUND.

A. The Proposed Project

The Project proposes to amend the existing CUP X7D-151 currently authorizing the existing vineyards and wine production at the Spring Ridge Winery. The property is identified as APN 076-340-110 and extends uphill from Portola Road over 229 acres. The CUP was initially issued in 2000 for winery and vineyard production limited to the upper parts of the property away from Portola Road and the meadow. In 2009, another CUP was issued for additional floor area and residential uses on the upper part of the property. The two CUPs were amended in 2013 to allow for additional vineyards in the meadow area along Portola Road as well as the construction of a hay barn in the northeast corner of the property. Rather than the uses discussed in the 2013 CUP amendment to store hay and hay baling equipment, the barn currently is being used as a workshop and to store equipment of some kind.

The currently proposed CUP amendment would repurpose the barn from a workshop and equipment storage use to a wine tasting, retail store and event space and further encroach on the meadow area with parking spaces and an overflow parking area. The proposal includes constructing a paved patio, one new concrete parking space and twelve new gravel parking spaces totaling 3,020 square feet. The application suggests that there are 19 “existing improved” parking spaces adjacent to the barn. However, the existing CUP only provides for an access driveway which “may continue to be used for periodic maintenance and harvesting of agricultural production.” Resolution 2013-3, Exhibit A, p. 4, ¶6(f). In adopting the 2013 CUP amendment, the Council specifically provided that “the current meadow area dirt/grass roads shall not be improved beyond their current conditions.” Hence, all 32 proposed parking spaces, including the 19 parking spaces proposed on the existing gravel area adjacent to the barn, are new improvements and uses as well for the site. In addition, the Project proposes to use an approximately 10,000 square foot area of the existing meadow area for overflow parking for up to 50 vehicles about 100 feet to the west of the existing barn.

The proposal includes indoor and outdoor events with amplified music indoors and acoustic music outdoors. There is no proposed restriction on the size of outdoor acoustic music groups or whether they would be counted as part of the 75 guests or the parking projections. Nor is there any mention of event staffing and how many additional people staffing events would involve. The events would host up to 75 people and parking at any one time and up to 120 people to the extent the event was scheduled for an entire day. Events would be scheduled to end by 9 pm but could occur on weekdays or weekends.

The proposed outdoor events would take place on the proposed “patio/garden” area. An existing patio is located on the north side of the barn. A proposed new patio area would extend an existing patio area on the southern side of the barn. The garden

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area is depicted as a roughly 3,500 square foot area located to the east towards Portola Road along the existing access driveway.

The proposed uses would be located in close proximity to the parcel's northern property line. An adjacent property is located immediately to the north of the existing parking area and barn. Additional residential properties, including the Semans' property, are located immediately across Portola Road from the proposed project.

B. The Meadow Preserve, Portola Road Corridor and General Plan.

The area of the parcel in which the Project is proposed is located along the Portola Road Corridor. The existing barn and the areas where parking and the events are proposed would be located in a Meadow Preserve designated in the Town's General Plan. The Meadow Preserve is about 24 acres in size. Approximately 17 acres of the Preserve are located on the Neely's property to the west of Portola Road. The remaining 7 acres are to the south on the adjacent Mid-Peninsula Regional Open Space District ("MROSD") property. The Meadow Preserve is a Community Open Space Preserve under the Open Space Element. The Open Space Element provides the following description for such preserves:

Community Open Space Preserves are scenic areas kept essentially in a natural state for the benefit of the residents of the town. Such preserves provide visual pleasure and accommodate very limited access and use, such as by trails and paths. They serve major parts of the town and generally are up to 50 acres in size.

Open Space Element, p. 1 (2203). The Open Space Element specifically highlights the Preserve, explaining that:

The Meadow Preserve, the large field adjoining Portola Road and north of The Sequoias, lies astride the San Andreas Fault and is visually important to the entire quality of the valley. ***This preserve should be kept in a natural condition and the existing agricultural character preserved.***

Open Space Element, p. 10 (§ 2216(2)) (emphasis added).

The parcel is located in Segment 2 of the Portola Road Corridor. Portola Road Corridor Plan, pp. 5-6. The Corridor Plan emphasizes the importance of the Meadow Preserve area:

The west side of the corridor along this segment provides some of the most magnificent views in town. The Town will need to manage its lands along the right of way to protect and improve these views and should also work with both private and public land owners to take actions on their

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properties consistent with this Corridor Plan and other applicable elements of the General Plan.

Portola Road Corridor Plan, pp. 5-6. The Corridor Plan then sets forth a number of objectives and principles to guide the Town's land use decisions in this area. "Landscaping, buildings and other land uses within and along the corridor need to be sited and designed to conserve the open and rural character." *Id.*, p. 1. A key objective of the Corridor Plan is to ensure the corridor "serve[s] as a scenic corridor through the town that reflects the open space values of the town." *Id.*, p. 2. The Plan is intended "[t]o encourage more pedestrian, bicycle and equestrian use along the corridor, improve the experience for these users, and **reduce local motor vehicle trips.**" *Id.*, p. 2 (emphasis added). Commercial activities are intended to be clustered at the two ends of the corridor, as stated by the objective "[t]o preserve, enhance and reinforce the identity of the town by providing for a unified design of the valley, with two clusters of commercial and civic facilities near the ends of the corridor as focal points that are linked by trails, open space and planting epitomizing the natural quality of the town." *Id.*, p. 2. Lastly, a key principle of the Corridor Plan is that "[l]and within the corridor should continue to be zoned and otherwise managed to promote open space and **enhance** scenic quality." *Id.*, p. 3 (emphasis added).

Other elements of the General Plan also are relevant to the proposed project. The Land Use Element's objectives include, in residential areas, "[t]o control the occupancy of parcels so as to: ... b. Insure that occupancy of land and dwellings will be in balance with service facilities such as on-site parking.... [and] c. Insure against adverse impact on neighboring residences." Land Use Element, p. 4, sec. 5(b)-(c) (Section 2014). The Meadow Preserve is noted in the Land Use Element: "In particular, it is desirable that the natural character of the open ridge leading up to the Windy Hill Open Space Preserve and the orchards and meadow adjacent to Portola Road and town center be retained." *Id.*, p. 14 (2126).

For areas such as the Meadow Preserve on private lands, the Land Use Element explains that the General Plan only permits, "1. private use of a character and intensity no greater than the public use indicated on the comprehensive plan diagram, or 2. private use at the lowest residential intensity suitable for the property and designed to maximize the open space character of the land." Land Use Element, p. 16 (2136a). "In implementing the foregoing policy with respect to any proposal by a property owner, the approving authority of the town shall exercise judgment in approving a use to ensure compatibility with surrounding and nearby uses, circulation facilities and the applicable objectives of this general plan." *Id.*

The Land Use Element also calls for the Town to prevent commercial uses along the scenic Portola Road corridor and focus commercial uses on goods needed by local residents. The Land Use Element objectives related to commercial development are:

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1. To provide goods and services to satisfy the most frequently recurring needs of local residents. 2. To limit other commercial development to the maximum extent possible consistent with other objectives of the plan. 3. To group related facilities attractively for convenient use and to prevent continuous commercial development along arterials which would detract from the scenic character of the area. 4. To control commercial development in a manner that will minimize its impact on neighboring residential areas.

Land Use Element, p. 17 (2137). The Land Use Element recognizes there is no need for commercial development outside of the identified local shopping and service centers, stating that the “[f]our local shopping and service centers ... are all existing at the present time and have sufficient area to meet the needs of local residents when the planning area is fully developed.” Land Use Element, p. 19 (2141). Correspondingly, “[u]ses which would attract a majority of patronage from outside the service area should more appropriately be located in larger and more centrally located commercial and office centers elsewhere on the Midpeninsula or the Bay Area.” Land Use Element, p. 19 (2142). During the April 17, 2019 Planning Commission meeting where the Project was initially discussed by the Commission, the applicant indicated that less than half of their current wine club members are from Portola Valley.

C. Residential Estate (R-E) Zoning

The project is located within an area zoned for Residential Estates (R-E). The Zoning Code permits, with the issuance of a CUP, a winery including the growing of grapes, producing wine from grapes grown on the premises and imported grapes, the making of wine, wholesale and retail trade of wine produced exclusively on the premises, and the winery buildings and structures. Ordinance § 18.12.030. The list of authorized uses does not include any reference to events or the operation of a wine tasting bar.

D. The Existing Conditional Use Permit

The uses of the Neely parcel have unfolded over the last 19 years. In 2000, CUP X7D-151 was issued authorizing a winery and vineyard use on the upper parts of the property, some of which uses had been initiated by a previous owner in the 1980s. CUP X7D-151 expressly prohibited retail or event uses at the winery, stating “that “[c]ustomers may not come to the winery for tasting or purchasing of wine.” Planning Commission Resolution No. 2000-393. In 2009, the Neelys applied for an amendment to the CUP to allow construction of a greenhouse, cabana, guest house, art studio and horse barn on the upper part of the property and an agricultural building in the lower meadow area of the property near Portola Road. The agricultural building was proposed to facilitate the maintenance of the meadow area, specifically the harvesting of hay from the meadow. 2009 Site Visit Minutes, p. 5. As described at the time:

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It would likely house tractors and other equipment and store hay. Possibly it could be related to a community garden use in the meadow area. It would also be a place for storage of bikes and a place along the property paths for stopping as work on site maintenance is in progress. ***It is also intended that this building not be part of the winery operation.***

Id. (emphasis added). The Neely's architect at the time explained that "[t]he proposed agricultural building would house farm equipment and avoid the need for driving tractors for meadow mowing up and down the hillside." *Id.*, p. 9. This use was emphasized by the Neelys to the Town's [ASCC] in late 2010:

[T]he agricultural building meadow location is desired due to the need to maintain the meadow and also because of proximity to Portola Road. It was stressed that this allows for direct access to the meadow for maintenance and to support the long-term desired agricultural uses as provided for in the general plan.

ASCC Meeting, October 25, 2010, p. 3.

On January 19, 2011, the Planning Commission denied the CUP, including the agricultural building. In regard to the hay barn, the Planning Commission rejected the CUP because there was no clear need for the barn, the proximity of the proposed barn to the fault setback zone, and the location of the barn within the Meadow Preserve. The Neelys appealed the decision denying the barn and other structures. However, prior to the appeal being heard by the City Council, the Neelys withdrew the appeal.

Subsequently, in 2013, the Neelys resubmitted an application for the various structures including the barn. The barn was now proposed for a location within the meadow at the far northern edge of the parcel. By Resolution No. 2013-3, the Planning Commission by a 3 – 2 vote approved this CUP amendment. Given the sensitive location of the existing barn and agricultural uses, the existing CUP firmly restricts the type and scope of uses that can occur in the Meadow Preserve. Planning Commission Resolution No. 2013-3 (Nov. 20, 2013) authorized vineyards on 5.5 acres of the meadow designated on the attached planning sheet (Sheet SK-1). Resolution No. 2013-3, p. 1. The CUP carried forward the prohibition on wine tasting and wine purchase that has been in place since 2000. *Id.*, Exhibit C (Terms and Conditions), p. 1, Condition 5 ("Customers may not come to the winery for tasting or purchasing of wine"). The amendments restricted the use of the existing roads in the meadow area:

The existing property dirt/grass road system as described on Sheet: SK-1, dated 11/14/13, prepared by CJW Architecture, may continue to be used for periodic maintenance and harvesting of agricultural production consistent with the agricultural plan on SK-1 and the provisions of CUPs

Laura Russell
 Comments re: 555 Portola Road Application
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X7D-151 and X7D-169. **No new property dirt/grass roads shall be established for the meadow area. Further, the current meadow area dirt/grass roads shall not be improved beyond their current conditions.** The alignment of the existing dirt/grass roads may be modified when found appropriate by the ASCC during review and approval of detailed meadow area planting and fencing plans.

Resolution No. 2013-3, Finding 6(f) (emphasis added). See also *Id.*, Exhibit B, Condition 5. Relatedly, the 2013 CUP amendment conditions use of the northern gate to the property: “The existing gated driveway at the north end of the parcel’s Portola Road frontage shall only be for secondary access, i.e., maintenance of the meadow area, emergency access and service to the meadow area agricultural uses allowed for herein.” *Id.*, Exhibit B, Condition 3. During the Planning Commission’s deliberation, in response to then Vice-Chair Gilbert’s question regarding what areas of the meadow would remain in its “existing open space condition”, planning staff “pinpointed three areas: 1) along the frontage on Portola Road, 2) along the northerly boundary and 3) along the Sausal Creek side of the property.” Planning Commission Meeting Minutes, p. 2 (Nov, 20, 2013). Other comments of commissioners indicated that “if the acreage devoted to meadow were to be reduced further or not to be contiguous with the open space on the neighboring property, it would be inconsistent with and conflict with the General Plan provision.” *Id.*

E. The Town’s Review of Applications for CUP Amendments.

The Planning Commission’s Review of a proposed CUP Amendment requires specific considerations to be addressed. Ordinance § 18.72.040 sets forth the factors to be considered by the Planning Commission and Town Council. Factors to be considered include, but are not limited to “A. The relationship of the location proposed to: 1. The service or market area of the use or facility proposed, ... [and] 3. Uses of other lands in the vicinity....” Ordinance § 18.72.040(A). Of particular note, the Town must evaluate:

B. Probable effects on persons, land uses, and properties adjoining and the general vicinity, including:

1. Probable inconvenience, economic loss, or hazard occasioned by unusual volume or character of traffic or the congregating of a large number of people,

...

3. Probable inconvenience, damage or nuisance from noise....

Ordinance § 18.72.040(B).

The Town’s municipal code requires the Planning Commission to make specific findings when issuing a CUP:

The planning commission may grant a conditional use permit if it finds that:

1. The proposed use or facility is properly located in relation to the community as a whole and to land uses and transportation and services facilities in the vicinity.
2. The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and such other features as may be required by this title or in the opinion of the commission be needed to assure that the proposed use will be reasonably compatible with land uses normally permitted in the surrounding area and will insure the privacy and rural outlook of neighboring residences.
3. The site for the proposed use will be served by streets and highways of adequate width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
4. The proposed use will not adversely affect the abutting property or the permitted use thereof.
5. The site for the proposed use is demonstrated to be reasonably safe from or can be made reasonably safe from hazards of storm water runoff, soil erosion, earth movement, earthquake and other geologic hazards.
6. The proposed use will be in harmony with the general purpose and intent of this title and the general plan.
7. When this title or the town general plan specifies that a proposed use shall serve primarily the town and its spheres of influence, the approving authority must find that it is reasonable to conclude, based on the evidence before it, that the proposed use will meet a need in the town and that a majority of the clientele of the proposed use will come from the town and its spheres of influence within the near future, normally no more than two years. In general, in making such finding, the approving authority shall, in addition to other information, explicitly take into consideration all similar uses in the town and its spheres of influence.

Ordinance § 18.72.130(A). “If the planning commission is unable to make the findings required above, the planning commission shall disapprove the granting of the conditional use permit.” Ordinance § 18.72.130(B).

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II. THE PROJECT IS INCONSISTENT WITH THE TOWN'S ZONING AND GENERAL PLAN, REQUISITE CUP FINDINGS, AND DOES NOT QUALIFY FOR AN EXEMPTION FROM CEQA.

The proposed Project will have significant negative effects on each of the factors required to be taken into account by the Planning Commission. The proposed uses will certainly inconvenience neighbors and nearby properties with loud noise. Ordinance § 18.72.040(B)(1) & (3). It will cause traffic and safety hazards. *Id.* These will result from the “congregating of a large number of people.” *Id.* The Town’s zoning ordinance and General Plan elements anticipate the inappropriateness of a commercial event and wine tasting use in this area. Accordingly, the Commission will not be in a position to make the findings necessary to issuing a CUP for the proposed Project and the Project should be denied.

A. The Project Cannot Proceed Because Neither Events Nor Wine Tasting Rooms Are Authorized in the R-E Zone.

None of the authorized uses in the R-E zoning contemplates regular events for numerous guests, additional event workers, and a substantial parking lot for those events. Ordinance § 18.12.030. In addition, although retail sales of wine can be a permitted use with the issuance of a CUP (though the Neeley’s current CUP has consistently banned retail sales since 2000), serving and drinking of wine by the public on the property is not an identified permitted use. Indeed, under the Town’s municipal code, the serving of alcohol would appear to be encompassed within the category of “Eating and drinking places except drive-ins and except establishments with entertainment and dancing.” See, e.g. Ordinance § 18.20.030(C)(8). And even in the Community Commercial zoning, the code excludes drinking places with entertainment and dancing. If drinking and entertaining commercial uses are not allowed in the commercial zone, they cannot be implied as permissible in the Residential Estates zone. There also is some support in the ordinances to define the proposed use as a restaurant. See Ordinance § 5.36.010 (“Restaurant” means any ... tavern, bar, ... and any other eating or drinking establishment which sells or offers for sale food or drink to the public, and regardless of whether such food or drink is for consumption on or off the premises”).

The primary purpose of the application is to establish a wine tasting room and event space. Because neither of these uses is authorized in the Residential Estates zoning, the Planning Commission should deny the application. To the extent the uses qualify as a “drinking place” or a “restaurant” as those terms are used in the ordinances, such uses clearly are not contemplated in the Residential Estates zone. Any approval of these unauthorized uses for the applicant’s property would be contrary to the Town’s duty to comply with the uniformity requirement for zoning codes set forth in Gov. Code § 65852 (zoning regulations “shall be uniform for each

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class or kind of building or use of land throughout each zone, but the regulation in one type of zone may differ from those in other types of zones”). See *Neighbors in Support of Appropriate Land Use v. Cty. of Tuolumne* (2007) 157 Cal.App.4th 997, 1007.

Underlying the absence of the event and a wine tasting room on these residential parcels is the common sense recognition that regular, large events and a steady flow of wine tasting customers is a much more intense use than the City had in mind in establishing the R-E zoning. The Town should enforce the existing use limitations within the R-E zoning.

B. The Project’s Proposal to Transform Significant Portions of the Meadow Preserve Into Parking Spaces and Overflow Parking Areas is Inconsistent with the General Plan.

Expanding and improving the existing driveway to include a 34 car parking lot and allowing for overflow parking on the meadow of upwards of 50 vehicles is inconsistent with the General Plan’s direction that the Meadow Preserve “should be kept in a natural condition and the existing agricultural character preserved.” Open Space Element, p. 10 (§ 2216(2)). Nothing in the current CUP envisions extensive parking on the meadow. Indeed, pains were taken by the Planning Commission in approving the CUP to limit the use of the access road to the barn to “secondary access, i.e. maintenance of the meadow area, emergency access and service to the meadow area agricultural uses....” Resolution No. 2013-3, Exhibit B, Condition 3. The current CUP also limits the access road to the existing road and prohibited any improvement or additional dirt/grass roads on the meadow. *Id.*, Exhibit B, Condition 5. Developing additional road and parking areas and parking up to 82 cars on the Meadow is not the “natural condition” of the Meadow Preserve. Nor does that proposal preserve the **existing** agricultural character of the northern end of the meadow.

The additional vehicle trips that would result from the proposed changes in use also are inconsistent with the Portola Road Corridor Plan’s objective to “reduce local motor vehicle trips.” Portola Road Corridor Plan, p. 2. Providing for regular large events with upwards of 82 vehicles entering, parking and simultaneously leaving directly onto Portola Road from this portion of the meadow where currently very few if any vehicles would be present on a normal day does not envision a reduction in traffic. Relatedly, the proposal would frustrate rather than “encourage more pedestrian, bicycle and equestrian use along the corridor” or “improve the experience for these users....” *Id.*, p. 2

The General Plan’s Land Use Element further emphasizes the Town’s goal of preserving the meadow, identifying that, “[i]n particular, it is desirable that the natural character of the ... meadow adjacent to Portola Road ... be retained.” Land Use Element, p. 14 (2126). Similarly, the Land Use Element also calls for private uses of areas like the Meadow Preserve to be “designed to maximize the open space

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character of the land.” Land Use Element, p. 16 (2136a). A large parking area and active event space and wine tasting bar cannot reasonably be said either to preserve or maximize the natural character of the meadow. Parking use would diminish those characteristics of the existing meadow.

C. The In-Fill of a Commercial and Service Use Along Portola Road Adjacent to the Meadow is Inconsistent With the Goals of Locating Commercial Uses in the Town’s Existing Service Areas.

The proposed commercial retail and event use in the Meadow Preserve is inconsistent with the General Plan’s goal of limiting commercial uses to the existing local shopping and service centers. The Land Use Element seeks to prevent additional commercial uses that would detract from the scenic character of the Meadow Preserve and ensure no impacts to existing residential areas. See Land Use Element, p. 17 (2137). The Plan charges the Town with taking steps “to prevent continuous commercial development along arterials which would detract from the scenic character of the area.” *Id.* The proposed extension of retail commercial activities into the Meadow Preserve accomplishes the opposite.

Allowing a commercial retail, wine bar, and event space along this stretch of Portola Road is inconsistent with a key goal of the Portola Road Corridor Plan to ensure that Portola Road “serve[s] as a scenic corridor through the town that reflects the open space values of the town[.]” Accordingly, the plan emphasizes that the two existing clusters of commercial and civic facilities be maintained and not allowed to encroach on the Meadow Preserve Area. *Id.*, p. 2.

Allowing the proposed commercial use in the Meadow Preserve also conflicts with the Land Use Element’s finding that there is sufficient space within the existing service centers to accommodate additional commercial activities. Land Use Element, p. 19 (2141). The proposal also would attract out-of-town patrons into this sensitive, currently non-commercial area in direct conflict with the Land Use Element’s discouragement of uses that would attract out-of-town patrons: “[u]ses which would attract a majority of patronage from outside the service area should more appropriately be located in larger and more centrally located commercial and office centers elsewhere on the Midpeninsula or the Bay Area.” *Id.* There is no reason to think that the current proportion of out-of-town patrons who take advantage of the Spring Ridge Winery’s wine club would not remain the majority of patrons and even increase were the tasting room and event space permitted. See April 17, 2019 Planning Commission Meeting minutes, p. 2.

In order to approve a CUP for the proposed use, the Commission must make the finding that “[t]he proposed use or facility is properly located in relation to the community as a whole and to land uses and transportation and services facilities in the vicinity.” Ordinance § 18.72.130(A)(1). Given the stated restrictions in the Land Use

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Element to provide for commercial uses and services away from the Meadow Preserve and either within Portola Valley's existing commercial areas or in adjacent communities, the Commission will not be able to make this finding for the proposed Project.

D. The Project Will Violate the Town's Noise Ordinance and Have Significant Noise Impacts on Adjacent and Nearby Properties.

We have done some preliminary analysis of noise levels that would result from acoustic music at the locations of outdoor events near the existing barn. There can be no doubt that outdoor events will exceed the noise ordinance decibel limits at the adjacent property to the north as well as across Portola Road.

"It is the policy of the town to protect its citizens from the harmful and annoying effects of excessive noise." Ordinance, § 9.10.010. The Town's noise ordinance provides that "[i]t is unlawful for any person in any location in the town ... to create or cause to be created any noise that exposes properties in the vicinity to noise levels that exceed the levels indicated in Table 9.10-1." Ordinance, § 9.10.030. For a residential zoned area, such as the project parcel and adjacent parcels, the maximum allowed exterior noise-level standard in any hour generally is set at 65 dBA for the L_{max} .¹ The 65 dBA limit is reduced by 5 dBA to 60 dBA when the noise source is speech or music, such as will occur with the proposed events. Table 9.10-1, note (b) ("Each of the noise levels specified above shall be lowered by 5 dBA for ... noises consisting primarily of speech or music, or recurring impulsive noises"). Thus, if outdoor events attended by 75 people and acoustic music will exceed 60 dBA at the immediately adjacent property to the north or the properties across Portola Road, including the Semans' property, the proposed event use will be in violation of the noise ordinance as well as the Noise Element of the General Plan.

Our initial review of the noise that would be generated by likely acoustic instruments that could be used at the patio/garden indicate that noise levels at the adjacent property would easily exceed the Town's noise standards. Acoustic instruments that would be reasonably foreseeable at an event of 75 people would include one or more guitars, a violin or trumpet (especially for example if the acoustic music was provided by a mariachi band). Guitar noise levels are about 80 dbA. Violin noise levels can be from 82 to 92 dBA. A trumpet typically would be at about 90 dBA. Noise from a crowd of 75 people would be about 85 dBA. A similar conclusion also is true for the properties across Portola Road, though the exceedances would not be as great on those properties. Applying the expected acoustic instrument and crowd noise levels, noise levels on the adjacent property to the north during events at the patio and garden would exceed the noise standard throughout that property. Event noise levels

¹ L_{max} is defined as "Maximum sound level (l_{max})' means the maximum sound level recorded during a noise event." Ordinance, § 9.10.020.

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also would exceed the limits by as much as 10 dBA on the properties across Portola Road.

The Town's noise ordinance implements the noise element of the general plan. Ordinance, § 9.10.010. The Noise Element sets forth a number of objectives:

1. To maintain an acoustical environment in harmony with the pastoral nature of the community.
2. To provide peace and quiet for the enjoyment and self-renewal of the town's residents and visitors.
3. To preserve for the residents of the town a sense of privacy attainable only in the absence of intrusions by unwarranted noise.

Noise Element: General Objectives 4301. The Noise Element strongly discourages any non-transportation uses that will create noise in excess of Table 3: "New development of noise-sensitive land uses are discouraged where the noise level due to non-transportation noise sources will exceed the standards of Table 3." Noise Element, p. 10: Non-Transportation Noise (Policy 4) 4.² Where the proposed noise levels may exceed Table 3, the Noise Element requires an acoustical analysis: "Where noise sensitive land uses exist or are proposed in areas exposed to existing or proposed exterior non-transportation noise levels exceeding the performance levels of Table 3, an acoustical analysis shall be submitted by an applicant so that the noise mitigation may be included in the design of the new development." If the proposed use's noise levels cannot be mitigated to less than the levels mandated by Table 3, the use cannot be allowed consistent with the General Plan. *Id.*, p. 3.

In order to approve a CUP for the Project, the Commission is required to ascertain evidence to support a finding that "[t]he proposed use will not adversely affect the abutting property or the permitted use thereof." Ordinance § 18.72.130(A). Because the Commission lacks any evidence that the proposed events in close proximity to the adjacent properties will not generate crowd and music noises in excess of Table 3, the Commission cannot make this requisite finding.

E. The Town Cannot Make Finding That the Project Will Be In Harmony With The General Purpose and Intent of This Title and the General Plan.

In order to approve a CUP, the Commission must find that "[t]he proposed use will be in harmony with the general purpose and intent of this title and the general plan." As discussed above, the Project is not in harmony with key General Plan elements. It directly conflicts with keeping the Meadow Preserve in a natural condition and devoted to agricultural uses. Instead, the proposed parking and event

² Table 3 of the Noise Element is identical to Table 9.10-1 in Chapter 9.10 of the Ordinances.

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use would turn portions of the meadow into a parking lot and loud event location. The Commission also has no evidence that the proposed crowds and outdoor music performances can be harmonized with the General Plan and its Noise Element. Likewise, the proposed commercial use also directly conflicts with the General Plan's goal that such uses be limited to existing commercial areas or outside of the Town. As a result, the Commission cannot make a finding that the use will be in harmony with the General Plan and "the planning commission shall disapprove the granting of the conditional use permit." Ordinance § 18.72.130(B).

F. The Project's Use of the Meadow Preserve for Large Events and Parking May Have Significant Impacts on Wildlife that Relies Upon the Meadow.

The significant noise that will result to neighbors from the proposed uses also will have significant impacts on wildlife currently utilizing the Meadow Preserve and the Mid-Peninsula Open Space District Preserve. Our preliminary biological review indicates that the noise levels expected from a large crowd of 75 people with acoustic music will generate significant noise levels throughout the portion of the Meadow Preserve on the Neely's property. The Meadow Preserve currently is home to numerous sensitive bird species. These include red-tailed hawk, Red-shouldered hawk, Nuttall's woodpecker, and San Francisco common yellowthroat. Numerous others have been spotted nearby, including but not limited to, Bald eagle, Golden eagle, Northern harrier, White-tailed kite, Peregrine falcon, Burrowing owl, Allen's hummingbird, Lewis's woodpecker, and Horned lark. Black-tailed deer, California ground squirrel and other mammalian species also frequent the meadow area. California tiger salamanders and California red-legged frog have been observed in the vicinity. San Francisco garter snake may be present. Species common to the area will be disturbed by noises greater than 60 dB and potentially even less. Many of these species also will shun crowds of people. During the proposed events, the meadow likely would be barren of wildlife. In order to ensure the Project is consistent with CEQA, the Commission will have to ensure these issues are reviewed and appropriate mitigations implemented.

G. Attracting Large Numbers of People to the Meadow to Drink Wine Will Have Aesthetic, Safety, Parking, and Traffic Impacts on the Surrounding Neighborhood.

The proposed location of the wine tasting and event space poses a significant safety threat to the adjacent neighborhoods and people driving on Portola Road. The obvious primary concern is the likelihood of impaired drivers attempting to turn onto Portola Road. This concern is heightened during events where, based on the parking projections, upwards of 82 vehicles – many driven by individuals who have been drinking wine at an event – will be queued up to turn onto Portola Road, sometimes at night. The end of the driveway at Portola Road is framed by a number of trees and

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bushes. The path running past the entrance is among the trees and unlighted. It would seem inevitable that, at some point in the near future, an accident will occur as a result of an impatient driver, impaired by some good wine, attempting to turn onto a dark two-lane road with a posted speed limit of 35 mph (though many residents report it is common for drivers to exceed the speed limit on this stretch of road). The large number of cars exiting the proposed events and accelerating onto Portola Road in both directions will be a nuisance and potentially hazardous to anyone attempting to turn onto Portola Road from Stonegate Street at these times. Similar annoyances and hazards also will be felt by any pedestrians, cyclists, or horse riders happening to pass by the driveway at these times.

Aesthetically, the site and sounds of large numbers of cars lining up and accelerating rapidly onto Portola Road will be an annoyance to neighbors across the street or who happen to be walking, cycling or horse riding in the vicinity.

Lastly, the applicant has not provided any analysis that would confirm the proposed parking, assuming it was consistent with the Meadow Preserve and other General Plan components, would be sufficient to accommodate all of the vehicles that might show up for an event. Although guest limits are suggested, this does not appear to include non-guests, such as event workers or organizers. There is no discussion of how buses or larger vehicles would be accommodated. There is no indication that the applicant has considered how emergency vehicles would access the site especially during an event where the parking is overflowing to the adjacent meadow. There is no explanation how signage would prevent people wishing to avoid a long queue to leave an event would not instead park either on the shoulder of Portola Road, take up spaces at the nearby Midpeninsula Open Space District Preserve parking lot or park on Stonegate Road.

H. The Town May Not Rely Upon a Class 3 CEQA Exemption for the Project.

Given these numerous impacts, it also is apparent that the Town is not at liberty to rely on an exemption from CEQA for the proposed Project. The April 2019 staff report indicates that the Town is planning on relying upon a Class 3 categorical exemption for the Project. See 14 CCR § 15303. Public agencies utilizing such exemptions must support their determination with substantial evidence. PRC § 21168.5. CEQA exemptions are narrowly construed and “[e]xemption categories are not to be expanded beyond the reasonable scope of their statutory language.” *Mountain Lion Found. v. Fish & Game Com.* (1997) 16 Cal.4th 105, 125. Erroneous reliance by an agency on a categorical exemption constitutes a prejudicial abuse of discretion and a violation of CEQA. *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1192.

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The Class 3 exemption is for “New Construction or Conversion of Small Structures” (“Class 3 Exemption”). 14 CCR § 15303. The Class 3 exemption is subject to various exceptions. A location exception applies to projects proposed where there is an “environmental resource of ... critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.” 14 Cal.Admin.Code § 15300.2(a). There is also an “unusual circumstances” exception. Under that exception to the exemptions, an agency may not find a project categorically exempt from CEQA if there is a “reasonable possibility” that an activity will have a significant effect on the environment due to “unusual circumstances.” 14 CCR § 15300.2(c). There are two ways the unusual circumstances exception can be established. *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105 (“*Berkeley Hillside*”). Using the first method, an agency or project opponent must show (1) “the project has some feature that distinguishes it from others in the exempt class, such as its size or location,” and (2) “a reasonable possibility of a significant effect due to that unusual circumstance.” *Id.* Using the second method, an agency or project opponent may “establish an unusual circumstance with evidence that the project will have a significant environmental effect.” *Id.*

“When called upon to review an agency’s exemption decision, the court’s task is to determine whether, *as a matter of law*, the [activity meets] the definition of a categorically exempt project.” *San Lorenzo Valley Cmty. Advocates for Responsible Educ. v. San Lorenzo Valley Unified Sch. Dist.* (2006) 139 Cal.App.4th 1356, 1386 (emphasis supplied). See also *Don’t Cell Our Parks v. City of San Diego* (2018) 21 Cal.App.5th 338, 357–58. As to that question, the court applies a *de novo* standard of review, not a substantial evidence standard. *San Lorenzo Valley*, 139 Cal.App.4th at 1387. The Court begins “by interpreting the exemption, starting with its plain language.” *Id.* Categorical exemptions are narrowly construed, “to afford the fullest possible environmental protection.” *Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal.App.4th 677, 697. “[I]n undertaking [an] independent analysis, [the court] bear[s] in mind the “highly deferential” review standard that applies to the agency’s factual determinations. *San Lorenzo Valley*, 139 Cal.App.4th at 1387.

An agency’s determination as to whether there are “unusual circumstances” is reviewed under the substantial evidence standard. *Berkeley Hillside*, 60 Cal.4th at 1114. “A party ... may establish an unusual circumstance ...by showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or location.” *Id.* at 1105. “However, an agency’s finding as to whether unusual circumstances give rise to “a reasonable possibility that the activity will have a significant effect on the environment” is reviewed to determine whether the agency, in applying the fair argument standard, ‘proceeded in [the] manner required by law.’” *Id.* (citations omitted). See *also id.* at 1105.

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A. The Class 3 Exemption Does Not Cover the Project.

The Class 3 exemption, entitled “New Construction or Conversion of Small Structures,” provides, in part, that the “Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.” 14 CCR § 15303. This exemption cannot fairly be read to encompass a project proposing indoor and outdoor events attended by 75 or more people and with live music.

The Project bears no resemblance to the types of projects courts have addressed as being subject to the Class 3 exemption. An outdoor event space is entirely different from a car wash and coffee shop (*Walters v. City of Redondo Beach* (2016) 1 Cal.App.5th 809, 818); one to three single family homes (*Berkeley Hills Watershed Coal. v. City of Berkeley* (2019) 31 Cal.App.5th 880, 885; *Bottini v. City of San Diego* (2018) 27 Cal.App.5th 281, 304); *Berkeley Hillside Pres.*, 60 Cal.4th at 1093; *Ass’n for Prot. etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720, 734); *Salmon Prot. & Watershed Network v. Cty. of Marin* (2004) 125 Cal.App.4th 1098, 1106; *Hines v. California Coastal Com.* (2010) 186 Cal.App.4th 830, 857; a three-unit residential building (*Protect Tel. Hill v. City & Cty. of San Francisco* (2018) 16 Cal.App.5th 261, 266); a two-story retail office building (*Fairbank v. City of Mill Valley* (1999) 75 Cal.App.4th 1243, 1249; telecommunications equipment (*San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1021-1022; *Robinson v. City and County of San Francisco* (2012) 208 Cal.App.4th 950, 956; *Don’t Cell Our Parks*, 21 Cal.App.5th 360; *Aptos Residents Assn. v. Cty. of Santa Cruz* (2018) 20 Cal.App.5th 1039, 1047); increased water delivery through existing pipes (*Voices for Rural Living v. El Dorado Irrigation Dist.* (2012) 209 Cal.App.4th 1096, 1103–04), or park fee collection devices (*Surfrider Found. v. California Coastal Com.* (1994) 26 Cal.App.4th 151, 154.

Accordingly, the Project is not covered by the Class 3 exemption.

B. The Project’s Location Within a Designated and Mapped Meadow Preserve Excludes it From Relying Upon a Class 3 Exemption.

The Project is not eligible for a Class 3 exemption because of its proposed location within the designated Meadow Preserve, an environmental resource of critical concern adopted pursuant to the Town’s Ordinances. The CEQA Guidelines include an overarching location exception to the Class 3 exemption:

Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive

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environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

14 Cal.Admin.Code § 15300.2(a). The Meadow Preserve is an environmental resource. *Berkeley Hills Watershed Coal. v. City of Berkeley* (2019) 31 Cal.App.5th 880, 891 (“A ‘resource’ is a ‘natural source of wealth or revenue,’ or a ‘natural feature or phenomenon that enhances the quality of human life.’ (Merriam-Webster’s Collegiate Dict. (11th ed. 2014) p. 1061.). It has been designated by the Town, precisely mapped and adopted pursuant to law by the Town as part of the General Plan. See Comprehensive Plan Diagram (Part 5 of the General Plan); *supra*, p. 4. The Meadow Preserve designation has been in place since about 1970. Several elements of the General Plan reinforces the critical importance the Meadow Preserve plays in preserving the Town’s rural character, access to magnificent views to the west of Portola Road and the need to prevent the commercialization of that area. See *supra.*, pp. 4-6. Because of the Town’s long-standing designation of this critical area, the Class 3 exemption cannot be applied by the Town.

C. The Project involves unusual circumstances that have a reasonable possibility of resulting in significant effects and preclude the categorical exemption.

Even assuming the Project fits within the Class 3 exemption, unusual circumstances involving the Project exclude it from the Class 3 exemption. As discussed above, because the Project will have significant noise impacts on adjacent properties, that alone is an unusual circumstance precluding the use of the Class 3 exemption. *Berkeley Hillside*, 60 Cal.4th at 1105.

In addition, the Project’s location within a Meadow Preserve is unusual. Its event uses in close proximity to residences within an area deemed inappropriate for commercial uses is not typical of the Class 3 exemption. Each of these unusual circumstances has a reasonable possibility of significant effects. *Id.* Again, noise in violation of the Town’s noise ordinance will occur and is at least reasonably possible. These noise impacts, when considered under CEQA, are not limited to exceedances of the Town’s noise ordinance. Significant noise impacts can be in compliance with those standards but alter the existing background noise levels to a degree that they are significant impacts to nearby residents. *Keep Our Mountains Quiet v. Cty. of Santa Clara* (2015) 236 Cal.App.4th 714, 732–33. In *Keep Our Mountains Quiet*, the Court of Appeal held that a project may have significant noise impacts based on neighbors’ perception of noise from the challenged project. *Id.*, pp. 733-34. There already is one significant observation of noise from a birthday party (apparently for the applicant’s pet) held on the upper part of the property a few years ago, noise (including singing) from

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which could be heard in the neighborhood across Portola Road. The project also has a reasonable possibility of impacts on wildlife and habitat in the vicinity. Likewise, as discussed above, safety impacts are reasonably possible to occur from the Project. See, e.g. *Keep Our Mountains Quiet*, 236 Cal.App.4th at 735. As a result, the unusual circumstances exception applies to the Class 3 exemption for this Project,

Conclusion.

The Semans appreciate this opportunity to comment on the application and to express their opposition to the proposed Project. At this time, the Semans do not believe that the Project can be approved consistent with the Zoning Code, the General Plan, the CUP findings or using a CEQA exemption. Should the Commission allow the application to proceed, the Commission should make clear that staff should not rely on a CEQA exemption and should require the applicant to fund an acoustic study, a parking, traffic and safety study, and appropriate wildlife surveys and wildlife noise impact assessments as necessary for the Town to evaluate the potential impacts of the Project and to support any findings necessary to issue a CUP for the Project.

Sincerely



Michael R. Lozeau
Lozeau Drury LLP
Attorneys for Greg and Angela Semans

cc: Jeremy Dennis, Town Manager, jdennis@portolavalley.net

ATTACHMENT



August 2018 Google Earth Image



June 2019 Google Earth Image

Members of the Planning Commission
Portola Valley, CA
November 5, 2019

With regard to your preliminary review of proposed amendments to the Spring Ridge Conditional Use Permit, we have the following comments:

It is true that wine grape growing and wine making historically is not an uncommon activity in Portola Valley. This application proposes expanding their grape growing and winery use to a more intense economic use through its proposed 18 yearly events plus *Daily by-appointment wine tastings* and weekend (Friday -Sunday) *Public wine tastings and on-site sales*. The daily wine tastings and sales events present a full schedule on their own, but the 18 yearly events allow essentially wide open uses for events that could lead to troublesome excessive noise and traffic over several hours per day. A better clarification of these uses is needed, without which, a substantial reduction in number of events should be made.

By comparison, another nearby winery, Portola Vineyards on Los Trancos Road (in Santa Clara County), operates apparently successfully with a more moderate visitors schedule. Portola Vineyards schedules 9 events for wine club members yearly of 1 1/2 to 2hr duration, a 3hr fundraiser, and 3 public tastings of 4hr duration. They offer private tastings by appointment and do host jazz concerts during the summer months under a separate CUP granted by the city of Palo Alto. Except for the Jazz Concerts, the normal uses and events are moderate in nature.

Balancing our critique toward much of Spring Ridge's proposed events, we want to add that the current uses on the entire 230 acre property are of low intensity. The FAR of the structures on the property is several times less than that allowed if the property had been subdivided for homes. The Town has greatly benefited from the current low density of improvements and uses of the property and we hope for the same in the future.

Gary and Liz Nielsen
148 Pinon Drive
Portola Valley, CA

Hello All,

As neighbors of the Spring Ridge winery, we sympathize with the owners' claim of financial distress.

We certainly wish them all the best in finding a way for the winery to attain financial stability -- even profitability.

However, asking the Town for the legal right to create an onsite public tasting room, wine shop and events space just isn't going to work.

If the Spring Ridge proposal were to become a reality, it would mean significant non-local traffic, increased ingress and egress across bike and horse trails, among other problems, including noise and light pollution.

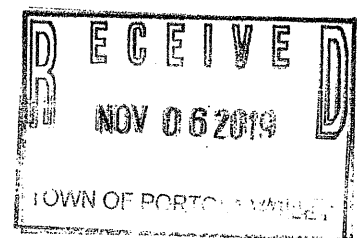
Other than the owners' claim of financial distress, none of the issues have changed since 2013 when the Town Council, after lengthy and contentious negotiations, decided to prohibit any such public, commercial venues on this property.

We respectfully request that the Planning Commission support the 2013 Conditional Use Permit.

We also ask that the Planning Commission deal with the Spring Ridge proposal on its own terms — without reference to any potential discussion or threat to subdivide the upper property. This is especially problematic if the threat is only implied or inferred. There is nothing in the current Spring Ridge proposal to limit subdivision of the upper property, so there really is no “trade-off” — except as referenced by supporters of the Spring Ridge proposal and Town staff and Commissioners.

Best regards,

**Anne and Jerry Kohs
6 November 2019**





Midpeninsula Regional
OpenSpace

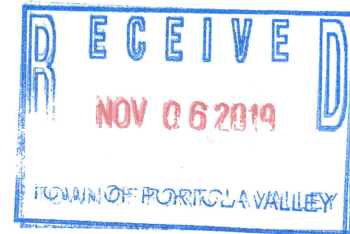
Midpeninsula Regional Open Space District

GENERAL MANAGER
Ana M. Ruiz

BOARD OF DIRECTORS
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Yoriko Kishimoto
Jed Cyr
Curt Riffle
Karen Holman
Larry Hassett
Zoe Kersteen-Tucker

November 6, 2019

Planning Commissioners
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028



Re: Proposal to Amend a Conditional Use Permit to Allow Wine Tasting and Event Space at the Spring Ridge Winery, Spring Ridge LLC, 555 Portola Road, Portola Valley

Dear Commissioners:

Thank you for the opportunity to review and comment on the above-referenced project. Midpeninsula Regional Open Space District (Midpen) is an immediate neighbor south of the project site and has concerns regarding the revised Amendment to the Conditional Use Permit (CUP). The proposed CUP amendment includes a proposed expansion of use at Spring Ridge Winery LLC that would result in potentially significant impacts to the existing visitor parking area and trail use experience at our Windy Hill Open Space Preserve (Preserve). Midpen owns and manages approximately 64,000 acres of public open space land within the Santa Cruz Mountain Region of the bay area, including Windy Hill Open Space Preserve, which is approximately 1,300 acres.

Midpen acknowledges that the proposers have reduced the scope of their April 2019 proposal from 24 to 18 events per year, eliminated weddings (except for family), and agreed to establish a reservation system to limit visitor numbers. Despite these proposed reductions, Midpen still has concerns about the following potential impacts:

1) Concern: Address for Neely Wine/Spring Ridge Winery LLC, (555 Portola Road) is currently shared with the Windy Hill Open Space Preserve parking area. It is our understanding that Neely Wine is the producer of grapes grown from Spring Ridge Winery LLC. Interested parties searching for "Neely Wine" and/or "Spring Ridge Winery" on web mapping services are directed to our Preserve parking area to the far south of the property; however, winery guests should be directed to the far northeast corner of the property instead, and use the driveway access to the Agricultural Building event space directly off Portola Road.

1) Request: Midpen requests a new, separate address be created for the direct winery access off Portola Road to the north that distinguishes it from the residence, vineyard, and Preserve address to the south (555 Portola Road). Additionally, include in the Terms and Conditions for the Amendment to the Conditional Use Permit the intention to associate this new address with the publicly-accessible event center and winery.

2) Concern: There is no recorded access easement with Midpen for Spring Ridge Winery LLC's use of the Preserve driveway at 555 Portola Road. The road is currently used by the Neely family for the residential property. This 20-foot wide road is only identified on a parcel map, and no easement has been granted or recorded. No commercial, winery or associated uses are allowed on this 20-foot-wide road through the Preserve. The proposed expansion could add additional uses and vehicular traffic on this road. Midpen previously commented on this project in 2009, 2011, and 2019, citing concerns that continual increased expansion of the facilities over time should include restrictions on Spring Ridge Winery LLC's use of this access road.

2) Request: Include as part of the Terms and Conditions for the Amendment to the CUP a requirement for Spring Ridge Winery LLC to conduct access easement negotiations with Midpen and finalize a record of access easement that will place limitations on current and future use of the driveway through Midpen lands at 555 Portola Road to minimize impacts on the Preserve and adjacent properties.

3) Concern: Potential for increased parking demand at the public parking area at the Preserve associated with the proposed expansion of private use as described. The revised proposal describes expanding the winery's parking to add 12 additional gravel spaces to supplement the existing gravel lot adjacent to the building to accommodate 31 parking spaces, but also proposes 12 events per year for community or non-profit groups of up to 75 guests per event. This ratio of parking to guests seems inadequate for the size of the proposed events. The lower parking lot at the popular Windy Hill Open Space Preserve is frequently at maximum capacity and is undersized to accommodate the additional parking demands from the proposed winery use expansion. Midpen has concerns that the anticipated large events will likely occur on the weekends coinciding with peak demand for Preserve parking. The proposed expansion of winery uses may result in overflow parking in Midpen's lot and along Portola Road. The Preserve parking lot is easily visible and within walking distance to Spring Ridge Winery, and large events have the potential to add pressure to the already-constrained parking availability at the Preserve lot for Preserve users. Similarly, the meadow areas may be impacted with visitors potentially using the area as overflow parking.

3) Request: We request mitigation measures be identified in the environmental review document and Amendment to the Conditional Use Permit that require traffic and parking enforcement at Midpen's Preserve during planned large events to avoid event use and impacts to established Preserve parking. In addition, mitigation measures should be included in both documents to requiring Spring Ridge Winery LLC to notify Midpen and neighbors when there are planned large events with reasonable advance timing. If there are incidents at the Preserve parking, Midpen peace officer rangers may need to respond to enforce parking in the parking area and protect meadow habitat from degradation.

4) Concern: Potential noise impacts from amplified indoor music and outdoor acoustical music to our Preserve trail users. The revised proposal states that "amplified music will be located indoors with the doors closed." However, ingress and egress of guests will result in repeated opening of doors, which will naturally allow sound to travel outside the intended enclosed space. Similarly, it is likely that windows and doors may be kept opened during the warm weather months.

4) Request: Require a noise study to be conducted as part of the CUP and environmental review which would analyze noise impacts and include mitigation measures to be taken if noise exceeds allowable levels or extend beyond curfew hours. Without a robust noise study, there is not sufficient level of detail to assess the potential impacts of allowing amplified music as part of this proposal.

Thank you again for the opportunity to comment, and for your time and consideration reviewing this letter. If you have any questions regarding this letter, please contact Meredith Manning, Senior Planner, at 650.691.1200 or at mmanning@openspace.org.

Sincerely,



Jane Mark, AICP, Planning Manager

Cc:

Jeremy Dennis, Town Manager, Town of Portola Valley
Laura Russell, Planning & Building Director, Town of Portola Valley
Ana Ruiz, General Manager, Midpeninsula Regional Open Space District
Susanna Chan, Assistant General Manager, Project Planning and Delivery
Midpen Board of Directors

Portola Valley Residents who have voiced their objection as of November 6th to the 2019 Spring Ridge Proposal (38 residents, in response to the 1,000-foot Planning Department notification area)

Michael O'Donnell

Phyllis Willits

Putney Westerfield

Barbara Grantham Seipp

Betsy Morgenthaler

Dianne Fisher O'Donnell

Sandra Patterson

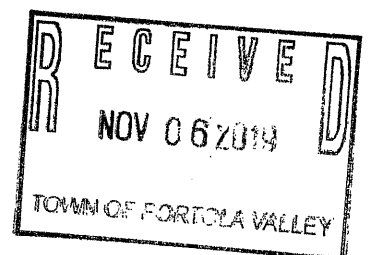
Ward Paine

Jim Gibbons

Taylor Hinshaw

Andrew Thompson

Skip Cashin



Renata Dionello

Gregory Semans

Angela Semans

Joanne Cahin

Clair Jernick

Jay Jernick

Lynn Gibbons

Jan Pieper

Kathleen Bennett

Anne Kohs

Jerry Kohs

Ken Lavine

Amelia Meffert

Nicole Amundsen

Gordon Kruberg

Sylvia Thompson

Alice Schenk

Wilcox Patterson

Leslie Kruth

Anne Westerfield

Mary Page Hufty

Ellie Ferrari

Nick McKeown

Asena McKeoown

Jan Pieper

Wendy McAdam

From:
To:
Subject: MY PRESENTATION AT NEELY CUP REVIEW NOV.6
Date: Thursday, November 7, 2019 12:17:46 PM

Laurel- I would like you to make my presentation available to all members of the Planning Commission and include it in any presentation of resident's comments your Planning Dept. later makes available. It was 'abridged' at the meeting itself.

The actual meeting last night was a bit bogged down by the higher level of attention paid to the revision of the PV General Plan than to the attention to Neely CUP. This is as you pointed out in your earlier announcement of this meeting. There was a lot of "Planner-Speak" language that few in the audience could follow.

General Plans are necessarily very technical. The issues with the 2019 CUP with the residents is far more emotional than technical. The Neely's step-by-step, 2000, 2009, 2013 and 2019 CUP's have built a structure that would appear to give them just what they wanted in 2000 and were then denied: a commercial winery in Portola Valley's open space serving and attracting primarily non-residents.

There is a long road to go yet. I guess that is the most common event in your profession.

Best Regards, Ward

COMMENTS OF WARD PAINE NOV. 6, 2019 AT
PLANNING COMMISSION MEETING ON LATEST
(2019) NEELY CUP FOR A WINE TASTING ROOM,
WINE SALES OUTLET, AND DAY AND NIGHT
RENTAL PARTY EVENT HOUSE,

FIRST, I WANT TO THANK THE PV PLANNING
DEPT. FOR TAKING THE TIME TO PROCEED
MORE SLOWLY AND DELIBERATELY ON THIS
PROJECT IN ORDER TO MAKE IT FIT BETTER
INTO THE TOWN'S GENERAL PLAN THAT IS
UNDER REVISION

MANY RESIDENT OF PV HAVE BEEN UPSET BY

THE INITIAL TREATMENT OF THE NEELY PROJECT WHEN IT WAS INTRODUCED TO THE RESIDENTS IN APRIL OF THIS YEAR WITH A SIMPLE NOTICE. THE NEELY CUP NOTICE FOR THIS PROJECT WAS LIKE WHAT YOU WOULD RECEIVE FROM THE TOWN WHEN YOUR NEIGHBOR WOULD PROPOSE A SIMPLE CONDITIONAL USE PERMIT LETTING YOU KNOW THAT THEY WERE PROPOSING A SIMPLE ADDED BEDROOM TO THEIR HOUSE OR A LARGER PARKING PAD.

WHAT THE NEELY'S ARE ACTUALLY PROPOSING TO THE TOWM IS NOT SUCH A SIMPLE CHANGE. THE NEELY CUP IS A MAJOR CHANGE FOR THE TOWN AND ITS OPEN SPACE TRADITION.,

WHAT THE NEELY'S ARE PROPOSING IS A VERY SIGNIFICANT CHANGE TO THE GENERAL PLAN, THE OPEN SPACE ELEMENT. WE ARE TALKING ABOUT A RETAIL SALES OPERATION IN THE MIDDLE OF THE TOWN'S OPEN SPACE, A RENTAL FACILITY FOR DAY AND NIGHT EVENTS RIGHT ON THE TOW'S SCENIC CORRIDOR A TOURIST ATTRACTION DRAWING OUTSIDERS RIGHT IN THE MIDDLE OF THE TOWN, RIGHT, ADJACENT TO THE

TOWN'S NEW CENTER AND PARK,. THE TOWN'S SPRINDOWN HORSE FACILITY, NEXT TO MIDPEN'S WINDY HILL REGIONAL PARK. NEAT JELlich ORCHARD AND HISTORIC BUILDINGS, AND, IT WILL HAVE A BIG 4 SQUARE FOOT SIGN ADVERTISING THE TASTING ROOM.

THE TASTING ROOM WILL DRAW MOR CARS ON OUR STREETS, IT WILL BE AN OUTLET FOR THE SALE OF WINE

ALL THIS STARTED ABOUT 20 YEARS AGO WHEN THE NEELY FAMILY BOT THE PROPERTY FROM THE JACK MELCOR FAMILY THE 200 PLUS ACRES IN 1995 THAT HAD A SMALL VINEYARD ON GOING; THE NEELY MADE THEIR FIRST REQUEST FOR A PERMIT TO BUILD A WINERY IN 2000. IT CAUSED QUITE A BIT OF CONTROVERSY IN THE TOWN THAT MIGHT BEEN SEEN IN THE TOWN COUNCIL'S MINUTES BUT IT IS EASIERTO READ IN THE ARTICLES OF THE ALMANAC NEWSPAPER. SEVERAL HEADLINES OF THE ARTICLES DISCUSSING THIS CONTROVERSIALLY ARE WORTH MENTIONING. "NO NAPA VALLEY IN PORTOLA VALLEY". PROMINENT IN THE EVENTUAL PERMIT ISSUED BY THE TOWN

WAS THAT THERE WOULD BE NO TASTING ROOM, NO WINES SALES, AND NO TRUCKS IMPORTING OR EXPORTING OF WINE GRAPES. IN OTHER WINERIES, IF THERE WAS TO BE A WINERY IN PV, IT WOULD BE A BOUTIQUE WINERY, NOT A GALLO VINEYARDS, CHRISTIAN BROTHERS OR FROG'S LEAP

.BEFORE I GO FURTHER, I WOULD LIKE TO PASS ON THE LITTLE I KNOW OF THE WINE BUSINESS PASSED ON TO ME BY WINERY OWNERS AND INVESTORS I KNOW. RULE 1) TO MAKE A SMALL FORTUNE IN THE WINE BUSINESS, YOU NEED TO START OUT WITH A LARGE FORTUNE.

THERE ARE LITERALLY THOUSANDS OF SMALL CALL THEM BOUTIQUE WINERIES IN UNITED STATES, IN CALIF. OR, WA, NY, MID VA AND MANY OTHERS. THE SMALL WINERY BUSINESS IS FUN, IT IS CHALLENGING, IT'S HEALTHY, YOU TEST YOURSELF EVERY YEAR, YOU ARE A MEMBER OF A FRATERNITY OF SORTS. ACCORDING TO MY FRIENDS IN THE BUSINESS, IT IS VERY VERY RARELY A BUSINESS WITH A GOOD ROI. THE NEELY'D KNEW THIS WHEN THEY STARTED SPRING RIDGE. IT IS STILL TRUE TODAY HOWEVER,

AS A WINERY, THE VALUE OF THE LAND HERE AS NOW IMPROVED HAS GREATLY APPRECIATED AS MANY INDIVIDUALS HERE IN SILICON VALLEY WANT TO BE WINE MAKERS AS WELL.

AS I WIND UP, LET ME REFLECT ON MY OWN ORIENTATION TO THE OPEN SPACE CONCEPT.

WE HAVE LIVED IN PV SINCE 1980, IN CALIF ON THE FLATS OF SANTA CLARA COUNTY SINCE 1960, I WAS DIRECTLY INVOLVED IN THE ORGANIZATION AND INITIATION OF THE POST WHICH IS A FEW YEARS YOUNGER THAN MIDPEN BUT VERY MUCH WITH THE SAME OBJECTIVE . THE DIFFERENCE IS POST IN A PRIVATE NON-PROFIT AND MIDPEN A GOVERNMENT AGENCY. ABOUT FORTY-FIVE YEARS AGO, I BECAME VERY INVOLVED WITH THE OPEN SPACE OF PORTOLA VALLEY. WHY IS THAT? WELL, WINDY HILL, OF COURSE, THE OPEN SPACE DIAMOND OF THE PENINSULAR. WINDY HILL WAS ONCE ZONED BY SAN MATEO COUNTY TO HAVE 100'S OF HOUSES ON IT, A LITTLE SANTA MONICA. THE FORMATION OF THE TOWN OF PV IN 1964 BY VOLUNTEERS DELAYED ANY SUCH RESULT. THIS TOWN WAS THE LEADER,

OPEN SPACE MATTERED, THE RURAL PORTAL, THE CLUSTER OF RETAIL IN ONE CORNER ORIENTED TO SERVE ITS RESIDENTS, THE SCHOOLS AND CHURCHES ALONG THE PORTAL, NO STREET LIGHTS, NO Sidewalks', just HORSE TRAILS. AS SOME OF YOU KNOW, POST NEGOTIATED AND BOUGHT WINDY HILL. Post-we WORKED WITH THE MANAGERS OF PV MOST OF WHOM WERE STILL VOLUNTEERS, WITH COOPERATED WITH MIDPEN TO WHOM POST TRANSFERRED WINDY HILL.SOMETIMES WITH THE PARKING IT SEEMS TO MUCH OF A SUCCESS BUT IT IS ALL OPEN SPACE AND MIDPEN MANAGES IT FOR US.

IN CONCLUSION, IT IS HARD FOR ME TO UNDERSTAND WHY PV SHOULD ALLOW THE NEELY FAMILY TO DESTROY WITH RETAIL SALES, WITH TOURIST ATTRACTORS, WITH WINE SALES, WITH PARTY HOUSES DAY AND NIGHT WHAT PV HAS ACHIEVED UP TO THIS TIME. SPRING RIDDGE AS IT IS TODAY IS NOT A PROBLEM.THE TOWN HAS BEEN VERY LIBERAL WITH THE CONCESSIONS IT GAS ALREADY GIVEN THE NEELYS TO BUILD THIS successful WINERT. IT DOES NOT HURT USAS IT IS TODAY,, IT GIVES US A GOOD WINE. HOWEVER, THE TOWN SHOULD DEFINITELY

NOT ALLOW A TASTING ROOM, WINE SALES
AT THE WINERY, AND RENTAL PARTY EVENT
HOUSE FOR DaY OR NIGHT. THAT IS A STEP
TOO FAR.

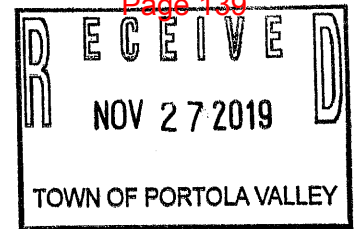
From: [Town Center](#)
To: [Laura Russell](#)
Subject: Spring Ridge Winery
Date: Thursday, November 7, 2019 7:43:49 AM

Hi Laura,
Forwarding to you.

From: Elaine Heron
Sent: Wednesday, November 6, 2019 5:36 PM
To: Town Center <TownCenter@portolavalley.net>
Subject: Spring Ridge Winery

I am the owner of the property at 6 Stonegate Road. I would like to express my opposition to any changes to the Conditional Use Permit for Spring Ridge Winery. I believe there is even more reason not to allow retail sales or events than there then when the permit was issued in 2013. There is more traffic on Portola Road especially on weekends. It is my understanding that this area is designated as an agricultural area and see no reason to expand retail operations in this area. I see no benefit to the town and expect it will be disruptive to the residents such as myself. In addition, the Winery has already violated the current permit by construction on a weekend and a large recent event as well as aggressive solicitation on this issue. Ms. Neely has disturbed me at my residence three times in the last few years. I have concerns that they will have even more events, participants and noise that they are asking for in the request for the change of the permit.

Sincerely,
Elaine Heron



25 Woodview Lane
Woodside, CA 94062

November 26, 2019

Town of Portola Valley, Council and Planning Commission,

I am writing to express my strong opposition to the proposal to amend the Conditional Use Permit-555 Portola Road, Spring Ridge, LLC.

First, as I understand it, the original use permit approval was explicitly conditioned to preclude tasting room and/or similar activity at the site. Nothing has changed within the character of Portola Valley's operations to justify any such change as has been requested. For profit operations in the community only add to congestion, witness the Family Market on Thursdays.

Speaking of which it is my understanding that only "local" vendors are allowed to offer their "goodies" to the community. When was the last time this activity has been audited for compliance? Further, is there any prohibition not to allow "Spring Ridge" to offer their product at the Thursday event? If not, then you have a solution albeit not what has been requested.

A motive to enhance the LLC's profitability/cash flow with this request is of no concern to Portola Valley and should not be considered in your evaluation. If a for-profit motive was imbedded in the initial request the Town was correct in stamping it out with the tasting room prohibition conditionality in the original approval. Nothing has changed...do not approve the request before you.

Finally, in my opinion, anything that adds to activity in the Town Center valley area should be prohibited due to the earth quake fault line proximity. After all, was that not why the elementary school there was closed and relocated in a safer place?

Sincerely,



John Z. Bulkeley

A MANIFESTO FOR A NEW SUBURBIA

Eight ideas for future-proofing the suburbs

By [Alissa Walker@awalkerinLA](#) Nov 11, 2019, 12:36pm EST

Illustration by [Kelly Abeln](#)



LONGFORM

Deep dives on cities, architecture, design, real estate, and urban planning.

Part of

The suburbs issue

America's suburbs are changing—how can that change be harnessed for good? “Even suburban communities with a seemingly large supply of ‘developable’ greenfield land should think hard about business as usual,” says June Williamson, co-author of *Retrofitting Suburbia*. “The time to pivot is now to address 21st-century challenges.” Curbed asked eight experts to share ideas for rethinking suburbia, from eliminating single-family zoning to densifying sprawl to

reducing carbon footprints—even undoing the long-term impacts of segregation and facing the realities of rising poverty.

WALKING

Help suburbs become places worth being by meeting the untapped demand for walkable neighborhoods.

Getting rid of mandatory single-family zoning is good, but lost in the recent conversation is that we'll need a better option in its place. [Form-based zoning codes can help](#) create the mixed-use, pedestrian-oriented development that many of today's young singles, empty nesters, and families—and influential companies—are seeking. This won't be easy, though. One huge challenge is the amount of costly infrastructure required to transform typical suburban places to something denser and more walkable. Expanding federal, state, and local rehab tax incentives could help attract more private capital to cover the costs of building more walkable infrastructure, while also encouraging developers to retrofit old commercial and residential buildings—regional malls or single-family housing—into mixed-use buildings or multifamily housing.

STEVE DAVIS
Smart Growth America

EMISSIONS

Encourage suburban homeowners to reduce their carbon emissions by getting involved in local government and advocating for change.

Personal virtue isn't going to get emissions down to zero, and neither will "[greening the status quo](#)" by [switching everyone to electric vehicles](#). Instead, reducing emissions is going to take a total rethink of the systems we've built and the policies that sustain them. The system of suburbia begets the system of emissions that has made the transportation sector the single largest source of greenhouse gas emissions in the U.S. The good news is that remaking this system probably doesn't take some revolutionary technology or massive investment in new infrastructure. Just the simple act of allowing the necessities of everyday life (food, education, nature, recreation) to be within walking distance of suburban homes would be a radical step towards unwinding that system of emissions. Throw in support for multifamily housing in

suburban neighborhoods, and homeowners would be well on their way to building a low (or net-zero) emissions community.

But of course, this isn't such a simple thing to do. That's where "getting involved" comes in, and could be as simple as attending neighborhood meetings and speaking up for these sorts of changes, or as involved as serving on a local board or commission, volunteering for a campaign, or even running for office. Because when it comes down to it, lowering emissions means more homeowners are going to have to get involved in their local governments to advocate for the community, and the world, they want to see.

ADAM TERANDO

Southeast Climate Adaptation Science Center, North Carolina State University

AGING

Embrace density in suburban communities to welcome aging residents.

Three of the most important needs for older adults are [accessible supportive housing](#), proximity to medical care, and [social engagement](#). All these needs are easier to address in spatially compact communities. Organizations like the [Visiting Nurses Association](#) and [Meals on Wheels](#) can more efficiently serve dense clusters of seniors. It's no accident that [planned retirement](#) communities often mimic the urban design of pre-automobile town centers. Low-density, car-dependent suburbs should look to naturally occurring retirement communities in [cities](#) and [inner-ring suburbs](#) for better ways to serve their older residents.

JENNY SCHUETZ

The Brookings Institution

LAWNS

Bring transparency to homeowners' association rules when they impact environmental policy.

Many subdivisions have homeowners' associations, or HOAs, which present an opportunity to scale up interventions like turf replacement or green infrastructure retrofits from the individual

yard to the neighborhood. For instance, one subdivision near Columbus, Ohio, raised HOA dues to assess a community lake's water quality and interventions to improve it.

Unfortunately, many HOAs have landscaping rules that might prevent these actions, but no one knows what these rules are, or even where HOAs are located, because landscaping rules are categorized as contracts (private), even though they are functioning as land-use laws (public). When the state mandates something, an HOA cannot override it—they can make it hard via approvals processes—but when action is voluntary, HOAs can impose restrictions. One of my wishlist items for suburbia is to daylight the land-use laws “hiding” in HOA covenants, codes, and restrictions—and to keep public records of where HOAs are being built.

V. KELLY TURNER

Luskin School of Public Affairs, University of California Los Angeles

LAND USE

Quickly find new uses for dead and dying suburban infrastructure.

“Built-out” suburbs should shift decisively to retrofit their land-use framework to emphasize suburban retrofitting. It can be as simple as one, two, three: 1) zone for creative *redevelopment* of those 20th-century white elephants, such as dead and dying shopping malls (weren't they a great idea, once!), if they are served or could be served by mass transit, 2) provide incentives for “re-inhabitation” of other vacant and discarded commercial buildings, recycling the wasteful detritus—the discarded leftovers—of old land-use paradigms, and 3) increase resilience, repair environmental damage, and build community ties by regreening degraded landscapes—depave parking lots, restore culverted streams to daylight, reconnect wildlife habitat, provide public park space, and more. Use a tactical approach to designing suburban futures to implement these strategies, finding the right fit for each context.

Demand will wane for the detached-house subdivisions of the past. Demographics, not ideology, will win. Office “parks” are out. Multi-unit, shared, and otherwise more compact housing types are in. Transformed land use will make us all at least a bit healthier, especially as we age.

JUNE WILLIAMSON

Spitzer School of Architecture at the City College of New York

POVERTY

Turn neighboring suburbs into regional cooperatives to combat poverty.

The first step toward combating suburban poverty **is recognizing that it's there**. Not only is poverty in the suburbs at odds with popular perceptions of suburbia, it can feel hidden in the suburban landscape with families living in converted garages and vehicles. That can make it difficult to marshal the resources to address the needs of struggling residents, and to make sure they are connecting with safety-net programs and work supports. For larger, more resourced suburbs, finding ways **to streamline access to public and nonprofit programs**, along with outreach and education around those resources, can help ensure vulnerable residents in these communities don't fall further behind when there are supports available.

But for **unincorporated communities and smaller or economically distressed jurisdictions** that have experienced significant increases in poverty, those resources and supports often aren't available in the first place. Struggling suburbs **do not have sufficient capacity or resources**—staff, tax base, philanthropic or nonprofit infrastructure—to go it alone. **Working collaboratively** with **neighboring jurisdictions** can help smaller, less-resourced suburbs stretch limited capacity, compete and advocate for more investments, and get to a better scale to address poverty in their communities.

ELIZABETH KNEEBONE

Terner Center for Housing Innovation

SCHOOLS

Build flexible education systems that can better serve suburban families.

As suburbs become more diverse, school boards and superintendents need to ask how their systems can listen to all voices and empower principals and teachers to meet increasingly complex student needs. Suburbs can learn from larger cities like Denver, D.C., and Chicago that have improved systems via a **portfolio strategy**: They've supported autonomous, quality schools, whether district-run or chartered, to meet new needs and give parents the ability to choose which of those options is the best match for their children.

Growing populations put suburbs at an advantage compared to urban systems that have declining student enrollment, but given that most suburban districts lack economies of scale or expertise, they should share resources and collaborate with neighboring districts.

SEAN GILL

Center on Reinventing Public Education

ECONOMIC OPPORTUNITY

Break down housing barriers to make the suburbs more inclusive.

In our [Creating Moves to Opportunity](#) project, we found that families receiving additional housing search assistance were more than three times more likely to move to high-opportunity areas, defined as areas of low household poverty with good access to jobs. This research demonstrates that low-income families—especially those using housing-choice vouchers—face barriers when looking for homes in areas where their children will have better chances at [achieving upward mobility](#).

Both suburban and urban communities can play a role in limiting these barriers with thoughtful programs and policy action. This might include enacting or more aggressively enforcing laws that prohibit landlord discrimination against families with housing vouchers, increasing the supply of affordable housing by adopting inclusionary zoning rules, creating less restrictive zoning regulations, and investing in the construction of affordable housing. Communities and local public-housing authorities may also want to explore providing direct services to help low-income families find available units in high-opportunity areas, like those implemented through [Creating Moves to Opportunity](#) in Seattle and King County, Washington.

DRAFT MINUTES

PLANNING COMMISSION
Regular Evening Meeting, 765 Portola Road

NOVEMBER 20, 2019

CALL TO ORDER AND ROLL CALL

Chair Goulden called the Planning Commission regular meeting to order at 7:00 p.m. Planning & Building Director Russell called the roll.

Present: Planning Commissioners: Kopf-Sill, Targ, and Taylor; Vice Chair Hasko; Chair Goulden
 Absent: None.
 Town Staff: Laura Russell, Planning & Building Director; Dylan Parker, Assistant Planner

ORAL COMMUNICATIONS

None.

NEW BUSINESS

- (1) **Request for an Exception to Utility Undergrounding Requirement, 143 Crescent Avenue, Ramies Residence, File # PLN EX0002-2019**

Planning & Building Director Russell introduced the new Assistant Planner, Dylan Parker, who will make his first presentation to the Planning Commission this evening.

Assistant Planner Parker explained the background, code requirements, and discussion items regarding the requested exception to Section 18.36.010, Subsection 5, of the Town's Municipal Code. Assistant Planner Parker noted that the project valuation should read \$85,900, which is the supplemental item provided on the dais. He explained that the back portion of the building permit application was not scanned as part of the original staff report. He also noted that based on this error, the approximate cost of the trenching should read 45.5% of the total valuation and not 44%.

Staff recommended granting the exception to the undergrounding requirements given that the location of existing underground utilities and the additional cost burden to the applicant make the requirement is not feasible or practicable and there is no reasonable alternative location or design for the installation of the underground lines.

Commissioner Taylor asked if the \$416 per linear foot to PG&E was for them doing the work or was just for their inspection of the work. Assistant Planner Parker said the staff report provided in 2014 referenced a 2005 PG&E estimate related to that \$416 per linear foot. He said it could be the cost of the contractor doing the work and PG&E inspecting the final trenching, or it could be that PG&E is doing the work themselves; however, in his experience, typically the homeowner or the contractor hires someone to do the trenching and PG&E inspects, because they have jurisdiction over the power lines. He said he does not know that they would have the bandwidth or capacity to actually do the work on-site. The \$416 per linear foot is the total cost of the trenching and inspection.

Commissioner Taylor asked if the service drop was from the shared pole or from the street. Assistant Planner Parker said the code requires the service drop is the section of the line that must be underground. He said in this instance, because there is a shared pole with two service drops, staff believes it would only be that service drop segment that would be required to be underground per that section of the Code, based on the language and how it is interpreted. He noted that without PG&E weighing in on the project, that is supposition.

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In response to Commissioner Kopf-Sill's question, Assistant Planner Parker said the \$416 per linear foot is a 2005 figure. Planning & Building Director Russell said today's cost is not known. She said they did hesitate using the 2005 number, but it was supplied by PG&E so they used it rather than trying to do the math, recognizing that it is a low estimate.

Commissioner Kopf-Sill said a 2014 Planning Commission approved the exception at 147 Crescent based on the prohibitively high cost. She asked what the project percentage was for that underground cost. Assistant Planner Parker said the conclusion and recommendation in that staff report read: "Staff recommends granting an exception for this project, primarily because of the cost to underground would be approximately two-thirds of the cost of the project." So it would be roughly 67%, a higher percentage compared to the subject proposal. He said this project was already at 45.5% which had already exceeded the threshold staff felt comfortable with recommending approval for.

Commissioner Kopf-Sill asked what incentive a homeowner has to portray accurate costs. She asked, for example, if anyone had incentive to deflate or inflate those estimates in order to make the undergrounding appear to be a larger percentage. Planning & Building Director Russell said she thinks it would be unlikely that people would adjust their valuation for that reason. She said in this community, licensed professional contractors and architects are expected to present reasonable information. She said some communities do require more stringent verifications of valuations, but it has not been warranted in this community. She said the Town relies on licensed professionals to act within their ethical standard. Commissioner Taylor pointed out that in this case the \$86,000 valuation came prior to the applicants even knowing that the underground was required.

Commissioner Targ said he is looking to add a solar roof himself, and he has been discussing it with Mr. Ramies for quite some time. Commissioner Targ asked if there is an increase in fire danger. Planning & Building Director Russell said staff does not believe there is a significant increase in fire danger, but said it is a reasonable consideration, because fire safety is one of the objectives of undergrounding utilities. She said a lot of focus has been on aesthetic impacts, but increasingly the conversation also includes fire safety. She said these facilities would be subject to today's building code so there would be expected improvement in safety and connection to the house over much older facilities.

In response to Vice Chair Hasko's question, Assistant Planner Parker said the recommendations made regarding 147 Crescent were based on the 2005 PG&E estimate. Vice Chair Hasko asked about additional historical data regarding increased costs as a result of undergrounding, other than the one example presented. Assistant Planner Parker explained that if a project did not go through the Planning review process, they would just look at a project valuation for a building permit, which is reviewed and approved by the Building Department. He said if the Planning Department didn't have that information when doing the research for the 2014 memorandum, they may have just been looking for how many exceptions were made based on a certain population of parcels, so the cost to original evaluation versus the undergrounding cost is an unknown. He said that information would require additional data harvesting based on permits. Vice Chair Hasko asked if the Planning Commission had received any similar applications with this issue other than 147 Crescent. Assistant Planner Parker said the topic came up in 2016 for 62 Santa Maria, but that exception was granted based on site constraints and not the costs associated with undergrounding.

In response to Commissioner Taylor's question, Planning & Building Director Russell said staff is only aware of these two exceptions in the last five years.

The applicant, Tom Ramies, explained that his roof began failing five years ago. He refinanced the property with a \$215,000 loan that could cover repairing the termite damage, getting a new roof, and adding solar. He said getting connected has been delayed since July 2, and he's lost \$6,000 to date

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since his PG&E bill was \$2,400 last month. He said the plans were approved, and two revisions were made. He said neither the contractor nor the Town warned him there would be a trenching cost as well. He said if he knew he would have to trench upon upgrading to a 200 AMP service, he would not have done it and would just have gotten a generator due to the cost. He said he is trying to go green and reduce his monthly expenses. He said he would be willing to go underground when the entire street goes underground.

Chair Goulden invited questions from the Commission.

Commissioner Kopf-Sill asked if the applicant received a cost estimate for the trenching. Mr. Ramies said he got a guesstimate of about \$60,000 from an outside contractor.

Commissioner Kopf-Sill said there is a mechanism for giving exceptions due to cost as well as other constraints. Mr. Ramies said his other constraints include the French drain going completely around the house, gas to the pool, internet, electricity, pool drainage into the French drains, and front courtyard drainage into the French drains. He said all of those pipes would need to be cut. If they have to cut the French drains, it ruins the membrane. They will also have to cut through gas pipes, electricity, and low-voltage lighting to the patio and drains. Commissioner Kopf-Sill asked if the guesstimate he received included all those items. Mr. Ramies said they was not included because at that time they didn't know those would be issues.

With no further questions from the Commission, Chair Goulden invited public comment or questions.

Jeff Aalfs, 135 Crescent Avenue. Mr. Aalfs said he supported the exception. He said 10 years ago he received a similar exception for similar reasons. With regard to valuation, he said Mr. Ramies' solar system is valued at approximately \$4 per watt, which is well within the current range of prices for rooftop solar. He said five years ago the Town tried to work with PG&E to underground the stretch roughly from Robert's to Alpine Hills, but the project got scrapped because of PG&E's estimated costs. Mr. Aalfs said the ordinance is well-intentioned, and everyone would like to see everything underground, but the reality is this will not happen in the near future. He would not want to see the ordinance stop people from doing really good things for the environment.

Jane Wilson, 557 Cresta Vista Lane. Ms. Wilson was supportive of the exception because it's a commonsense thing to do to encourage solar power. She said her electricity pole is attached to a dead pine, which is a fire hazard, and it took PG&E 11 months to approve cutting it down. She said waiting for PG&E would be ridiculous.

With no further comments, Chair Goulden brought the item back to the Commission for discussion.

Commissioner Kopf-Sill said she is sympathetic about the costs and said it is not sensible to require the applicant to double the cost of their project to trench. She was supportive of the exception. She also suggested that the ordinance might be more explicit regarding cost thresholds.

Vice Chair Hasko supported the exception. She said they can assume the cost estimate is very low because of the time passed since it was benchmarked and because of the other property complications.

Commissioner Taylor supported the exception. He said solar should be encouraged and a requirement doubling the cost of the project would be a strong disincentive for adding solar. He said this will disproportionately impact older houses that need larger electrical panels.

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Commissioner Targ said the findings can be easily made for the reasons stated. He said going forward, it would be helpful to understand the differential in fire safety.

The applicant added that he would not be taking 200 amps ever again, and in fact, would be giving back 100 percent. He said he has three Tesla batteries, and during the day Tesla and PG&E have some agreement where they will buy power from him. He said he could cut the wires and be off the grid. He said the fire danger is not pulling 200 amps off the pole because once he's set up, he will not be using that power again, similar to jump starting a car.

Commissioner Targ moved to find the project categorically exempt pursuant to Section 15302 of the CEQA guidelines under a Class II exemption. Seconded by Commissioner Taylor; the motion carried 5-0.

Commissioner Kopf-Sill moved to approve the requested exception to the utility undergrounding requirement. Seconded by Commissioner Targ; the motion carried 5-0.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(2) Commission Reports

Vice Chair Hasko said the Ad Hoc Housing Committee had its last meeting Monday. Their recommendation, which will go to the Town Council at their next meeting, is that the Town Center area adjacent to the soccer field is most appropriate for further consideration of suitability for affordable housing. Alpine Hills and Blue Oaks both had challenges from fire hazard potential and public resistance. Ford Field was found not suitable for housing. Commissioner Targ said there was a generalized consensus that if the area near the Frog Pond were to be developed, it would be done in association with the school.

(3) Staff Reports

None.

(4) News Digest: Planning Issues of the Day

Staff shared an article of interest with the Commissioners – “Historic \$93 million deal reached to preserve San Jose’s Coyote Valley.”

Commissioner Targ noted that the Housing Accountability Act was declared unconstitutional by a Superior Court in San Mateo County.

APPROVAL OF MINUTES: November 6, 2019.

(5) Planning Commission Meeting of November 6 2019

Commissioner Targ moved to approve the minutes of the November 6, 2019, meeting, as amended. Seconded by Commissioner Taylor, the motion carried 5-0.

ADJOURNMENT [7:49 p.m.]

Commissioner Taylor moved to adjourn the meeting. Seconded by Vice Chair Hasko, the motion carried 5-0.