

## Dylan Parker

---

**From:** Laura Russell  
**Sent:** Friday, November 12, 2021 4:13 PM  
**To:** Portola Valley - Planning  
**Subject:** FW: HELP!!  
**Attachments:** WINERY DATA FROM THREE LOCAL WINERIES.docx

---

**From:** JAMES F GIBBONS  
**Sent:** Friday, November 12, 2021 12:31 PM  
**To:** Laura Russell <lrussell@portolavalley.net>  
**Cc:** gibbons@ee.stanford.edu  
**Subject:** Fwd: HELP!!

Hello again Ms Russell,

Fortunately I found the complete section on Winery Data in my Trash!! I am attaching it to this email. Please send this one to the Planning Commission along with the letter addressed to you for their consideration.

Thank you.

Jim

----- Forwarded Message -----

**Subject:**HELP!!  
**Date:**Fri, 12 Nov 2021 11:33:34 -0800  
**From:**JAMES F GIBBONS  
**To:**Laura Russell <[lrussell@portolavalley.net](mailto:lrussell@portolavalley.net)>  
**CC:**

Hello Ms. Russell,

This is Jim Gibbons. I submitted to you yesterday and email that contains data on four local wineries. I need to add some very relevant comments to the data I submitted on the Varner Vineyard, but I seem to have erased all mention of Varner from the data I have stored in my computer! If you can send the Winery Data back to me I will make the necessary additions. I hope you will be able to do this!

Thank you very much.

Jim Gibbons

## WINERY DATA FROM FOUR LOCAL WINERIES

### PORTOLA VINEYARDS .

Location: On Los Trancos Road, less than half a mile from Alpine Road

Operating volume: 500 cases per year: 350 cases on 2 acres on Los Trancos, 150 cases from grapes sourced at Regan Vineyards , Watsonville, CA

Proprietor: Len Lehmann

Features:

They do not have ( cannot afford) a tasting room at their size. They have occasional concerts when possible during the year to bring new people to their winery. The concerts are open to the community. Attendees need not be wine club members. Conversion rate of attendees to wine club members unknown. We are members of their wine club. Full participation in the wine making process is available for wine club members and their families. I have participated in cleaning out their vats on two separate occasions.

### WINDY OAKS WINERY

Location: Corallitos, CA

Operating volume: 6,000 cases per year: 3600 cases from 25 acres at vineyard, 2400 cases from grapes sourced at other vineyards

Proprietors: Jim and Judy Schultze

Features:

They have 3 tasting rooms, one in Carmel, one in Carmel Valley, and one at the vineyard. Wine is shipped free to their wine club members who live within a 25 mile radius of the winery. 80% of their wine club membership originates at the tasting room at the winery. It is open 3 days per week, Friday-Sunday, from 11 AM to 5 PM. (additional hours on holiday weekends such as Thanksgiving). Judy says weekend tasting is critical to their business. Tasting in Carmel at other times in the week produces only 20% of their business. We are members of the wine club, but have never been to the winery. We pay for a FedEx delivery as we are outside the radius for free delivery. We first tasted their wines several times at their Carmel tasting room, and joined their wine club based on that. **N.B.** Initially, wine tasting was done at the actual winery, but as the demand grew, this created inefficient working conditions so a separate facility was constructed for the tasting room on their property. Picnics may be brought to the winery, but regular food service is not available.

## **THOMAS FOGARTY WINERY**

Location: Skyline Boulevard opposite the Langley Hill exit

Operating volume: 10,000 cases per year from 40 acres

Proprietor: Thomas Fogarty

Features:

Wines are sold on the Fogarty website to customers in several states. Many of their customers have never been to the winery, tasting the wines instead at their local wine shops. Fogarty has an on-site tasting room open 5 days per week, Wednesday through Sunday, from 11 AM-5:30 pm. Their site is popular for weddings, anniversaries and corporate events. A separate facility has been set aside for those activities. We have been to several Stanford events there.

## **VARNER WINERY**

Location: Portola Road

Operating Volume: Approximately 2300 cases per year from 14 acres

Original proprietor: Greg Melchor

Current proprietors: Dr. Kirk Neely and Ms. Holly Myers

Features for Varner:

Jim and Bob Varner began planting vines in 1980 at their Spring Ridge Vineyard on Portola Road. Commercial sales began in 1996. No tasting room was requested or needed according to Jim Varner. The wines are now sold around the world via the Varner website in half and full case lots.

Comments from Len Lehmann and Judy Shultze:

-Tasting rooms at the winery are desirable because customers feel like they are part of the winemaking process; but

-they are difficult to support economically if wine production is less than ~ 1500 cases annually

-growing grapes for other wineries is a low margin proposition and requires significant scale to succeed



## Dylan Parker

---

**From:** Ward Paine  
**Sent:** Saturday, November 13, 2021 11:25 AM  
**To:** Portola Valley - Planning  
**Subject:** Nov. 17 Neely Spring Ridge matter

Members of the Planning Committee-

I am on record with you and the PV Planning Department that what the current Neely CUP is proposing violates the Town's policy of containing retail commerce to two distinct areas of the Town, violates the Town's policy that such retail commerce shall be oriented to serve the Town's residents primarily (such as groceries, hardware store, and drug cleaning), and, most important, violates the rural portal of the Town and the ambiance thereof.

The Neely Tasting Room has been prohibited by the Town since the Neely's bought the property 1995 for the reasons specified above. What has changed?

I would like to point out that the Neely's have appeared to have violated many of the conditions they have agreed to in earlier CUP's and amendments. The PV Planning Dept, has the details of such violations for review. The threat is that Neely may well continue to violate any such conditions with greatest harm to the rural nature of this Town. The Town must require more visibility on this property now and particularly in the future to avoid further damage to the Town's repute.

This is an important issue. You can hurt the Town's most important values with very little to gain by proceeding with this CUP.

Sincerely, Ward Paine, 290 Mapache Dr

## Dylan Parker

---

**From:** JAMES F GIBBONS  
**Sent:** Saturday, November 13, 2021 2:55 PM  
**To:** Portola Valley - Planning  
**Cc:**  
**Subject:** Members of the Portola Valley Planning Commission  
**Attachments:** WINERY DATA FROM THREE LOCAL WINERIES.docx

Subject: Neely Spring Ridge Winery

This is Jim Gibbons. You are in possession of a letter I sent to Ms. Laura Russell which is now filed along with other comments and letters in the material you will be considering at your meeting this coming Wednesday, November 17. I included an attachment to that letter entitled "Winery Data from Three Local Wineries". Actually I had data for a fourth winery, the Varner Winery, that I intended to include but failed to do so. I am therefore sending the complete file with this note, together with comments I have received from two of the wine makers. I hope this information will be useful to you.

Thank you very much for the thoughtful consideration you are giving this matter.

Best wishes,

Jim

## Dylan Parker

---

**From:** Sharon Hanlon  
**Sent:** Tuesday, November 16, 2021 7:34 AM  
**To:** Portola Valley - Planning; Laura Russell  
**Subject:** FW: Note on Neely Project

Forwarding...

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

From: Dale Pfau  
Sent: Tuesday, November 16, 2021 6:10 AM  
To: craig taylor <ctaylor@2ct.com>  
Cc: Sharon Hanlon <shanlon@portolavalley.net>  
Subject: Note on Neely Project

Please forward to Planning Commission Members and Planning Director;

Portola Valley Planning Commission;

I have provided my negative view and commentary prior to the last Planning Commission Meeting. During that meeting, I was appalled to learn that the applicant had clearly and knowingly violated the CUP on numerous occasions (including during the time of the latest application) and that Town Staff was aware and had determined that there was a violation. Where I grew up, you did not not reward bad behavior. I am adamantly opposed to the approval of any the recommendations suggested by Town Staff.

However, it is clear that this Planning Commission wishes to kowtow to the Neelys and generally allow "wine tasting" and "events". If you must move in this direction, I feel strongly that it is in the best interests of the Town to dramatically decrease the number of days and visitors allowed and only allow those on a provisional basis to insure that that the Neelys can actually manage to operate within the boundaries of a CUP. I would prefer wine tasting only on weekends and a hard limit of 4 events per year. If all goes well (and Town Staff can adequately monitor), then perhaps the Planning Commission (with input from the neighbors) could increase the intensity.

best regards,

Dale Pfau  
5030 Alpine Road

## Dylan Parker

---

**From:** Cindy Rowe  
**Sent:** Monday, November 15, 2021 5:14 PM  
**To:** Portola Valley - Planning  
**Subject:** Spring Ridge/Neely

We are residents of Vista Verde and have lived in Portola Valley since 1988. We know the Neely family as dedicated philanthropists and people who strive to protect the environment and the nature of this community. It seems entirely reasonable that a tasting room on Portola Road would actually generate less traffic than, for example, the Windy Hill Hiking area. Why is that OK and a tasting room with very reasonable limits is not? They plan to take a very small portion of their property to provide the town with a place that we would enjoy wine tasting with our friends or our guests without trekking to Sonoma or Napa. That would be a wonderful addition to the town. As I see it, the town currently has two wineries and neither has a tasting room. It is not likely that we will end up with more than two in the next 50 years. We will not all of a sudden become a stop on a wine trail map and draw lots of visitors. People don't "pass through" Portola Valley so we wouldn't get random visitors.

Why no amplified music at the ONE **community** event per year? Am I missing something there? Isn't there amplified music at the town center every year (multiple times)? Isn't the Neely winery very close to the town center? Aren't those events well attended? Does that mean some people don't want summer concerts and/or music at the town picnic or, basically at any "community event"? Why exclude this one?

Vineyards are agricultural entities. If the concern is that it would detract from the "rural" character of the town, what could be more rural than agriculture?

Definitely Supporters of the Tasting Room -  
Cindy and Steve Rowe



## Dylan Parker

---

**From:** Maria Cristina  
**Sent:** Tuesday, November 16, 2021 9:06 AM  
**To:** Portola Valley - Planning; Town Center  
**Cc:** Maria Cristina  
**Subject:** Neely Winery CUP question/clarification

Would appreciate clarification from our Commisioners and the planning dept. re: Neely Winery CUP:  
Can they use their venue for kids/teenager parties which would fall outside of their wine tasting limits?

Something concerned me toward the end of the last planning meeting regarding the Neely Winery CUP when "personal events like weddings" was casually mentioned. Is there something in the CUP to be sure that the venue isn't used for additional events and parties - and that it is restricted to the specified number of wine/vineyard related activities? It sounds to me that they left the door open for kids parties and possible other events.

pg 7: Commissioners also expressed some support of the *proposed events falling within an accessory use*, but said that it would depend on the scope and intensity of the events. These positions were not shared among all Commissioners.

Based on the most recent proposal and analysis developed by Commissioners, staff concurs with the opinion that the *tasting room activities fall within the Conditional Use category and the events may be considered accessory*. The scope of the events must be limited so that they do not become a principal use not permitted in that district.

pg 31 • We have calculated our daily visitor maximum based on an average of 12 visitors per hour (*children do not count against cap*), which is an estimated 5 vehicles entering per hour.

At the meeting on Nov 17th, I'd appreciate this to be clarified to be sure there are specific limits.

Thanks, Maria Campbell

## Dylan Parker

---

**From:** Town Center  
**Sent:** Tuesday, November 16, 2021 11:14 AM  
**To:** Portola Valley - Planning  
**Subject:** Fwd: ASCC [DO NOT EDIT SUBJECT]  
**Attachments:** Planning Commission - Neely Project.pdf

---

**From:** caroline Vertongen  
**Sent:** Tuesday, November 16, 2021 10:49 AM  
**To:** Town Center  
**Cc:** John Richards  
**Subject:** ASCC [DO NOT EDIT SUBJECT]

Dear Chair and Members of the ASC Commission,

As I disclosed during the last ASCC meeting and later confirmed by email, once the zoom host mutes us we cannot hear the rest of the meeting forcing us to log in using our cell phone.

This technical error is new and has now impacted public comments during several community meetings.

During oral communication I did ask about the CUP annual review process. But because of this technical issue and time it took to log in using my phone, I did not hear the response from ASCC Chair Ross.

I have attended many ASCC meetings including the ones discussing projects like Woodside Priory. It was my understanding the ASCC was part of that annual CUP review.

I believe the last Woodside Priory CUP review was in 2019. I remember the issues regarding student enrollment and issues with attendance reports.

I am among several residents who have reported the traffic and public safety issues at the main entrance and now I am reporting the issues at the new entrance where the multi- housing project has been completed. Planning Director Russell has announced the additional construction of 6 houses. It is concerning that Woodside Priory has been using old traffic reports and why nobody is addressing increased traffic and public safety concerns caused by Woodside Priory.

Please use my email to share your response.

Attached you will also find my comments submitted to the Planning Commission regarding the Neely Project.

Thank you,

Caroline Vertongen  
[hermantje@aol.com](mailto:hermantje@aol.com)

650-678-7562 cell

Dear Chair and Members of the Planning Commission,

Thank you for allowing me to share my concerns, opinions, and suggestions.

I sympathize with my fellow residents who live nearby the Neely and Spring Ridge wineries. I have attended many of the meetings discussing the Neely Project and I share their concerns.

I would like to thank the Neely family for preserving the Meadow and for growing this beautiful vineyard by our scenic corridor along Portola Road, but I sympathize with my fellow citizens who are impacted by the new CUP amendment and Neely Winery proposals.

1) As confirmed on the PV town website: **PV town warrants** new residents the following:

Portola Valley provides: “ An extensive *trail system*, scenic roads, *open space* and natural views contribute to one's feeling of being in the country, as do architectural guidelines that stress “blending in.”

Our **governing documents** anticipated change. Our governing documents were established to ensure that our Portola Valley community would not lose its values and uniqueness despite that change.

“ **Commercial activity is encouraged to the extent that it primarily meets the needs of residents of the community.** These factors have enabled the town to retain a rural ambiance reminiscent of earlier days”.

Wine tasting and the proposed events **do not meet the needs of residents of the community.**

2) Planning Director Russell confirmed the **CUP violations**. The presentation by residents confirmed the CUP violations, and the presentation by legal counsel representing PV residents also confirmed the CUP and law violations.

3) **the traffic report** submitted for this CUP amendment is outdated. Many changes happened since 2019 and those changes have impacted our public safety. Residents have repeatedly presented their concerns, but Town Council and staff continue to ignore our concerns.

4) **the new driveway.**

Despite the new sign and the electric gate, cars will have to drive close to Portola Road to see if it is safe to take a turn on Portola Road. This means cars have to cross and stand **on Portola trail** before getting on Portola Road. Cars who enter the new proposed driveway do not have the room to wait until the bike lane and/or trail is safe to cross.

**Portola trail** is used by many runners, walkers, equestrians, and children. The bike lane is used by many bikers and many pelotons.

The original entrance by Windy Hill seems much safer as it provides a clear and unobstructed view and gives ample distance for ongoing traffic (cars, pedestrians, and bikers) to see that a car wants to make a turn from and back onto Portola Road.

The **BPTS committee** has yet to present all issues involving the Neely Project. There are issues with the newly proposed entrance; issues around traffic and public safety for the proposed wine tastings and events, and public safety issues involving our scenic corridor and Portola Road. If discussions happened behind closed doors, the public has yet to hear their findings. The public has not had a chance to discuss the issues with BPTS.

The Neely Winery project is not the only project that has increased traffic and public safety issues. Residents have submitted concerns regarding other projects along our scenic corridor and 2 arterial roads causing increased traffic, parking, and public safety issues. These projects include the Stanford Wedge, PVSD school district, and Woodside Priory. Traffic and parking issues along Portola Road, Windy Hill and Willow Brook also have been reported, but remain unresolved.

5) **the noise report** confirms that the wine tasting and proposed events will exceed the standard noise standards in Portola Valley.

The fact that the Neely family organized wine tastings and other events without the required permit is concerning.

6) **Sewer or septic?** Can we please have a clear response. I currently have a list of conflicting answers.

The Planning Commission is now put in a difficult position.

It is obvious that this new decision making process does not allow the Planning Commission to deny any project after the Town of Portola Valley has spent so much of Tax payers money on consultants, who have failed to provide accurate information and who often have promised, but failed to abide by our governing documents.

Perhaps it is time to give back local control to our Portola Valley volunteers who are committed to ensure the safety and well being for our Portola Valley community.

Thank you,  
Caroline Vertongen  
[hermantje@aol.com](mailto:hermantje@aol.com)  
650-678-7562 cell

## Dylan Parker

---

**From:** Town Center  
**Sent:** Tuesday, November 16, 2021 11:15 AM  
**To:** Portola Valley - Planning  
**Subject:** Fwd: Planning Commission [DO NOT EDIT SUBJECT]

---

**From:** caroline Vertongen  
**Sent:** Tuesday, November 16, 2021 10:55 AM  
**To:** Town Center  
**Cc:** Jeff Aalfs  
**Subject:** Planning Commission [DO NOT EDIT SUBJECT]

Dear Chair and members of the Planning Commission,

Thank you for allowing me to share my concerns, opinions, and suggestions.

I sympathize with my fellow residents who live nearby the Neely and Spring Ridge wineries. I have attended many of the meetings discussing the Neely Project and I share their concerns.

I would like to thank the Neely family for preserving the Meadow and for growing this beautiful vineyard by our scenic corridor along Portola Road, but I sympathize with my fellow citizens who are impacted by the new CUP amendment and Neely Winery proposals.

1) As confirmed on the PV town website: **PV town warrants** new residents the following:

Portola Valley provides: “An extensive trail system, scenic roads, open space and natural views contribute to one's feeling of being in the country, as do architectural guidelines that stress “blending in.”

Our **governing documents** anticipated change. Our governing documents were established to ensure that our Portola Valley community would not lose its values and uniqueness despite that change.

“*Commercial activity is encouraged to the extent that it primarily meets the needs of residents of the community. These factors have enabled the town to retain a rural ambiance reminiscent of earlier days*”.

Wine tasting and the proposed events **do not meet the needs of residents of the community**.

2) Planning Director Russell confirmed the **CUP violations**. The presentation by residents confirmed the CUP violations, and the presentation by legal counsel representing PV residents also confirmed the CUP and law violations.

3) **the traffic report** submitted for this CUP amendment is outdated. Many changes happened since 2019 and those changes have impacted our public safety. Residents have repeatedly presented their concerns, but Town Council and staff continue to ignore our concerns.

4) **the new driveway**.

Despite the new sign and the electric gate, cars will have to drive close to Portola Road to see if it is safe to take a turn on Portola Road. This means cars have to cross and stand **on Portola trail** before getting on Portola Road. Cars who enter the new proposed driveway do not have the room to wait until the bike lane and/or trail is safe to cross.

**Portola trail** is used by many runners, walkers, equestrians, and children. The bike lane is used by many bikers and many pelotons.

The original entrance by Windy Hill seems much safer as it provides a clear and unobstructed view and gives ample distance for ongoing traffic (cars, pedestrians, and bikers) to see that a car wants to make a turn from and to Portola Road.

The **BPTS committee** has yet to present all issues involving the Neely Project. There are issues with the newly proposed entrance; issues around traffic and public safety for the proposed wine tastings and events, and public safety issues involving our scenic corridor and Portola Road. If discussions happened behind closed doors, the public has yet to hear their findings. The public has not had a chance to discuss the issues with BPTS.

The Neely Winery project is not the only project that has increased traffic and public safety issues. Residents have submitted concerns regarding other projects along our scenic corridor and 2 arterial roads causing increased traffic, parking, and public safety issues. These projects include the Stanford Wedge, PVSD school district, and Woodside Priory. Traffic and parking issues along Portola Road, Windy Hill and Willow Brook also have been reported, but remain unresolved.

5) **the noise report** confirms that the wine tasting and proposed events will exceed the noise standards of Portola Valley.

The fact that the Neely family organized wine tastings and other events without the required permit is concerning.

The Planning Commission is now put in a difficult position.

It is obvious that this new decision making process does not allow the Planning Commission to deny any project after the Town of Portola Valley spent so much of Tax payers money on consultants, who have failed to provide accurate information and who often have promised, but failed to abide by our governing documents.

Perhaps it is time to give back local control to our Portola Valley volunteers who are committed to ensure the safety and well being of our Portola Valley community.

Thank you,  
Caroline Vertongen  
[hermantje@aol.com](mailto:hermantje@aol.com)  
650-678-7562 cell

SHUTE MIHALY  
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102  
T: (415) 552-7272 F: (415) 552-5816  
www.smwlaw.com

WINTER KING  
Attorney  
King@smwlaw.com

November 16, 2021

**Via E-Mail Only**

Craig Taylor, Chair  
Planning Commission  
Town of Portola Valley  
765 Portola Road  
Portola Valley, CA 94028  
E-Mail: [planningcommission@portolavalley.net](mailto:planningcommission@portolavalley.net)  
[planning@portolavalley.net](mailto:planning@portolavalley.net)

Re: 555 Portola Road Application – Spring Ridge LLC- File #  
PLN\_USE 4-2018

Dear Chair Taylor and Members of the Planning Commission:

This firm represents Protect Our Meadow Preserve, an organization of Portola Valley residents who are deeply concerned about the proposed expansion of uses at the Spring Ridge Winery (“Winery”) currently pending review by the Planning Commission. As you know, we have submitted detailed comments on why approving the proposed expansion would be inconsistent with the Town’s General Plan and zoning code, and why it would have potentially significant environmental impacts requiring further CEQA review. Nothing in the most recent staff report remedies the legal violations identified in those comments, and we incorporate them by reference again here.

We have also presented extensive evidence demonstrating that the applicant has violated conditions of its current CUP by numerous hosting events, wine pick-ups, and wine tastings. Town staff confirmed that the applicant did, in fact, repeatedly violate its existing permits, though staff appears to excuse these violations by stating that the language of the CUP conditions was “unclear.” In fact, the conditions were perfectly clear that the northern access road was not to be used for anything other than “secondary access” for the agricultural use, no signs were permitted on Portola Road, and that customers were not allowed for wine tastings.

Despite this history of permit violations, the majority of the Planning Commission clearly stated their desire to move forward with granting the new CUPs. For all the reasons stated in our prior comment letters, this direction violates state and local law, and



violates the Town's commitment, stated in its zoning code, to uphold and enforce the Town's land use regulations.

If the Planning Commission decides to approve the proposed project, however, it must, at the very least, set clear limits on the Winery's new, expanded operations, and unambiguous consequences for stepping outside those limits. It would be wholly irresponsible for the Planning Commission to ignore the applicant's past code violations in issuing a new CUP. Presumably the applicant is committed to abide by the conditions in new CUP, and thus clear consequences for violating those conditions should be unobjectionable. Moreover, the community deserves assurances that the Town will actually enforce those conditions, rather than simply process a new CUP legalizing the violations after the fact, if the applicant violates the new conditions as well.

To that end, and because staff suggested that the prior CUP was unclear or open to interpretation, we have suggested a number of edits to the draft CUPs included in the staff report for the November 17 Planning Commission. A redline of the proposed CUPs with the group's suggested edits is attached hereto. These edits can be summarized as follows:

1. Clarify terms, conditions, and limits. There was apparently too much ambiguity in the prior CUP, so we suggest edits to further define what is allowed during special events (e.g., these events are only for wine distribution; no weddings, renting the facility out to third parties, hosting charity events), who counts as a visitor (all people, including children) or a staff person (winery employees, musicians, caterers, parking attendants, food truck operators), etc. There was some discussion at the November 3 Planning Commission hearing about whether the applicant could also host private events, such as private weddings, at the barn. The previous CUP effectively prohibited such events, due to the strict limitation on use of the access road. The same prohibition should apply in the new CUP. If the applicant violates this prohibition, it should be prohibited from holding the next planned commercial event. Parking attendants should be mandatory at all special events.
2. Hours of operation. The hours of operation on Saturdays should end at 5:00 pm year-round, not 6:00 pm. The CUP needs to clarify that, after closing time, there shall be no more visitors at the agriculture building, which means the last reservation of the day must be at least one hour before closing time. The only exceptions to these limits should be the 3 special evening events per year.
3. Noise conditions and monitoring. In addition to the conditions already included in the draft CUPs, noise must be monitored for a period of 3 years, on-site as well as from at least one property across Portola Road. While the draft CUPs add some conditions

regarding noise and noise-generating activity, these conditions must be clarified to ensure compliance with the Town's noise limits.

4. Traffic conditions and monitoring. The traffic study made a number of assumptions about traffic patterns (e.g., how many visitors per car). The applicant should be required to monitor actual traffic patterns (how many cars enter and leave the site via the northern access road) for a period of 3 years to determine if those assumptions were correct, and to allow the Planning Commission to modify the permit if they were not. Traffic data must be made available to the public on the applicant's website and summarized in the annual report (discussed below). Additionally, given the narrow access road, vehicles with the capacity to carry more than 12 people should be prohibited (no party buses, stretch limos, etc.). The conditions should be clarified to state that the northern access road may only be used for secondary agricultural access (to the meadow and barn) and customer/staff access during wine-tasting, wine sales, and special event hours. No visitor access (including for wine "pick up") is allowed outside of those hours. To make these conditions easier to follow, the northern gate should get a separate address.

5. Public reporting of noise and traffic impacts. Noise and traffic monitoring results should be posted to the applicant's website in real-time. Quarterly reports summarizing the noise and traffic monitoring results should be provided to the Town and posted on the applicant's website.

6. Planning/notice for special events. Neighbors must have advance notice of all special events. Therefore, the Town should require the applicant to provide the community with a schedule of the special events quarterly, and then a detailed plan for the event one week before it occurs. The detailed plan would include information such as: will there be a caterer/food truck? Will there be music? Where will the food be set up? How many staff will there be? The plan must be posted to the applicant's website or otherwise provided to the public.

7. Annual review. As discussed at the November 3 Planning Commission meeting, there must be an annual review of noise monitoring, traffic monitoring, customer visits, and resident complaints (e.g., about parking on Portola Road) at a publicly noticed Planning Commission meeting. All neighbors within 1,000 feet of the property shall receive notice of this annual review. Such an annual review is already being conducted for Woodside Priory. The draft CUP contains an unacceptably watered-down version of this requiring, mandating an annual review only for the first two years, and then requiring review only every five years after that. By the applicant's own statements, the winery may not even be up to full capacity within the first two years. The annual review requirement must be in place for at least the first five years of operation.

8. Consequences for violations/non-conformance. There must be mandatory, automatic consequences for non-conformance. We propose that the consequence for violating the noise limits at one event should be cancelation of the next event, and that two violations of the noise limits should result in suspension of the CUP for one year.

9. The physical improvements must be complete before the new uses begin. The draft CUPs fail to include any timing component requiring the Applicant to complete the physical improvements before visitors start arriving for wine tasting and events. In fact, staff appears to have extended the life of the CUP for the driveway widening and signage so that it will last for 10 years instead of 5, although the draft CUP states that this ten year period runs from August 1, 2018 rather than from the date of issuance of the new CUP. We doubt the Planning Commission would have been so keen to approve the new uses if they knew the Applicant had absolutely no obligation to undertake the physical safety improvements described in the second CUP.

10. No additional requests for expanded use/improvements (other than necessary maintenance) for at least 6 years. The applicant shall not apply for additional CUP amendments for at least 6 years. This limitation will ensure that the Planning Commission has sufficient evidence of the impacts of these expanded uses before considering an even greater expansion in the future.

While Protect Our Meadow Preserve disagrees with the Planning Commission's apparent decision to approve an intensive commercial use in the Meadow Preserve, its members are still relying on you to place reasonable—and enforceable—conditions on this project to protect the bikers, pedestrians, and equestrians using the path along Portola Road, and to limit impacts to the residents living in the surrounding community.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Winter King

Planning Commission

November 16, 2021

Page 5

cc: Anne Kopf-Sill, Planning Commission Vice Chair  
Jon Goulden, Planning Commissioner  
Judith Hasko, Planning Commissioner  
Nicholas Targ, Planning Commissioner  
Maryann Derwin, Mayor  
Craig Hughes, Vice Mayor  
Jeff Aalfs, Town Council  
Laura Russell, Planning and Building Director  
Sharon Hanlon, Town Clerk

1437963.2

**ATTACHMENT**

**EXHIBIT B**

**TERMS AND CONDITIONS**

Town of Portola Valley  
**Amended Conditional Use Permits X7D-151**  
 SPRING RIDGE LLC (NEELY/MYERS)  
 555 PORTOLA ROAD  
 ASSESSOR'S PARCEL NUMBER: 076-340-110

Pursuant to Section 18.48.010, Table No. 1 of the Portola Valley Zoning Ordinance, this amendment to Conditional Use Permit (CUP) is granted to Spring Ridge LLC (Neely/Myers) to allow wine tasting, wine sales and events described herein within the agricultural building on the 229 acre winery property.

This CUP allows only those conditional uses and physical improvements described herein; any conditional uses or physical improvements not described herein are prohibited. The limitations and conditions set forth herein also apply to any accessory use. The scope of existing and proposed site improvements and uses authorized by the amended Conditional Use Permits is limited to wine tasting, wine sales, and wine distribution events, and one annual community event, with minor site improvements as shown on the plans prepared by CJW Architecture, dated ~~March 10 June 2021, 2020, described in the Project Description dated November 11, 2021~~ and outlined below.

The ~~w~~Wine tasting, wine sales, wine distribution events, and one annual community event allowed by this CUP are limited to the following, subject to the conditions below is limited to the following:

**Wine Tasting/Sales**

- **Weekdays, Monday through Thursday, during the hours of 10:00 am – 6:00 pm, limited to 30 visitors per day**
- **Weekends, Friday through Sunday:**
  - **March – October: Friday 1:00 pm to 6:00 pm; Saturday 12:00 pm to ~~56:00~~ pm; Sunday 12:00 pm to 4:00 pm**
  - **November – February: Friday and Saturday 12:00 pm to 5:00 pm; Sunday 12:00 pm to 4:00 pm**
- **All days limited to a maximum of 30 visitors in any single hour**
- **Daily maximum: 60 visitors on Friday and Sunday and 72 visitors on Saturday**
- **Private families/groups may block tasting reservations within the visitor limits**
- **Federal Holidays subject to Saturday hours and visitor limits**
- **Closed Thanksgiving, Christmas, and New Year's Day**

**Wine Club Distribution Days are limited to the following:**

- **Wine club members only with no rentals, no outside groups and no wine tasting visitors.**
- **Limited to No more than six (6) ~~three (3)~~ standard two-day events over three (3) weekends per year:**
- **No more than 144 visitors ~~maximum-per-event~~ and six (6) staff per day**

**Commented [A1]:** It appears the applicant interpreted silence to be permission in the last CUP, so the Town needs to clearly state that uses NOT allowed here are expressly prohibited.

**Commented [A2]:** There are important differences between the applicant's project description and what is being allowed; reference to the Project Description improper.

**Commented [A3]:** Saturdays and holidays should end at 5 pm year round.

- *During the hours of 12:00 pm until 5:00 pm with staff departing by ##*
- *Average of 29 visitors per hour.*
- *Attendant will oversee parking.*

**Three (3) Special Release Distribution Days**

- *No more than three (3) per year*
- *Limited to 90 visitors maximum per event and six (6) staff*
- *During the hours of 4:30 pm until 8:30 pm with staff departing by 9:30 pm.*
- *Event will occur with staggered arrivals over three hours with an average of 30 visitors per hour.*
- *Attendant will oversee parking.*

Commented [A4]: This should be a separate category.

**One Portola Valley Community Day per year is allowed, limited to 144 visitors that are not wine club members and 6 staff, available to Portola Valley and sphere of influence residents.**

**Following the same format Portola Valley Community Day is subject to the same conditions and limitations as Wine Club Distribution Days, except that visitors need not be wine club members.**

"Visitor" includes any person (adult/child, member/non-member, drivers, etc.) attending a wine tasting or event at the agricultural barn or winery other than those individuals employed or contracted by the Applicant to work at the wine tasting or event.

"Staff" means any individual employed or contracted by the Applicant to work at a wine tasting or event, including winery employees, musicians, caterers, food truck operators, parking attendants, etc.

"Holiday" means any federally recognized holiday.

No wine tasting, wine sales, wine pick-up, or events of any kind (i.e., nothing other than typical agricultural activities) are allowed at the agricultural barn other than those expressly described above.

**All conditions contained within Conditional Use Permit X7D-151 shall remain in full force and effect except as modified as follows:**

1. The location of the vineyards shall be consistent with the plan entitled, "Existing Vineyard and Winery Access, Spring Ridge Property, Portola Valley, CA," dated 4/17/00. Beyond the 13.5 acres of existing vineyards shown on this plan, up to an additional 5.5 acres of vineyards may be established as provided for on Sheet: SK-1, 11/14/13, prepared by CJW Architecture, pursuant to the provisions of Conditional Use Permit (CUP) X7D-169.
2. Only grapes grown on the property may be used in the making of wine. Only wine produced at the Neely Winery may be served or sold on-site; no other alcoholic beverages may be served or sold.
3. Irrigation water, when needed, is to be applied by drip irrigation.
4. No fertilizers, herbicides, or pesticides shall be used. Sulfur may be used in small quantities and only in the vineyard areas. Further, under extraordinary circumstances it is recognized that there could be the need to consider and use chemical herbicides and pesticides. Such use, however, shall be subject to prior approval by the town relative to the specific extraordinary circumstances. The request to the town for such chemical use shall be fully explained and documented in a transmittal to the town planner. The town planner shall consult any resources, including, for example, environmental consultants, deemed appropriate to consider and act on the request. The cost for all town time, including consultants, associated with review and action on the request shall be borne by the permit holder.

~~Customers may not come to the winery for tasting or purchasing of wine.~~

5. Last reservation must be no later than one hour prior to closing time; all visitors must be off the premises by closing time. No outdoor music allowed Monday through Thursday or at any Special Release Distribution Day.

- 5.6. Erosion shall be minimized through good practices and sediments shall be controlled on site though best management practices consistent with contemporary standards to the satisfaction of the public works director.



- ~~6.7.~~ Pulp from the wine production, including seeds, skins and stems shall be plowed back into the vineyards.
- ~~7.8.~~ There will be no signage on the property with respect to the winery other than interior signs to direct persons to the winery building. Such signs shall be reviewed by the Town Planner and referred to the ASCC if necessary.
8. ***Signage shall be limited to one four square feet per side sign at the northern driveway entrance subject and one sign at the driveway exit warning drivers of hikers, cyclists and equestrians on the trail. Final placement of the sign shall be reviewed by one ASCC member and subject to approval by the Public Works Director. The sign at the driveway entrance requires issuance of an Encroachment Permit and shall not impact trail usage, roadway standards, or sight visibility to the satisfaction of the Public Works Director.***

9. This permit may be reviewed annually by the planning commission to determine if the project is in conformity with the provisions of the permit and applicable town ordinances. This review need not be a noticed public hearing; however, the holder of the permit and the adjoining property owners shall be notified. Costs attendant to the annual review shall be covered by a fee and deposit made by the holder of the permit.

**Additional Conditions of Approval:**

9. **The events shall occur within the Agricultural Building (Barn) and immediate patio area. Catering services may be utilized and no more than one food truck is permitted to be located on the gravel area on the west end of the barn in compliance with Town's noise regulations. There shall be no tents larger than 10' by 10' and no entertainment structures (inflatable bounce houses, etc.). Tents are allowed only on the patio area.**
10. **~~A maximum~~ No more than 32 ~~visitor~~ vehicles shall be parked on-site at any time. Parking shall be limited to the on-site designated parking area. No overflow visitor parking shall occur on the grass adjacent to approved gravel parking, outside the fenced barn/vineyard area or on Portola Road or surrounding streets. The applicant shall prepare and comply with a Parking Management Plan which shall be kept current for the life of the wine tasting and event operations. It shall be submitted to the Town upon request. The Parking Management Plan shall include: written procedures for how staff will manage parking on event days including the role and activities of the parking attendant; a communications plan with the language that will be transmitted to all guests with reservations for wine tasting and all event attendees; other methods as appropriate to ensure no visitors park on Portola Road or adjoining streets. Violation of the Parking Management Plan shall constitute a violation of this permit.**
11. **No large vehicles such as buses or limousines shall be permitted on site that require larger than one standard parking space. Shuttles or other vehicles with capacity of approximately more than 14-16 people are ~~allowed~~ prohibited.**
12. **During Wine Club Distribution Days and the Portola Valley Community Day, ~~the Applicant shall:~~**
- a. **The Applicant shall allow or otherwise provide means (e.g., outside electrical outlet) for caterer and/or food truck operations to connect to existing electric service at the barn/agricultural building. The Applicant shall require caterers and/or food truck operators to use the Applicant's electric hook-ups instead of a generator whenever feasible. This would negate the need for any generator use by these operations.**
  - b. **If electric hook-ups are not feasible, ~~T~~he Applicant shall require all vendor-operated generators to meet a 60 dBA noise performance standard at 23 feet (equivalent to 78 dBA at 3 feet). This performance standard shall be documented via manufacturer's specifications that indicate testing was done in accordance with an accepted standard (i.e., pursuant to International Standards Organization or American Society for Testing and Materials methods). If actual noise from generators results in an exceedance of Town noise standards, that exceedance shall violate the Town code and this Permit, regardless of documented manufacturer's specifications.**
  - c. **If electric hook-ups are not feasible and a quiet generator model is not available, the**

*Applicant may erect a straw bale barrier between the generator and the site's northern property line. The straw bale barrier shall be constructed of densely packed straw. The barrier shall be at least three feet deep, extend at least six feet past both ends of the generator, and reach at least four feet above the top of the generator. The generator shall be located situated not more than five feet from the barrier. If actual noise from generators results in an exceedance of Town noise standards, that exceedance shall violate the Town code and this Permit, regardless of the Applicant's compliance with this provision.*

13. **Amplified music or amplified speech shall not be allowed at any time.**
14. **Non- amplified live music shall be allowed only during Wine Club Distribution Days and the Portola Valley Community Day, as follows:**
  - a. **Not more than four (4) musicians shall be allowed.**
  - b. **~~The winery staff shall direct m~~Musicians ~~to shall~~ play only from the center-east side of the barn/agricultural building's exterior use area such that the building shields the site's northern property line from musical instruments. Musicians shall also play only facing the site's interior and away from the winery's northern, eastern, and southern property lines.**
  - c. **Non-amplified music, if provided, shall be for background and ambiance purposes only. Musicians shall reduce and/or limit noise levels from instruments by playing softly or quietly or otherwise muffling/muting instruments. Musical noise shall comply with the Town's Noise Ordinance.**
15. **During all special events at the agricultural building (Wine Club Distribution Days, Special Release Distribution Days, Portola Valley Community Day), the Applicant shall retain a noise consultant approved by the Town to monitor noise within 3 feet of the noise sources and at receptor sites on the adjoining property and across Portola Road to ensure compliance with the Town noise limits. The results of this monitoring shall be posted in real time on the Applicant's website, and any exceedance of the Town's noise limits shall be reported to the Town and posted on the Applicant's website within two business days of the exceedance.**
16. **During all special events with non-amplified live music, sound levels within three feet of the music source shall not exceed 90 dBA and exterior noise levels at receptor locations shall not exceed 45 dBA Leq and 60 dBA Lmax per section 9.10.030 of the Town's Noise Standards. Music may be played only from within the covered patio/porch area, facing in the direction of the barn.**
17. **The Applicant shall submit quarterly noise monitoring reports to the Town's Planning Department for the first three years of permit use. The reports shall clearly map the locations of the noise monitors, and include both average noise (Leq) and single event noise (Lmax/SEL) levels during the duration of each event.**
18. **In the event of violation of these conditions or the Town's Noise Standards, the following will occur:**
  - a. **After one violation during a "special event", the number of "Special Release Distribution Days" will be reduced by one for the next twelve month period and the Permittee will be subject to noise monitoring and reporting during special events for an additional five year period commencing from the date of the most recent nonconforming event.**
  - c.b. **If there are two violations within a twelve-month period, the CUP shall be suspended for one year.**
- 15-19. **No additional events shall be allowed at the Agricultural Building (Barn) and patio area other than those described in this Permit. At all times other than those described herein for wine tasting, Wine Distribution Days, Special Release Distribution Days, and Portola Valley Community Day, use of the Agricultural Barn shall be limited to agricultural uses; no customers shall be allowed. Visits to the tasting facility are allowed for the primary purpose of wine tasting or wine purchase. The Agricultural Building (Barn) and patio area shall not be used for event rentals to outside groups for largely unrelated purposes such as weddings.**
- 16-20. **Guests-Visitors may come to the winery production facility for tours and**

Commented [A5]: A cross Portola Road from R4 would be a good monitoring site.

**wine tasting (including barrel sampling) during the hours allowed for wine tastings or special events and only with a reservation for one of those activities, subject to the following:**

- a. **Visitors shall arrive to the Agricultural Building (Barn) and park in designated areas.**
- b. **Visitors shall walk with a guide from the Agricultural Building to the production facility (with exceptions for ADA compliance).**
- c. **Visitors will count toward the tasting room daily visitor cap.**

**17-21. The tasting room may serve cheese, charcuterie, and other similar small bites to accompany wine tastings. Food cannot be purchased independently of wine tastings. On-site preparation of food must be kept to a minimum. Any limited final food prep must occur indoors, except as described for events. The building may not have a dedicated kitchen, except for glass washing and the minimum required by the county health department for limited food service.**

**18-22. For the first two years, applicant shall provide priority reservations for the tasting room to local residents.**

**23. Temporary solar pathway lights may be used in parking area if needed for safety during events allowed after dark.**

**19-24. The Applicant shall monitor the number of vehicles accessing the barn via the northern access road and shall post the results of this monitoring in real-time on its website. The Applicant shall report to the Planning Director, and post the report on its website, after each special event the total number of vehicles that visited the barn during the event. The Applicant shall also report to the Town Planning Department any car accidents involving Neely Winery patrons and trail users or other motorists or bicyclists along Portola Road. Such accidents shall be reported during the annual permit review by the Planning Commission, as described below.**

**20-25. The applicant shall provide a quarterly report to Town Staff for the first two years of tasting room and event operation. The report shall be directly linked to the metrics outlined in the CUP approval including visitor data, compliance with noise standards, and information about the number of cars visiting the site. The form of the report shall be determined by the Planning and Building Director in consultation with two Planning Commissioners. The reports will be available to the public on the Town's website and considered as part of Planning Commission's reviews of the project.**

**Commented [A6]:** This provision deals with use at the winery itself, which appears to be outside the scope of the permit as described at the very beginning.

- 24-26. Quarterly, the Applicant shall submit to the Planning Director and post on its website a calendar of special events for that quarter. One week prior to each special event, the Applicant shall submit a plan to the Planning Director, and post the plan on Applicant's website, describing the number of staff that will be in attendance, any food service (including food trucks), whether there will be music, and any other information that is relevant to CUP compliance. The applicant shall maintain an email distribution list and notify all interested parties of upcoming events on a quarterly basis.
- 22-27. After the first and second evening events, the applicant shall contact all property owners within 1,000' and all parties on the email distribution list for comments or concerns about the events. This information will be reviewed by the Planning and Building Director in consultation with two Planning Commissioners.
- 23-28. The cost of CUP monitoring required by these conditions shall be paid by the applicant. The applicant shall file a deposit with the Town and staff will charge for time according to the hourly rate in the Town Fee Schedule, or according to the fee and deposit system in effect at the time.
- 24-29. The Commission recognizes that ~~questions may arise about whether over time applicants may desire to offer new and different~~certain amenities, ~~to enhance the wine tasting and distribution event experience and that such amenities may which are not be~~ expressly listed herein, are allowed byin this permit. The Planning and Building Director in consultation with two Planning Commissioners is authorized to make interpretations regarding whether such amenities fit ~~within the spirit and intent of this~~are allowed by this CUP. Such interpretations shall not in any way expand the uses expressly authorized in this CUP. By way of example, a CUP interpretation may be issued permitting a comedian to perform at a distribution event in lieu of a quartet. On the other hand, an interpretation that a small wedding was equivalent to a tasting would be contrary to the express language of the CUP and would ~~therefore not be fit within the spirit and intent of~~ not be allowed under the CUP. Any such interpretations shall be publicly made available and the impacts disclosed in accordance with the monitoring and review provisions.
30. The Planning Commission shall review the CUP ~~annually for the first five after one year of operation and two~~ years of operation. The Commission shall review every ~~five three~~ years thereafter or upon receipt of a ~~verified~~ complaint of non-compliance accompanied by evidence (which may include a letter describing events witnessed first-hand). Residents within 1,000' of the site shall be notified of the meetings. The Planning Commission will review the quarterly reports and other available information to ensure compliance with the approved Terms and Conditions and applicable Town Municipal Code. If the applicant is not complying with the Terms and Conditions and Municipal Code at the time of review, the Commission shall have the authority to revoke the CUP, amend the CUP to reduce activities or to add additional conditions to mitigate non-compliance.
31. ~~The Applicant may not begin offering wine tastings or on-site sales, and may not hold any wine distribution days, special release distribution days, or Portola Valley Community days, unless and until the improvements authorized by Permit X7D-169 are complete.~~
- 25-32. ~~The Applicant shall not request or apply for any modifications to this CUP or a new CUP to allow for additional uses or intensification of uses for a period of 6 years from the date of issuance of this CUP.~~

**EXHIBIT C**  
TERMS AND CONDITIONS

Town of Portola Valley  
**Amended Conditional Use Permits X7D-169**  
 SPRING RIDGE LLC (NEELY/MYERS)  
 555 PORTOLA ROAD  
 ASSESSOR'S PARCEL NUMBER: 076-340-110

Pursuant to Section 18.48.010, Table No. 1 of the Portola Valley Zoning Ordinance, this amendment to Conditional Use Permit (CUP) is granted to Spring Ridge LLC (Neely/Myers) to allow wine tasting, sales and events within the agricultural building on the 229 acre winery property.

**Commented [A7]:** Same edits to this intro section as above.

The scope of existing and proposed site improvements and uses authorized by the amended Conditional Use Permits is limited to wine tasting, sales and events with minor site improvements as shown on the plans prepared by CJW Architecture, dated March 10, 2020, with revisions, and described in the Project Description dated November 11, 2021.

**Site improvements allowed by this CUP are limited to the following, subject to the conditions below;**

- ***Widening of a portion of the private driveway by ~~approximately no more than~~ 3' on each side to allow two cars side-by-side***
- ***Shrub and small tree removal along both side of the Town trail to improve sight lines***
- ***Lowering the "berms" along the trail to approximate level of the trail to improve sightlines (no changes to the trail itself).***
- ***Creating 13 additional gravel parking spaces, to supplement the existing 19 space gravel lot adjacent to the building (total ~~of not to exceed~~ 32 on-site parking spaces)***
- ***Reconfiguring of surrounding fencing***
- ***Installing a new keypad operated electronic gate and turn-around area***
- ***Installing one concrete ADA parking space adjacent to the building and reconfiguring the interior bathroom to create an ADA facility***
- ***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) and a new sign at the driveway exit providing a warning of the trail and to look for hikers, cyclists and equestrians***

**Approved Impervious Surface Areas**

<b>Impervious Surface (IS) Areas</b>	<b>Approved (sq. ft.)</b>	<b>Available for use (sq.ft.)</b>
Existing paved and other IS areas including existing reservoir structures	31,614 sf	0
Existing tennis court surface	6,766 sf	0
Greenhouse (not yet built)	675 sf	0
Completed entertainment/cabana building	1,550 sf	0
Guest house/art studio (not yet built)	7,000 sf	7,000 sf
Horse Barn (not yet built)	8,000 sf	8,000 sf
Completed agricultural building	8,000 sf	1,729 sf

Total Approved IS Area	63,605 sf	16,729 sf
New parking area	4,296 sf	12,433 sf

Conditional Use permit X7D-169 was approved by the Planning Commission on January 18, 2012 and amended on November 20, 2013 and August 1, 2018. Conditions for Conditional Use Permit X7D-169 shall remain in full force and effect except as modified as follows:

1. This permit shall be valid for a period of ~~ten-five (105)~~ years from the effective date of planning commission approval of the amended conditional use permit (**ten years from August 1, November 17, 2018 2021**). Authorized ~~buildings—construction~~ must be ~~constructed—implemented~~ or under construction within the initial ~~tenfive~~-year period. Any building(s) not under construction within the ~~tenfive~~-year period may not be authorized unless the planning commission finds, prior to the end of the initial ten-year period, that building permit plans ~~for the structures~~ are in process of town review and that construction will be initiated within a reasonable period of time, e.g., within six months of the end of the initial ten-year period. Agricultural uses in the meadow preserve area shall also be initiated within the ten-year period.
2. If none of the authorized ~~buildings—construction~~ or uses are pursued within the ~~tenfive~~-year period stated in condition 1. above, then this CUP shall expire. If, however, any of the authorized floor area and associated impervious surface area or related new agricultural uses have been improved, as provided for herein, or are in the process of construction, the permit shall remain in effect for the uses under construction until such time as other town approvals may be granted for uses or improvements that would supersede the provisions of this permit. Once a building permit has been issued, building construction shall be completed in a timely manner.
3. The primary access to the site shall continue to be the gated driveway common with the entry to the Windy Hill Open Space preserve at the south end of the parcel's Portola Road frontage. The ~~bottom ## linear feet of the~~ existing gated driveway at the north end of the parcel's Portola Road frontage shall **be modified to permit two cars to pass, include a new electronic gate with key pad access, include a new turn-around between the gate, and t**~~The driveway and may be utilized to access the wine tasting, sales and wine distribution event space located within the agricultural building during the hours permitted for these uses by Permit X7D-151. At all other times, the driveway may be used~~ 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. The Applicant must obtain a separate address for the northern access road.
4. The northerly secondary driveway connection may be improved for safety of service vehicle **and wine visitor** access; however, this shall only be concurrent with development of the ~~agricultural building and meadow agricultural uses~~. Such improvement may only be by widening of the existing driveway connection **as shown on the plans prepared by CJW Architecture, dated March 20, 2020 with revisions, and evaluated in the Hexagon Transportation Consultants Study dated June 7, 2021,** or development of a new, replacement driveway connection, as evaluated in the December 2, 2011 staff report to the planning commission. ~~The~~ Any such improvements shall be to the traffic engineering requirements of the public works director, to the satisfaction of the fire marshal for emergency access vehicles and to the satisfaction of ~~one~~ the ASCC ~~member~~ relative to the aesthetic considerations for the Portola Road corridor, **including landscape and berm work.**
5. Existing dirt/grass service roads as identified on the permit plans shall not be paved or

Commented [A8]: Remove strikethrough to leave these restrictions in place.



otherwise improved beyond their existing condition. These roads in the meadow area are

specifically identified on plan Sheet SK-1, dated 11/14/13, and 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 X7D-151 and X7D-169. No new property dirt/grass service roads shall be established for the meadow area. Further, the current meadow area dirt/grass service roads shall not be improved beyond their current conditions **as approved by ASCC**. ~~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.~~

6. The property owner shall continue to work with the town relative to town objectives for selective trimming and removal of vegetation along the Portola Road Corridor parkway as shown on the general plan. Specifically, when the Portola Road Corridor Plan is completed, but no more than 24-months from the effective date of this CUP amendment (**November 20, 2013**, ~~2021~~), the property owner shall make a good faith effort to collaborate with appropriate town representatives in additional selective trimming and removal of vegetation consistent with the provisions of the completed plan. The property owner is encouraged to participate in the Corridor Plan process so that final objectives relative to clearing and opening of views can benefit from property owner input.
7. ~~Prior to release of permits for any new structure, plan details for the existing tennis court shall be provided to the satisfaction of planning staff to ensure that the court work adheres to town grading and building permit standards and regulations.~~
8. The plans listed below are the approved master plans for this CUP. The plans, unless otherwise noted, have been prepared by CJW Architecture and have a revision date of June 21, 2011:

Sheet: A-0.0, "Title"

Sheet: A-1.0, Site Plan -All Projects, 12/1/11

Sheet: T-0.1A, Title Sheet: Cabana - Project #1, 6/18/10 Sheet:

A-1.1A, Site Plan -Cabana, 10/4/10

Sheet: A-2.1A, Cabana Floor Plan & Elevations, 6/16/09

Sheet: T-0.1B, Title Sheet: Greenhouse - Project #2, 7/20/10 Sheet:

A-1.1, Site Plan (Greenhouse), 1/14/09

Sheet: A-2.1B, Main Floor Plan (Greenhouse), 2/23/10 Sheet:

A-3.1B, (Greenhouse) Exterior Elevations, 2/23/10

Sheet: A-1.1C, Site Plan (and building elevations) - Guest House (studio), 7/20/10

Sheet: A-1.1D, Site Plan (and building elevations) - Barn, 7/20/10

Sheet: A-1.1E, Site Plan (and building elevations) - Ag. Building, revised 1/10/12

Sheet: SK-1, Site Plan, Revised November 14, 2013

***Plans prepared by CJW Architecture dated March 20, 2020 with revisions***

In addition to being in general conformity with these plans, final building permit plans for new structures, and all uses shall conform to the following:

- a. With approval of Sheet: SK-1, up to 5.5 acres of vineyards may be placed in the identified New Agricultural areas identified on this plan sheet.

- b. Detailed building permit and grading/site development permit plans shall be presented to the ASCC for review and approval prior to issuance. Each building, i.e., greenhouse, cabana/entertainment building, stable, guest house/art studio, and agricultural building shall be reviewed pursuant to the provisions of the site development ordinance and shall conform to provisions of the ordinance.
- c. The final building permit and grading plans shall address the design review issues identified by the ASCC during the course of the June and July 2009 project reviews, October 2010 project reviews, and project review conducted on August 22, 2011. In particular, the matters of exterior lighting, as well as internal greenhouse illumination and a shade system to control light spill and greenhouse wall and roof material reflectivity, shall be addressed to the satisfaction of the ASCC. Further, all final exterior materials and finishes shall be in general conformity with the following to the satisfaction of the ASCC:

Colors and material boards for the Cabana/Entertainment and Greenhouse buildings, both dated 2/20/09 (Note: The colors and materials board for the Cabana/Entertainment building also sets the basic finish framework for the guest house and art studio structures.)

Finish board for the stable building, dated 7/25/10.

Finish board for the proposed Agricultural building, dated 8/19/11 (photo representation of the Automotive Innovation Laboratory building on the Stanford University campus). A detailed materials board dated 9/30/11 has been prepared that will need to be presented for final ASCC review and approval when final building plans for the agricultural building are presented to the ASCC for approval.

- d. During the course of building permit plan review for the cabana/entertainment building, the ASCC shall consider the need for additional screen planting relative to views to and from the trails on the MROSD lands. As determined necessary, such planting shall be provided to the satisfaction of the ASCC. The MROSD shall be consulted in this review process.
- e. Final plans shall conform to the requirements set forth in the following reviews to the satisfaction of the reviewer prior to issuance of building or grading permits:

June 22, 2009, August 31, 2010, August 11, 2011 reports of  
the town geologist

July 1, 2009 and September 2, 2010 reports of the fire marshal

July 1, 2009 and August 19, 2010 reports of the health officer

August 19, 2010 report from the public works director

Pursuant to the requirements of these reviews, the improvements to the existing driveway for access to the cabana/entertainment, guest house and art studio structures shall only be the minimum needed to ensure stability of the roadbed and conformity to the requirements for emergency access, including turnouts, for the accessory use and shall not be paved. *(Note: The provisions of the fire marshal include the requirements for a new fire hydrant if determined necessary for any of the individual projects.)*

- f. ~~The provisions for the gray water sink and composting toilet for the agricultural building shall be to the satisfaction of the health officer.~~
- g. Final building permit plans for all proposed buildings shall be consistent with the design framework and objectives set forth in the February 20, 2009 letter from CJW Architecture as well as project clarifications made by the applicant and design team relative to these structures as reflected in the minutes of the June 8, 2009 joint planning commission and ASCC meeting, June 17, 2009 planning commission meeting, June 22, July 13, 2009 and August 22, 2011 ASCC meetings. The new stable and all structures above the existing residence (i.e., cabana/entertainment building, art studio and guest house) shall be "off-the-grid" as described in the February 20, 2009 letter from CJW Architecture and all buildings shall achieve Build It Green (BIG) scores as committed to in the February 23, 2009 communications from CJW to the satisfaction of planning staff. Prior to sign-off by the town of the building permits for these projects, the applicant shall provide documents prepared by a certified Green Point rater verifying that the required BIG point totals have been achieved and that the structures otherwise conform to the town adopted mandatory GreenPoint rated Build It Green program.

*(Note: At the December 7, 2011 public hearing, the applicant clarified that the pool/greenhouse would be "on the grid" and served by the utilities that extend to the main house. The agricultural building would have solar panels, but would be "on the grid" so that any excess power could be fed into the "grid.")*

- h. A detailed planting plan, with fencing provisions, (see also condition 7.1. relative to fencing), shall be provided for the agricultural uses conceptually identified on plan Sheet: SK-1. This plan shall be to the satisfaction of the ASCC and shall include detailed meadow management provisions, including irrigation details, in line with the Agricultural Plan statement on Sheet: SK-1. Further, the plan shall detail anticipated harvesting activities and periods and how vehicle access shall be managed to minimize both traffic and meadow impacts (driveway surface, etc.). The plan shall also include provisions for ongoing control of invasive grasses in the meadow area and definition of the details for the dry-farming program to be applied as generally described by the applicant at the December 7, 2011 public hearing. **The fencing shall be modified as shown on the plan prepared by CJW Architecture, dated March 20, 2020 with revisions.**
- i. Water used from the existing spring system shall be by gravity flow only. The permit does not provide for any pumping of ground water to serve the new facilities and uses. If pumping were to be proposed or considered, it would require use permit amendment and additional environmental review.
- j. Construction staging plans for each structure project shall be provided with building permit plans to the satisfaction of the ASCC.
- l. Fencing of the non-hay/grass new agricultural blocks shall be as transparent as possible. Specifically, the fencing shall be no higher than 7 feet and shall be of 2- inch grape stakes, at 10-foot spacing, with no rails and 6"x6" narrow gauge wire mesh. A smaller mesh may be used for the lower three feet of vegetable block fencing. Recycled materials shall be used for fencing whenever possible. New meadow area fencing is permitted only around

Commented [A9]: Update to more recent plans

and within the "new agricultural" blocks and shall be the minimum possible necessary to provide for protection of the non-hay/grass agricultural plantings. All meadow area fencing plans shall be subject to ASCC review and approval prior to installation and shall incorporate provisions to the satisfaction of the ASCC to ensure fencing is adjusted to site contours and existing trees and other vegetation to be as transparent and inconspicuous as possible relative to views from the Portola Road Corridor.

m. While it is recognized that there could be extraordinary circumstances, as noted on Sheet: SK-1, requiring the need to consider and use chemical herbicides and pesticides, such use shall be subject to prior approval by the town relative to the specific extraordinary circumstances. The request to the town for such chemical use shall be fully explained and documented in a transmittal to the town planner. The town planner shall consult any resources, including, for example, environmental consultants, deemed appropriate to consider and act on the request. The cost for all town time, including consultants, associated with review and action on the request shall be borne by the permit holder.

- 9. The area identified as Hay/Grass on SK-1 shall be maintained in such hay/grass uses or open space.
- 10. There shall be no fencing along the southern boundary of the subject property and no new planting of trees or other non-hay/grass materials shall take place to define the boundary and/or physically or visually break up this contiguous "meadow preserve" area. Further, no signage, e.g. "no trespassing" or other site markings shall be installed to identify the boundary. It is assumed that the neighboring property owners will achieve private cooperation relative to respecting the boundary. If the boundary matter proves to be a documented problem, the property owner may seek relief from this condition from the planning commission without the need for a conditional use permit amendment.
- 11. The permittee shall defend, indemnify and hold harmless the town, its agents and officers and employees from any claim, action, or proceeding related to the town's approval of this use permit.
- 12. If the permit is exercised and floor area and impervious surfaces constructed fully or in part as authorized, this permit shall be subject to periodic review by the planning commission for conformity with permit terms. The initial review shall be three years from the effective permit date and, thereafter, every five years unless an earlier review is determined necessary by town officials. The permittee shall be responsible for all town costs associated with any permit review.
- 13. A modified memorandum of acknowledgement and acceptance of the findings and limitations and terms and conditions of this amended use permit shall be prepared by the town attorney, executed by the applicants, and recorded in the office of the San Mateo County recorder prior to release of any of the permits or town authorizations for the structures and uses allowed for in this permit.

Commented [A10]: I  
ake consistent with  
annual review  
requirement for  
newly permitted  
uses.

**Additional Conditions of Approval:**

- 14. **Signage shall be limited to one, two-sided sign, no larger than four square feet per side, ~~sign~~ at the northern driveway entrance, ~~subject~~ and one sign at the driveway exit warning drivers of**

*hikers, cyclists and equestrians on the trail. Final placement of the sign shall be reviewed by one ASCC member and subject to approval by the Public Works Director. The sign at the driveway entrance requires issuance of an Encroachment Permit and shall not impact trail usage, roadway standards, or sight visibility to the satisfaction of the Public Works Director.*

15. *One member of the ASCC shall review the following items: driveway widening near the Significant Oak tree, final details including colors and materials of the new gate, and final landscape modifications (if any). The Conservation Committee or subcommittee thereof shall provide comments on the landscaping.*
16. *The applicant is encouraged to work with MROSD to resolve concerns regarding the primary access easement to Property, utilizing the Town Attorney and Public Works Director to facilitate as needed. Should any issue remain unresolved or materially affect the CUP(s), either party may request to bring the matter back to the Planning Commission for review.*
17. *The applicant shall apply for a building permit to make the necessary modifications to the Agricultural building and site to accommodate the tasting room operations and ADA improvements.*
18. *At the time of building permit submittal, the applicant shall submit an assessment of the Agricultural Building in light of the change from an agricultural use to a structure for human occupancy to the satisfaction of the Planning and Building Director and Town Geologist. The applicant's geotechnical and structural consultants shall provide any necessary updates to the investigations completed in 2013 or other appropriate assessment for review and approval by the Town.*

**EXHIBIT B**

**TERMS AND CONDITIONS**

Town of Portola Valley  
**Amended Conditional Use Permits X7D-151**  
SPRING RIDGE LLC (NEELY/MYERS)  
555 PORTOLA ROAD  
ASSESSOR'S PARCEL NUMBER: 076-340-110

Pursuant to Section 18.48.010, Table No. 1 of the Portola Valley Zoning Ordinance, this amendment to Conditional Use Permit (CUP) is granted to Spring Ridge LLC (Neely/Myers) to allow wine tasting, wine sales and events described herein within the agricultural building on the 229 acre winery property.

This CUP allows only those conditional uses and physical improvements described herein; any conditional uses or physical improvements not described herein are prohibited. The limitations and conditions set forth herein also apply to any accessory use. The scope of existing and proposed site improvements and uses authorized by the amended Conditional Use Permits is limited to wine tasting, wine sales, and wine distribution events, and one annual community event, with minor site improvements as shown on the plans prepared by CJW Architecture, dated March 10 June 2021, 2020, described in the Project Description dated November 11, 2021 and outlined below.

**Commented [A1]:** It appears the applicant interpreted silence to be permission in the last CUP, so the Town needs to clearly state that uses NOT allowed here are expressly prohibited.

**Commented [A2]:** There are important differences between the applicant's project description and what is being allowed; reference to the Project Description improper.

The ~~w~~Wine tasting, wine sales, wine distribution events, and one annual community event allowed by this CUP are limited to the following, subject to the conditions below-is limited to the following:

**Wine Tasting/Sales**

- **Weekdays, Monday through Thursday, during the hours of 10:00 am – 6:00 pm, limited to 30 visitors per day**
- **Weekends, Friday through Sunday:**
  - **March – October: Friday 1:00 pm to 6:00 pm; Saturday 12:00 pm to ~~56:00~~ pm; Sunday 12:00 pm to 4:00 pm**
  - **November – February: Friday and Saturday 12:00 pm to 5:00 pm; Sunday 12:00 pm to 4:00 pm**
- **All days limited to a maximum of 30 visitors in any single hour**
- **Daily maximum: 60 visitors on Friday and Sunday and 72 visitors on Saturday**
- **Private families/groups may block tasting reservations within the visitor limits**
- **Federal Holidays subject to Saturday hours and visitor limits**
- **Closed Thanksgiving, Christmas, and New Year's Day**

**Commented [A3]:** Saturdays and holidays should end at 5 pm year round.

Wine Club Distribution Days are limited to the following:

- **Wine club members only with no rentals, no outside groups and no wine tasting visitors.**
- **~~Limited to~~No more than six ~~(6)~~three (3) standard two-day events over three (3) weekends per year:**
- **No more than 144 visitors ~~maximum per event~~ and six (6) staff per day**

- *During the hours of 12:00 pm until 5:00 pm with staff departing by ##*
- *Average of 29 visitors per hour.*
- *Attendant will oversee parking.*

**Three (3) Special Release Distribution Days**

- *No more than three (3) per year*
- *Limited to 90 visitors maximum per event and six (6) staff*
- *During the hours of 4:30 pm until 8:30 pm with staff departing by 9:30 pm.*
- *Event will occur with staggered arrivals over three hours with an average of 30 visitors per hour.*
- *Attendant will oversee parking.*

**Commented [A4]:** This should be a separate category.



**One Portola Valley Community Day per year is allowed, limited to 144 visitors that are not wine club members and 6 staff, available to Portola Valley and sphere of influence residents.**

**Following the same format Portola Valley Community Day is subject to the same conditions and limitations as Wine Club Distribution Days, except that visitors need not be wine club members.**

"Visitor" includes any person (adult/child, member/non-member, drivers, etc.) attending a wine tasting or event at the agricultural barn or winery other than those individuals employed or contracted by the Applicant to work at the wine tasting or event.

"Staff" means any individual employed or contracted by the Applicant to work at a wine tasting or event, including winery employees, musicians, caterers, food truck operators, parking attendants, etc.

"Holiday" means any federally recognized holiday.

No wine tasting, wine sales, wine pick-up, or events of any kind (i.e., nothing other than typical agricultural activities) are allowed at the agricultural barn other than those expressly described above.

**All conditions contained within Conditional Use Permit X7D-151 shall remain in full force and effect except as modified as follows:**

1. The location of the vineyards shall be consistent with the plan entitled, "Existing Vineyard and Winery Access, Spring Ridge Property, Portola Valley, CA," dated 4/17/00. Beyond the 13.5 acres of existing vineyards shown on this plan, up to an additional 5.5 acres of vineyards may be established as provided for on Sheet: SK-1, 11/14/13, prepared by CJW Architecture, pursuant to the provisions of Conditional Use Permit (CUP) X7D-169.
2. Only grapes grown on the property may be used in the making of wine. Only wine produced at the Neely Winery may be served or sold on-site; no other alcoholic beverages may be served or sold.
3. Irrigation water, when needed, is to be applied by drip irrigation.
4. No fertilizers, herbicides, or pesticides shall be used. Sulfur may be used in small quantities and only in the vineyard areas. Further, under extraordinary circumstances it is recognized that there could be the need to consider and use chemical herbicides and pesticides. Such use, however, shall be subject to prior approval by the town relative to the specific extraordinary circumstances. The request to the town for such chemical use shall be fully explained and documented in a transmittal to the town planner. The town planner shall consult any resources, including, for example, environmental consultants, deemed appropriate to consider and act on the request. The cost for all town time, including consultants, associated with review and action on the request shall be borne by the permit holder.

Customers may not come to the winery for tasting or purchasing of wine.

5. Last reservation must be no later than one hour prior to closing time; all visitors must be off the premises by closing time. No outdoor music allowed Monday through Thursday or at any Special Release Distribution Day.

- 5.6. Erosion shall be minimized through good practices and sediments shall be controlled on site through best management practices consistent with contemporary standards to the satisfaction of the public works director.

~~6.7.~~ Pulp from the wine production, including seeds, skins and stems shall be plowed back into the vineyards.

~~7.8.~~ There will be no signage on the property with respect to the winery other than interior signs to direct persons to the winery building. Such signs shall be reviewed by the Town Planner and referred to the ASCC if necessary.

8. ***Signage shall be limited to one four square feet per side sign at the northern driveway entrance subject and one sign at the driveway exit warning drivers of hikers, cyclists and equestrians on the trail. Final placement of the sign shall be reviewed by one ASCC member and subject to approval by the Public Works Director. The sign at the driveway entrance requires issuance of an Encroachment Permit and shall not impact trail usage, roadway standards, or sight visibility to the satisfaction of the Public Works Director.***

9. This permit may be reviewed annually by the planning commission to determine if the project is in conformity with the provisions of the permit and applicable town ordinances. This review need not be a noticed public hearing; however, the holder of the permit and the adjoining property owners shall be notified. Costs attendant to the annual review shall be covered by a fee and deposit made by the holder of the permit.

**Additional Conditions of Approval:**

9. *The events shall occur within the Agricultural Building (Barn) and immediate patio area. Catering services may be utilized and **no more than** one food truck is permitted to be located on the gravel area on the west end of the barn in compliance with Town's noise regulations. There shall be no tents larger than 10' by 10' and no entertainment structures (inflatable bounce houses, etc.). **Tents are allowed only on the patio area.***
10. *~~A maximum~~ **No more than 32 visitor** vehicles shall be parked on-site at any time. Parking shall be limited to the on-site designated parking area. No overflow visitor parking shall occur on the grass adjacent to approved gravel parking, outside the fenced barn/vineyard area or on Portola Road or surrounding streets. The applicant shall prepare **and comply with** a Parking Management Plan which shall be kept current for the life of the wine tasting and event operations. It shall be submitted to the Town upon request. The Parking Management Plan shall include: written procedures for how staff will manage parking on event days including the role and activities of the parking attendant; a communications plan with the language that will be transmitted to all guests with reservations for wine tasting and all event attendees; other methods as appropriate to ensure no visitors park on Portola Road or adjoining streets. **Violation of the Parking Management Plan shall constitute a violation of this permit.***
11. *No large vehicles such as buses or limousines shall be permitted on site that require larger than one standard parking space. Shuttles **or other vehicles** with capacity of **approximately more than 14-16** people are ~~allowed~~**prohibited**.*
12. *During Wine Club Distribution Days and the Portola Valley Community Day, ~~the Applicant shall:~~*
  - a. *The Applicant shall allow or otherwise provide means (e.g., outside electrical outlet) for caterer and/or food truck operations to connect to existing electric service at the barn/agricultural building. **The Applicant shall require caterers and/or food truck operators to use the Applicant's electric hook-ups instead of a generator whenever feasible. This would negate the need for any generator use by these operations.***
  - b. ***If electric hook-ups are not feasible,** ~~the~~ Applicant shall require all vendor-operated generators to meet a 60 dBA noise performance standard at 23 feet (equivalent to 78 dBA at 3 feet). This performance standard shall be documented via manufacturer's specifications that indicate testing was done in accordance with an accepted standard (i.e., pursuant to International Standards Organization or American Society for Testing and Materials methods). **If actual noise from generators results in an exceedance of Town noise standards, that exceedance shall violate the Town code and this Permit, regardless of documented manufacturer's specifications.***
  - c. *If electric hook-ups are not feasible and a quiet generator model is not available, the*

*Applicant may erect a straw bale barrier between the generator and the site's northern property line. The straw bale barrier shall be constructed of densely packed straw. The barrier shall be at least three feet deep, extend at least six feet past both ends of the generator, and reach at least four feet above the top of the generator. The generator shall be located situated not more than five feet from the barrier. If actual noise from generators results in an exceedance of Town noise standards, that exceedance shall violate the Town code and this Permit, regardless of the Applicant's compliance with this provision.*

13. **Amplified music or amplified speech shall not be allowed at any time.**
14. **Non-amplified live music shall be allowed only during Wine Club Distribution Days and the Portola Valley Community Day, as follows:**
  - a. **Not more than four (4) musicians shall be allowed.**
  - b. ~~The winery staff shall direct musicians to~~ **musicians shall play only from the center-east side of the barn/agricultural building's exterior use area such that the building shields the site's northern property line from musical instruments. Musicians shall also play only facing the site's interior and away from the winery's northern, eastern, and southern property lines.**
  - c. **Non-amplified music, if provided, shall be for background and ambiance purposes only. Musicians shall reduce and/or limit noise levels from instruments by playing softly or quietly or otherwise muffling/muting instruments. Musical noise shall comply with the Town's Noise Ordinance.**
15. **During all special events at the agricultural building (Wine Club Distribution Days, Special Release Distribution Days, Portola Valley Community Day), the Applicant shall retain a noise consultant approved by the Town to monitor noise within 3 feet of the noise sources and at receptor sites on the adjoining property and across Portola Road to ensure compliance with the Town noise limits. The results of this monitoring shall be posted in real time on the Applicant's website, and any exceedance of the Town's noise limits shall be reported to the Town and posted on the Applicant's website within two business days of the exceedance.**
16. **During all special events with non-amplified live music, sound levels within three feet of the music source shall not exceed 90 dBA and exterior noise levels at receptor locations shall not exceed 45 dBA Leq and 60 dBA Lmax per section 9.10.030 of the Town's Noise Standards. Music may be played only from within the covered patio/porch area, facing in the direction of the barn.**
17. **The Applicant shall submit quarterly noise monitoring reports to the Town's Planning Department for the first three years of permit use. The reports shall clearly map the locations of the noise monitors, and include both average noise (Leq) and single event noise (Lmax/SEL) levels during the duration of each event.**
18. **In the event of violation of these conditions or the Town's Noise Standards, the following will occur:**
  - a. **After one violation during a "special event", the number of "Special Release Distribution Days" will be reduced by one for the next twelve month period and the Permittee will be subject to noise monitoring and reporting during special events for an additional five year period commencing from the date of the most recent nonconforming event.**
  - b. **If there are two violations within a twelve-month period, the CUP shall be suspended for one year.**
19. **No additional events shall be allowed at the Agricultural Building (Barn) and patio area other than those described in this Permit. At all times other than those described herein for wine tasting, Wine Distribution Days, Special Release Distribution Days, and Portola Valley Community Day, use of the Agricultural Barn shall be limited to agricultural uses; no customers shall be allowed. Visits to the tasting facility are allowed for the primary purpose of wine tasting or wine purchase. The Agricultural Building (Barn) and patio area shall not be used for event rentals to outside groups for largely unrelated purposes such as weddings.**
20. **Guests/Visitors may come to the winery production facility for tours and**

Commented [A5]: Across Portola Road from R4 would be a good monitoring site.

wine tasting (including barrel sampling) during the hours allowed for wine tastings or special events and only with a reservation for one of those activities, subject to the following:

- a. Visitors shall arrive to the Agricultural Building (Barn) and park in designated areas.
- b. Visitors shall walk with a guide from the Agricultural Building to the production facility (with exceptions for ADA compliance).
- c. Visitors will count toward the tasting room daily visitor cap.

17-21. The tasting room may serve cheese, charcuterie, and other similar small bites to accompany wine tastings. Food cannot be purchased independently of wine tastings. On-site preparation of food must be kept to a minimum. Any limited final food prep must occur indoors, except as described for events. The building may not have a dedicated kitchen, except for glass washing and the minimum required by the county health department for limited food service.

18-22. For the first two years, applicant shall provide priority reservations for the tasting room to local residents.

23. Temporary solar pathway lights may be used in parking area if needed for safety during events allowed after dark.

19-24. The Applicant shall monitor the number of vehicles accessing the barn via the northern access road and shall post the results of this monitoring in real-time on its website. The Applicant shall report to the Planning Director, and post the report on its website, after each special event the total number of vehicles that visited the barn during the event. The Applicant shall also report to the Town Planning Department any car accidents involving Neely Winery patrons and trail users or other motorists or bicyclists along Portola Road. Such accidents shall be reported during the annual permit review by the Planning Commission, as described below.

20-25. The applicant shall provide a quarterly report to Town Staff for the first two years of tasting room and event operation. The report shall be directly linked to the metrics outlined in the CUP approval including visitor data, compliance with noise standards, and information about the number of cars visiting the site. The form of the report shall be determined by the Planning and Building Director in consultation with two Planning Commissioners. The reports will be available to the public on the Town's website and considered as part of Planning Commission's reviews of the project.

**Commented [A6]:** This provision deals with use at the winery itself, which appears to be outside the scope of the permit as described at the very beginning.

- ~~24-26.~~ Quarterly, the Applicant shall submit to the Planning Director and post on its website a calendar of special events for that quarter. One week prior to each special event, the Applicant shall submit a plan to the Planning Director, and post the plan on Applicant's website, describing the number of staff that will be in attendance, any food service (including food trucks), whether there will be music, and any other information that is relevant to CUP compliance. The applicant shall maintain an email distribution list and notify all interested parties of upcoming events on a quarterly basis.
- ~~22-27.~~ After the first and second evening events, the applicant shall contact all property owners within 1,000' and all parties on the email distribution list for comments or concerns about the events. This information will be reviewed by the Planning and Building Director in consultation with two Planning Commissioners.
- ~~23-28.~~ The cost of CUP monitoring required by these conditions shall be paid by the applicant. The applicant shall file a deposit with the Town and staff will charge for time according to the hourly rate in the Town Fee Schedule, or according to the fee and deposit system in effect at the time.
- ~~24-29.~~ The Commission recognizes that ~~questions may arise about whether over time applicants may desire to offer new and different~~ certain amenities, ~~to enhance the wine tasting and distribution event experience and that such amenities may which~~ are not ~~be~~ expressly listed herein, ~~are allowed by~~ in this permit. The Planning and Building Director in consultation with two Planning Commissioners is authorized to make interpretations regarding whether such amenities fit ~~within the spirit and intent of this are allowed by this~~ CUP. Such interpretations shall not in any way expand the uses expressly authorized in this CUP. By way of example, a CUP interpretation may be issued permitting a comedian to perform at a distribution event in lieu of a quartet. On the other hand, an interpretation that a small wedding was equivalent to a tasting would be contrary to the express language of the CUP and would ~~therefore not be fit within the spirit and intent of~~ not be allowed under the CUP. Any such interpretations shall be publicly made available and the impacts disclosed in accordance with the monitoring and review provisions.
- ~~30.~~ The Planning Commission shall review the CUP ~~annually for the first five after one year of operation and two~~ years of operation. The Commission shall review every ~~five three~~ years thereafter or upon receipt of a ~~verified~~ complaint of non-compliance accompanied by evidence (which may include a letter describing events witnessed first-hand). Residents within 1,000' of the site shall be notified of the meetings. The Planning Commission will review the quarterly reports and other available information to ensure compliance with the approved Terms and Conditions and applicable Town Municipal Code. If the applicant is not complying with the Terms and Conditions and Municipal Code at the time of review, the Commission shall have the authority to revoke the CUP, amend the CUP to reduce activities or to add additional conditions to mitigate non-compliance.
- ~~31.~~ The Applicant may not begin offering wine tastings or on-site sales, and may not hold any wine distribution days, special release distribution days, or Portola Valley Community days, unless and until the improvements authorized by Permit X7D-169 are complete.
- ~~25-32.~~ The Applicant shall not request or apply for any modifications to this CUP or a new CUP to allow for additional uses or intensification of uses for a period of 6 years from the date of issuance of this CUP.

**EXHIBIT C**  
TERMS AND CONDITIONS

Town of Portola Valley  
**Amended Conditional Use Permits X7D-169**  
SPRING RIDGE LLC (NEELY/MYERS)  
555 PORTOLA ROAD  
ASSESSOR'S PARCEL NUMBER: 076-340-110

Pursuant to Section 18.48.010, Table No. 1 of the Portola Valley Zoning Ordinance, this amendment to Conditional Use Permit (CUP) is granted to Spring Ridge LLC (Neely/Myers) to allow wine tasting, sales and events within the agricultural building on the 229 acre winery property.

**Commented [A7]:** Same edits to this intro section as above.

The scope of existing and proposed site improvements and uses authorized by the amended Conditional Use Permits is limited to wine tasting, sales and events with minor site improvements as shown on the plans prepared by CJW Architecture, dated March 10, 2020, with revisions, and described in the Project Description dated November 11, 2021.

**Site improvements allowed by this CUP are limited to the following, subject to the conditions below;**

- **Widening of a portion of the private driveway by approximately no more than 3' on each side to allow two cars side-by-side**
- **Shrub and small tree removal along both side of the Town trail to improve sight lines**
- **Lowering the "berms" along the trail to approximate level of the trail to improve sightlines (no changes to the trail itself).**
- **Creating 13 additional gravel parking spaces, to supplement the existing 19 space gravel lot adjacent to the building (total of not to exceed 32 on-site parking spaces)**
- **Reconfiguring of surrounding fencing**
- **Installing a new keypad operated electronic gate and turn-around area**
- **Installing one concrete ADA parking space adjacent to the building and reconfiguring the interior bathroom to create an ADA facility**
- **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) and a new sign at the driveway exit providing a warning of the trail and to look for hikers, cyclists and equestrians**

**Approved Impervious Surface Areas**

Impervious Surface (IS) Areas	Approved (sq. ft.)	Available for use (sq.ft.)
Existing paved and other IS areas including existing reservoir structures	31,614 sf	0
Existing tennis court surface	6,766 sf	0
Greenhouse (not yet built)	675 sf	0
Completed entertainment/cabana building	1,550 sf	0
Guest house/art studio (not yet built)	7,000 sf	7,000 sf
Horse Barn (not yet built)	8,000 sf	8,000 sf
Completed agricultural building	8,000 sf	1,729 sf



Total Approved IS Area	63,605 sf	16,729 sf
New parking area	4,296 sf	12,433 sf

Conditional Use permit X7D-169 was approved by the Planning Commission on January 18, 2012 and amended on November 20, 2013 and August 1, 2018. Conditions for Conditional Use Permit X7D-169 shall remain in full force and effect except as modified as follows:

1. This permit shall be valid for a period of ~~ten-five (405)~~ years from the effective date of planning commission approval of the amended conditional use permit (**ten years from August 1, November 17, 2018-2021**). Authorized ~~buildings-construction~~ must be ~~constructed-implemented~~ or under construction within the initial ~~tenfive~~-year period. Any building(s) not under construction within the ~~tenfive~~-year period may not be authorized unless the planning commission finds, prior to the end of the initial ten-year period, that building permit plans ~~for the structures~~ are in process of town review and that construction will be initiated within a reasonable period of time, e.g., within six months of the end of the initial ten-year period. Agricultural uses in the meadow preserve area shall also be initiated within the ten-year period.
2. If none of the authorized ~~buildings-construction~~ or uses are pursued within the ~~tenfive~~-year period stated in condition 1. above, then this CUP shall expire. If, however, any of the authorized floor area and associated impervious surface area or related new agricultural uses have been improved, as provided for herein, or are in the process of construction, the permit shall remain in effect for the uses under construction until such time as other town approvals may be granted for uses or improvements that would supersede the provisions of this permit. Once a building permit has been issued, building construction shall be completed in a timely manner.
3. The primary access to the site shall continue to be the gated driveway common with the entry to the Windy Hill Open Space preserve at the south end of the parcel's Portola Road frontage. The ~~bottom ## linear feet of the~~ existing gated driveway at the north end of the parcel's Portola Road frontage shall **be modified to permit two cars to pass, include a new electronic gate with key pad access, include a new turn-around between the gate, and the driveway and may be utilized to access the wine tasting, sales and wine distribution event space located within the agricultural building during the hours permitted for these uses by Permit X7D-151. At all other times, the driveway may be used** 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. ~~The Applicant must obtain a separate address for the northern access road.~~
4. The northerly secondary driveway connection may be improved for safety of service vehicle **and wine visitor** access; ~~however, this shall only be concurrent with development of the agricultural building and meadow agricultural uses.~~ Such improvement may only be by widening of the existing driveway connection **as shown on the plans prepared by CJW Architecture, dated March 20, 2020 with revisions, and evaluated in the Hexagon Transportation Consultants Study dated June 7, 2021, or development of a new, replacement driveway connection, as evaluated in the December 2, 2014 staff report to the planning commission.** ~~The~~ Any such improvements shall be to the traffic engineering requirements of the public works director, to the satisfaction of the fire marshal for emergency access vehicles and to the satisfaction of **one** the ASCC **member** relative to the aesthetic considerations for the Portola Road corridor, **including landscape and berm work.**
5. Existing dirt/grass service roads as identified on the permit plans shall not be paved or

Commented [A8]: Remove strikethrough to leave these restrictions in place.

otherwise improved beyond their existing condition. These roads in the meadow area are

specifically identified on plan Sheet SK-1, dated 11/14/13, and 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 X7D-151 and X7D-169. No new property dirt/grass service roads shall be established for the meadow area. Further, the current meadow area dirt/grass service roads shall not be improved beyond their current conditions **as approved by ASCC**. ~~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.~~

6. The property owner shall continue to work with the town relative to town objectives for selective trimming and removal of vegetation along the Portola Road Corridor parkway as shown on the general plan. Specifically, when the Portola Road Corridor Plan is completed, but no more than 24-months from the effective date of this CUP amendment (**November 20, 201317, 2021**), the property owner shall make a good faith effort to collaborate with appropriate town representatives in additional selective trimming and removal of vegetation consistent with the provisions of the completed plan. The property owner is encouraged to participate in the Corridor Plan process so that final objectives relative to clearing and opening of views can benefit from property owner input.
7. ~~Prior to release of permits for any new structure, plan details for the existing tennis court shall be provided to the satisfaction of planning staff to ensure that the court work adheres to town grading and building permit standards and regulations.~~
8. The plans listed below are the approved master plans for this CUP. The plans, unless otherwise noted, have been prepared by CJW Architecture and have a revision date of June 21, 2011:

Sheet: A-0.0, "Title"

Sheet: A-1.0, Site Plan -All Projects, 12/1/11

Sheet: T-0.1A, Title Sheet: Cabana - Project #1, 6/18/10

Sheet: A-1.1A, Site Plan -Cabana, 10/4/10

Sheet: A-2.1A, Cabana Floor Plan & Elevations, 6/16/09

Sheet: T-0.1B, Title Sheet: Greenhouse - Project #2, 7/20/10

Sheet: A-1.1, Site Plan (Greenhouse), 1/14/09

Sheet: A-2.1B, Main Floor Plan (Greenhouse), 2/23/10

Sheet: A-3.1B, (Greenhouse) Exterior Elevations, 2/23/10

Sheet: A-1.1C, Site Plan (and building elevations) - Guest House (studio), 7/20/10

Sheet: A-1.1D, Site Plan (and building elevations) - Barn, 7/20/10

Sheet: A-1.1E, Site Plan (and building elevations) - Ag. Building, revised 1/10/12

Sheet: SK-1, Site Plan, Revised November 14, 2013

**Plans prepared by CJW Architecture dated March 20, 2020 with revisions**

In addition to being in general conformity with these plans, final building permit plans for new structures, and all uses shall conform to the following:

- a. With approval of Sheet: SK-1, up to 5.5 acres of vineyards may be placed in the identified New Agricultural areas identified on this plan sheet.

- b. Detailed building permit and grading/site development permit plans shall be presented to the ASCC for review and approval prior to issuance. Each building, i.e., greenhouse, cabana/entertainment building, stable, guest house/art studio, and agricultural building shall be reviewed pursuant to the provisions of the site development ordinance and shall conform to provisions of the ordinance.
- c. The final building permit and grading plans shall address the design review issues identified by the ASCC during the course of the June and July 2009 project reviews, October 2010 project reviews, and project review conducted on August 22, 2011. In particular, the matters of exterior lighting, as well as internal greenhouse illumination and a shade system to control light spill and greenhouse wall and roof material reflectivity, shall be addressed to the satisfaction of the ASCC. Further, all final exterior materials and finishes shall be in general conformity with the following to the satisfaction of the ASCC:

Colors and material boards for the Cabana/Entertainment and Greenhouse buildings, both dated 2/20/09 (Note: The colors and materials board for the Cabana/Entertainment building also sets the basic finish framework for the guest house and art studio structures.)

Finish board for the stable building, dated 7/25/10.

Finish board for the proposed Agricultural building, dated 8/19/11 (photo representation of the Automotive Innovation Laboratory building on the Stanford University campus). A detailed materials board dated 9/30/11 has been prepared that will need to be presented for final ASCC review and approval when final building plans for the agricultural building are presented to the ASCC for approval.

- d. During the course of building permit plan review for the cabana/entertainment building, the ASCC shall consider the need for additional screen planting relative to views to and from the trails on the MROSD lands. As determined necessary, such planting shall be provided to the satisfaction of the ASCC. The MROSD shall be consulted in this review process.
- e. Final plans shall conform to the requirements set forth in the following reviews to the satisfaction of the reviewer prior to issuance of building or grading permits:

June 22, 2009, August 31, 2010, August 11, 2011 reports of  
the town geologist

July 1, 2009 and September 2, 2010 reports of the fire marshal

July 1, 2009 and August 19, 2010 reports of the health officer

August 19, 2010 report from the public works director

Pursuant to the requirements of these reviews, the improvements to the existing driveway for access to the cabana/entertainment, guest house and art studio structures shall only be the minimum needed to ensure stability of the roadbed and conformity to the requirements for emergency access, including turnouts, for the accessory use and shall not be paved. (Note: The provisions of the fire marshal include the requirements for a new fire hydrant if determined necessary for any of the individual projects.)

- f. ~~The provisions for the gray water sink and composting toilet for the agricultural building shall be to the satisfaction of the health officer.~~
- g. Final building permit plans for all proposed buildings shall be consistent with the design framework and objectives set forth in the February 20, 2009 letter from CJW Architecture as well as project clarifications made by the applicant and design team relative to these structures as reflected in the minutes of the June 8, 2009 joint planning commission and ASCC meeting, June 17, 2009 planning commission meeting, June 22, July 13, 2009 and August 22, 2011 ASCC meetings. The new stable and all structures above the existing residence (i.e., cabana/entertainment building, art studio and guest house) shall be "off-the-grid" as described in the February 20, 2009 letter from CJW Architecture and all buildings shall achieve Build It Green (BIG) scores as committed to in the February 23, 2009 communications from CJW to the satisfaction of planning staff. Prior to sign-off by the town of the building permits for these projects, the applicant shall provide documents prepared by a certified Green Point rater verifying that the required BIG point totals have been achieved and that the structures otherwise conform to the town adopted mandatory GreenPoint rated Build It Green program.

*(Note: At the December 7, 2011 public hearing, the applicant clarified that the pool/greenhouse would be "on the grid" and served by the utilities that extend to the main house. The agricultural building would have solar panels, but would be "on the grid" so that any excess power could be fed into the "grid.")*

- h. A detailed planting plan, with fencing provisions, (see also condition 7.1. relative to fencing), shall be provided for the agricultural uses conceptually identified on plan Sheet: SK-1. This plan shall be to the satisfaction of the ASCC and shall include detailed meadow management provisions, including irrigation details, in line with the Agricultural Plan statement on Sheet: SK-1. Further, the plan shall detail anticipated harvesting activities and periods and how vehicle access shall be managed to minimize both traffic and meadow impacts (driveway surface, etc.). The plan shall also include provisions for on-going control of invasive grasses in the meadow area and definition of the details for the dry-farming program to be applied as generally described by the applicant at the December 7, 2011 public hearing. ***The fencing shall be modified as shown on the plan prepared by CJW Architecture, dated March 20, 2020 with revisions.***
- i. Water used from the existing spring system shall be by gravity flow only. The permit does not provide for any pumping of ground water to serve the new facilities and uses. If pumping were to be proposed or considered, it would require use permit amendment and additional environmental review.
- j. Construction staging plans for each structure project shall be provided with building permit plans to the satisfaction of the ASCC.
- l. Fencing of the non-hay/grass new agricultural blocks shall be as transparent as possible. Specifically, the fencing shall be no higher than 7 feet and shall be of 2- inch grape stakes, at 10-foot spacing, with no rails and 6"x6" narrow gauge wire mesh. A smaller mesh may be used for the lower three feet of vegetable block fencing. Recycled materials shall be used for fencing whenever possible. New meadow area fencing is permitted only around

Commented [A9]: Update to more recent plans

and within the "new agricultural" blocks and shall be the minimum possible necessary to provide for protection of the non-hay/grass agricultural plantings. All meadow area fencing plans shall be subject to ASCC review and approval prior to installation and shall incorporate provisions to the satisfaction of the ASCC to ensure fencing is adjusted to site contours and existing trees and other vegetation to be as transparent and inconspicuous as possible relative to views from the Portola Road Corridor.

- m. While it is recognized that there could be extraordinary circumstances, as noted on Sheet: SK-1, requiring the need to consider and use chemical herbicides and pesticides, such use shall be subject to prior approval by the town relative to the specific extraordinary circumstances. The request to the town for such chemical use shall be fully explained and documented in a transmittal to the town planner. The town planner shall consult any resources, including, for example, environmental consultants, deemed appropriate to consider and act on the request. The cost for all town time, including consultants, associated with review and action on the request shall be borne by the permit holder.
9. The area identified as Hay/Grass on SK-1 shall be maintained in such hay/grass uses or open space.
10. There shall be no fencing along the southern boundary of the subject property and no new planting of trees or other non-hay/grass materials shall take place to define the boundary and/or physically or visually break up this contiguous "meadow preserve" area. Further, no signage, e.g. "no trespassing" or other site markings shall be installed to identify the boundary. It is assumed that the neighboring property owners will achieve private cooperation relative to respecting the boundary. If the boundary matter proves to be a documented problem, the property owner may seek relief from this condition from the planning commission without the need for a conditional use permit amendment.
11. The permittee shall defend, indemnify and hold harmless the town, its agents and officers and employees from any claim, action, or proceeding related to the town's approval of this use permit.
12. If the permit is exercised and floor area and impervious surfaces constructed fully or in part as authorized, this permit shall be subject to periodic review by the planning commission for conformity with permit terms. The initial review shall be three years from the effective permit date and, thereafter, every five years unless an earlier review is determined necessary by town officials. The permittee shall be responsible for all town costs associated with any permit review.
13. A modified memorandum of acknowledgement and acceptance of the findings and limitations and terms and conditions of this amended use permit shall be prepared by the town attorney, executed by the applicants, and recorded in the office of the San Mateo County recorder prior to release of any of the permits or town authorizations for the structures and uses allowed for in this permit.

Commented [A10]: Make consistent with annual review requirement for newly permitted uses.

**Additional Conditions of Approval:**

14. **Signage shall be limited to one, two-sided sign, no larger than four square feet per side, sign at the northern driveway entrance, subject and one sign at the driveway exit warning drivers of**

*hikers, cyclists and equestrians on the trail. Final placement of the sign shall be reviewed by one ASCC member and subject to approval by the Public Works Director. The sign at the driveway entrance requires issuance of an Encroachment Permit and shall not impact trail usage, roadway standards, or sight visibility to the satisfaction of the Public Works Director.*

15. *One member of the ASCC shall review the following items: driveway widening near the Significant Oak tree, final details including colors and materials of the new gate, and final landscape modifications (if any). The Conservation Committee or subcommittee thereof shall provide comments on the landscaping.*
16. *The applicant is encouraged to work with MROSD to resolve concerns regarding the primary access easement to Property, utilizing the Town Attorney and Public Works Director to facilitate as needed. Should any issue remain unresolved or materially affect the CUP(s), either party may request to bring the matter back to the Planning Commission for review.*
17. *The applicant shall apply for a building permit to make the necessary modifications to the Agricultural building and site to accommodate the tasting room operations and ADA improvements.*
18. *At the time of building permit submittal, the applicant shall submit an assessment of the Agricultural Building in light of the change from an agricultural use to a structure for human occupancy to the satisfaction of the Planning and Building Director and Town Geologist. The applicant's geotechnical and structural consultants shall provide any necessary updates to the investigations completed in 2013 or other appropriate assessment for review and approval by the Town.*

## Dylan Parker

---

**From:** Ron & Michael  
**Sent:** Tuesday, November 16, 2021 4:28 PM  
**To:** Portola Valley - Planning  
**Subject:** Spring Ridge/Neely

Dear Commissioners,

I am writing in support of the proposed amendment to the conditional use permit of the "Barn" at the Neely Spring Ridge Winery. I was there last weekend for a school fundraiser event, one of many ways the Neely's have supported this community, and I was amazed at the beauty of the property and quality of the wines. I feel this should be shared more broadly with the community and other guests, but with specific limits to avoid excessive traffic and noise issues. It appears that the proposal will provide for these limits through the reservation system and evening curfews. Already there are many "by appointment" tasting rooms across the Bay Area. The difference will be that this one is right here in our community, something that we can all enjoy together and with visitors. The Neelys are good stewards of the land and our community and I believe this will be further enhanced by approval of this amendment.

Sincerely,  
Michael Miller  
5 Applewood Lane



## Dylan Parker

---

**From:** Town Center  
**Sent:** Wednesday, November 17, 2021 6:54 AM  
**To:** Portola Valley - Planning  
**Subject:** Fwd: Spring Ridge/Neely winery project  
**Attachments:** Generator Sound Levels.2-1.docx

---

**From:** JAMES F GIBBONS  
**Sent:** Tuesday, November 16, 2021 9:13 PM  
**To:** Town Center; Town Center  
**Cc:** gibbons@ee.stanford.edu  
**Subject:** Spring Ridge/Neely winery project

Friends,

I attach for your consideration a commentary on musical sound levels that might arise at the Neely Tasting Room based on actual data I needed to produce for both the Town and the Blue Oaks Homeowners Association when we were installing an emergency generator on our property in January, 2021. I hope you will find these comments helpful in your deliberations.

Respectfully submitted,

Jim Gibbons

## Dylan Parker

---

**From:** leskruth  
**Sent:** Wednesday, November 17, 2021 10:57 AM  
**To:** Portola Valley - Planning  
**Subject:** Neely Winery --tonight's meeting Nov 18, 2021

To the Planning Commission and Staff:

I have been away, so I apologize for this late note to you. I know that the votes are against those you oppose this project. Nevertheless, I do hope that the commission will *not* vote unanimously to approve this CUP. There are so many who feel that this project is not a healthy one for the town. Change is inevitable, but not every change is a good one. No one doubts that the Neely's will provide a pleasant space for drinking wine, but the glamour associated with wine is overblown and, in my mind, not in keeping with the residential quality of this community. Other venues for a tasting room were not explored or encouraged by the Town and this commission because the Neelys did not want to do it.

So it will happen. It will never go away no matter what the compliance level or who owns the property in the future. So I offer these comments and questions from the staff report and the modifications to the CUP in an attempt to specify and clarify some actions but know impatience with this process--even though we have been shut down for 20 months--is growing. The Neely's are not the victims here.

pg 5. #6: Why are shuttle buses being allowed? Where is the off-street parking being provided to fill the shuttle buses? At the Neely estate up the hill or in town parking lots or at the Windy Hill Preserve parking lot or someplace else?

pg 5. bullet 4: "no more than 30 visitors within any single hour" and yet on pg 32, in the Amendment to the CUP, for the 10 larger gatherings the language says: "**average** 29 visitors per hour"

Since the staff, commissioners and the Neely's were confused by the following wording of X7D-151 CUP when building their wine tasting room and holding wine tasting events:

*"Customers may not come the winery for tasting or purchasing of wine"*

or about the north access road to only be used for ag access:

*"this shall only be concurrent with development of the agricultural building and meadow agricultural uses" and "secondary uses".*

I think it is very important that this CUP in *all* areas be extraordinarily clear about how things are worded.

pg 6. There are to be no weddings or event "**rentals**" unrelated to wine tasting. Why is the word rental included? The Neely's are generous people, they may not want to 'rent' the space but just give it away for a fundraiser. Is this free use included in this current wording?

pg 8. Why has the staff not included conditions to regulate private family activities at the wine tasting room commercial space? I believe in 296 acres and a beautiful home the family can adequately accommodate their celebrations away from the tasting room. After all, this is noted by staff to be one of the major concerns of neighbors and no one wants to cramp the family's fun with complaints.

pg 9. How can the staff write one small note about the numerous code violations and only say: "Town staff is investigating these issues and our preliminary analysis is that while the events violated the spirit of the CUP, the language in the CUP was not as clear as it could have been." See comment on pg 5 above. The staff has had

months to evaluate many complaints about violations and the violations are clear. They have not explained **what** is unclear and not been responsive to complaints. I only saw the wording "common sense" used once in this whole document, why aren't the facts in addition to common sense being used here? There is no remedy and I fear there will be none in the future. It does not bode well for the future review of the CUP. Who will be monitoring the compliance? How will the town track compliance with the requirement that this commercial entity will limit access, serve the needs of the community or impact traffic or noise? The winery has become an alcohol drinking and distribution point no matter its link to agriculture. The staff and commission have made a very strange distinction.

Is the reservation system collecting addresses on all reservations? What documentation will be required and who will be able to see it given that some community members want to be removed from their tasting club list? I do not question the Neely's integrity, but I do question their willingness to comply with the rules given past performance and their naturally strong desire to have a wine tasting room. Additionally, will the conditions and count of local use be carried on past the 1,2 year and 5 year reviews? I would assume that the club will keep expanding over time and will not serve the local community and it is remarkable to me that the commission/staff state that expansion of the club will not affect the community. (see pg 17)

How will "local resident" club members be counted? What is a "sphere of influence"?

pg 154 There are two errors (maybe more?) in the traffic report charts. I did not review every number in the document, but horses, pedestrians and bikes on the path are of special interest and how they are listed is a mystery. I have not heard back from Hexagon Traffic. The Traffic Committee of the Town did meet and discuss the report with many (13 of 15 comments opposed to the report) from citizens. They did not act on the report. Why is it listed that they saw it?

There is a typo on page 23... "verified COMPLAINT (not compliant) of non-compliance"

Thank you for your time.

Sincerely,  
Leslie Kruth

There are more words used to describe the specific snacks the winery will be providing than clarifying how the town will determine if requirements to serve the local community are being verified. There are people who initially signed up for the wine club who want off of that list as supporters of the wine tasting room. Are they still being "counted"? As we all know, emails do not give location.