

## RESOLUTION NO. 2021-X

### RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PORTOLA VALLEY GRANTNG SPRING RIDGE LLC (NEELY/MYERS) AMENDMENTS TO CONDITIONAL USE PERMITS X7D-151 AND X7D-169 FOR PROPERTY LOCATED AT 555 PORTOLA ROAD

**WHEREAS**, Dr. Kirk Neely and Ms. Holly Myers, on behalf of Spring Ridge LLC (applicant) submitted an application on December 13, 2018 for an amendment to existing Conditional Use Permits X7D- 151 and X7D-169 and for Site and Architectural Development Review on the applicant's 229-acre property located at 555 Portola Road (Assessor's Parcel 076-340-110); and

**WHEREAS**, the requested amendment is to allow wine tasting, sales and events within the existing agricultural building and associated site improvements, without any expansion of winery facilities or vineyard land area; and

**WHEREAS**, the request was preliminarily considered at publicly noticed Planning Commission meetings on April 17, 2019, November 6, 2019, December 4, 2019 and February 5, 2020, and after the preliminary review, the request was modified by the applicant to respond to input received; and

**WHEREAS**, the Traffic Analysis was presented to the Bicycle Pedestrian and Traffic Safety Committee at its October 6, 2021 meeting; and

**WHEREAS**, the requested site improvements were reviewed at a publicly noticed Architectural and Site Control Commission (ASCC) meeting on October 11, 2021 and the ASCC voted (3-0, 2 absent) to recommend the Planning Commission approve the Architectural and Site Development Review if the Conditional Use Permit amendment request is approved subject to certain recommended conditions; and

**WHEREAS**, the Town contracted with MIG to conduct an environmental analysis of the project under the California Environmental Quality Act (CEQA). This analysis concluded that the project was exempt under Section 15303 of the CEQA Guidelines relating to construction or conversion of new small facilities or structures. This determination is supported by a Traffic Operations Study and Vehicle Miles Traveled (VMT) Analysis completed by Hexagon Transportation Consultants, dated June 7, 2021, a Biological Resources Report prepared by MIG, dated August 2021, and a Noise Impact Report prepared by MIG, dated June 2021; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on the request to amend the Conditional Use Permits and Architectural and Site Development Review at its November 3, 2021 regular meeting and continued the hearing to its November 17, 2021 regular meeting; and

**WHEREAS**, the during the course of the public hearings, the Planning Commission heard and

considered reports from the Town Planner and Town Attorney, the applicant and public input and evaluations of the application and considered the record as a whole.

**NOW, THEREFORE**, be it **RESOLVED** that the Planning Commission:

1. Finds that the project is exempt under Section 15303 of the CEQA Guidelines relating to construction or conversion of new small facilities or structures. This determination is supported by a Traffic Operations Study and Vehicle Miles Traveled (VMT) Analysis completed by Hexagon Transportation Consultants, dated June 7, 2021, a Biological Resources Report prepared by MIG, dated August 2021, and a Noise Impact Report prepared by MIG, dated June 2021. The project includes several measures to improve site visibility and safety and the CEQA traffic study did not identify any safety issues. The noise and biological studies did not identify any impacts and found the proposal would comply with the Town’s noise standards.
2. Makes the findings to support the Conditional Use Permit amendments and Architectural and Site Development Review of Site Improvements as set forth in attached Exhibit A to this Resolution; and
3. Approves the amendment to Conditional Use Permit X7D-169 and X7D-151 subject to the *Terms and Conditions* set forth in attached Exhibit B and Exhibit C to this Resolution.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on \_\_\_\_\_

For: \_\_\_\_\_

Against: \_\_\_\_\_

Absent: \_\_\_\_\_

By: \_\_\_\_\_  
Planning Commission Chair

Attest: \_\_\_\_\_  
Laura Russell, Planning and Building Director

**EXHIBIT A**  
**PLANNING COMMISSION RESOLUTION No. 2021-X**  
**FINDINGS TO SUPPORT PROPOSED AMENDMENTS TO**  
**CONDITIONAL USE PERMITS (CUPS) X7D-151 AND X7D-169 and**  
**APPROVE ARCHITECTURAL AND SITE DEVELOPMENT REVIEW**  
**555 PORTOLA ROAD**  
**SPRING RIDGE LLC (NEELY/MYERS)**

**November 17, 2021**

**Conditional Use Permit Findings:**

- 1. The proposed use or facility is properly located in relation to the community as a whole and to land uses and transportation and services facilities in the vicinity.**

The Planning Commission found that wine tasting and sales of wine goes along with a winery use and that events to support the winery and wine club members are considered accessory to the winery use.

The project includes several measures to improve site visibility and safety and the CEQA traffic study did not identify any safety issues. The noise and biological studies did not identify any impacts and found the proposal would comply with the Town's noise standards. The traffic study was provided to the Bicycle Pedestrian Traffic Safety Committee at its October 6, 2021 meeting. The site is located less than a mile from Village Square and Town Center and the site is well served by Portola Road. The site is adjacent to Windy Hill Open Space, Jelich Ranch and near the Sequoias at Portola Valley, senior living community. The traffic study found that the use would be well served by Portola Road and would not result in any impacts.

- 2. The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and such other features as may be required by this title or in the opinion of the commission be needed to assure that the proposed use will be reasonably compatible with land uses normally permitted in the surrounding area and will insure the privacy and rural outlook of neighboring residences.**

The traffic study found that the new traffic generated by the wine tasting and events would not cause a significant impact and that the proposed parking layout would be adequate for the number of guests that would be present. The project includes use of a parking attendant for events to ensure no parking issues. The entry driveway will be modified to place the entry gate further away from the roadway and trail to ensure no cars entering the site would be blocking the trail or roadway. The noise study found that the proposed use would comply with the Town's regulations. No new permanent lighting is proposed as a part of the project. The Commission determined the site to be adequate in size and shape to accommodate the wine tasting, sales and event use and found the use will be reasonably compatible with land uses permitted in the area and will insure the privacy and rural outlook. The overall site is 229 acres in area and the use will be conducted in the existing agricultural building which is 85' from side property line and 340 feet from the front property line. The Transportation Analysis found that the on-site parking would meet the needs of the tasting room and distribution day visitors. The ASCC voted to recommend approval of the site improvements if the Use Permit based on the required findings.

**3. The site for the proposed use will be served by streets and highways of adequate width and pavement type to carry the quantity and kind of traffic generated by the proposed use.**

Commissioners determined this finding can be made as the use would result in a minor increase in traffic, Portola Road is one of the biggest roads in town and with the project safety improvements include widening the driveway, improving site visibility with removing the berms and trimming landscaping. The site is served by Portola Road, which has adequate width and pavement condition. The CEQA analysis included a traffic study prepared by Hexagon Transportation Consultants that evaluated traffic operations (level of service) and vehicle miles traveled. The Analysis estimated that 30 visitors per hour would generate 12 vehicles per hour and an average of 42 daily trips. The Analysis found that the added project trips with the tasting room and special events would not degrade traffic operations on Portola Road and are not expected to result in a noticeable increase in vehicle delay at the project driveway. The Analysis also evaluated the access to the site and found adequate sight distance at the driveway as well as adequate on-site parking for proposed tasting room operations and Wine Club Distribution Days. The Traffic Analysis was presented to the Bicycle Pedestrian and Traffic Safety Committee at its October 6, 2021 meeting.

**4. The proposed use will not adversely affect the abutting property or the permitted use thereof.**

Commissioners determined this finding can be made as the applicant had addressed the concerns of the Windy Hill Open Space and subject to compliance with the Town's noise regulations. The use will be located within the existing agricultural building which is located approximately 85' from the side property line (adjacent to 609 Portola Road) and approximately 340 feet from the paved edge of Portola Road. The use includes wine tastings by appointment only with a limit of 30 visitors on a weekday and 30 visitors per hour on weekend (Friday-Sunday). All parking will be accommodated on-site.

**5. The site for the proposed use is demonstrated to be reasonably safe from or can be made reasonably safe from hazards of storm water runoff, soil erosion, earth movement, earthquake and other geologic hazards**

Commissioners determined this finding can be made with the driveway widening and ensuring there are no fire issues. The applicant has addressed comments of the Fire Marshall. The agricultural building was constructed in 2013 in compliance with technical requirements, including stormwater, erosion control, and geotechnical. The site is located near the San Andreas Fault; but its location was taken into account in the design and construction of the building. A geotechnical investigation was completed in 2013 and peer reviewed by the Town Geologist. The vicinity of the building site is mapped as "Sun" with nearby "Pf" zones on the Town Ground Movement Potential Map. Two mapped traces of the active San Andreas Fault pass through the eastern edge of the property. Both traces of the San Andreas Fault have been located with trenches very accurately within the past 15-20 years on this parcel and the adjacent parcels. The building site is situated outside of fault setback zones. The Commission is not aware of any other hazards at that location.

**6. The proposed use will be in harmony with the general purpose and intent of this title and the general plan.**

The Planning Commission previously found the winery operations and improvements to be consistent

with the General Plan. Specifically, with the approval of the agricultural building the Commission found that retaining the 4.5 acres of hay/grass area would conform to the General Plan's Meadow Preserve provisions. The Commission further determined that the additional use of wine tasting, sales and events within the agricultural building is also consistent with the General Plan.

The Planning Commission decision was premised on balancing the Land Use designation of Meadow Preserve with the General Plan's recognition that some commercially viable use must be permitted on privately owned open space land. The Planning Commission in 2013 decided that preserving the 4.5 acres of hay/grassland directly adjacent to the MROSD property struck this balance. The applicant is not proposing any changes to the hay grass preserve area as outlined in the findings for the 2013 CUP. The current project honors this prior balancing by siting the overflow parking across the field from the 4.5 acres and in an area of the meadow that has already been dedicated to agricultural use. The additional uses are directly tied to the evolution of agricultural use of property which emphasizes the entire process of developing food and drink in addition to the resulting product.

The site is also identified as within the Portola Road Corridor Plan. The plan calls for the management and treatment of both public and private lands along the corridor and the more critical viewsheds from the corridor should reflect the basic town values as set forth in the General Plan and landscaping, buildings and other land uses within and along the corridor need to be sited and designed to conserve the open and rural character. The Planning Commission previously found the agricultural building to be consistent with the General Plan. The current project includes site improvements that are intended to maintain the natural landscaping along the corridor and locate other improvements farther away from view, including: clearing the understory vegetation and remove the dirt berms to enhance views of the native trees and improve site visibility; parking is proposed behind the agricultural building on previously disturbed land out of view from the roadway; fencing will be removed near the roadway; and the entry gate will be moved inward on the site.

Commissioners noted the site is in a residential zone with wineries including retail sales considered a Conditional Use. Commissioners also noted a vineyard and winery could be considered rural uses consistent with the vision of the Town and supports the Town's agricultural history.

- 7. When this title or the town general plan specifies that a proposed use shall serve primarily the town and its spheres of influence, the approving authority must find that it is reasonable to conclude, based on the evidence before it, that the proposed use will meet a need in the town and that a majority of the clientele of the proposed use will come from the town and its spheres of influence within the near future, normally no more than two years. In general, in making such finding, the approving authority shall, in addition to other information, explicitly take into consideration all similar uses in the town and its spheres of influence**

As a threshold matter, the Commission finds this finding does not apply to project, and therefore does not have to be made to approve the project. The reasons are as follows:

- The first phrase of the language describes when it applies
- "When this title" means "Title 18-Zoning" of the Municipal Code
- Title 18 includes instances where this finding is expressly required, and we can infer that when it is not expressly required, then it does not apply. For example, in the C-C District, this finding is required for business and professional offices, but not for convenience goods and consumer services.

- There is not a requirement that staff can identify in the General Plan to require this finding. There is language related to the commercial land use classifications about limiting commercial development; but there is not language in the Land Use Element limiting the sale of agricultural products or requiring this finding.

Alternatively, to the extent the finding does apply, the Commission determined that the grapes are grown on the site and sold locally. Most of the wine club members are represented by Town residents and its spheres of influence. The additional uses are designed to cater to additional local customers and to introduce such customers to the overall process of growing, harvesting and fermenting grapes. The project will give reservation priority to local customers. The addition of these modest events also helps preserve the property in its current agricultural state contributing to the overall rural character of the town. The CUP governing the other winery in town permits other similar events.

The Commission found that the tastings and events would not lead to negative impacts on the community as supported by the technical studies included in the CEQA analysis. Furthermore, if the wine club grows but the customers are not local, that will not have an impact on the community because the wine would be shipped.

### **Architectural and Site Development Review Findings:**

#### **1. The structure is designed so as to minimize disturbance to the natural terrain.**

Site improvements are limited to minor modifications to the existing driveway, relocation of entry gate, relocate fencing, the addition of a sign and improving a parking area. The project does not involve any disturbance to the natural terrain of the site. The new parking area will require minor grading in an area that was previously disturbed for vineyard use. The parking area work also includes installation of base rock and wheel stops.

#### **2. Existing vegetation is preserved to the maximum extent possible.**

The project involves only minor alteration to existing vegetation, including the removal of a 6" oak tree, lowering berm and removing shrubs at the project entrance to improve sight line visibility and return the area to a natural riparian environment.

#### **3. The structure is designed and located to allow adequate light and air for itself and its neighbors.**

The site improvements will allow adequate light and air to neighboring properties. There are no changes proposed to the existing building that would impact light or air.

#### **4. Landscaping, screening, and fencing preserve privacy and mitigate adverse effects on neighboring properties.**

Existing fencing is proposed to be relocated within the site so as to be less visible from the roadway and present a more natural landscaped setting.

#### **5. Entrances, exits, and internal circulation shall be sited to promote traffic safety and ease and convenience of movement.**

The project includes widening the entry driveway to facilitate two-way access to the site. The entry

gate and fence will be relocated to provide adequate room for vehicles to be off the pathway and roadway for gate entry access. The site improvements were designed to improve circulation and safety.

**6. Night lighting is located and fixtures chosen to promote public safety but minimize effects on adjoining properties.**

No new lighting is proposed with the project.

**7. Planting and site design mitigate the problems of drainage and soil erosion.**

The minor landscaping modification at the site entrance to improve sight-line visibility will not alter drainage or impact soil erosion.

**8. Materials and colors are compatible with the rural setting of the town and the surrounding landscape and structures.**

The applicant proposes to remove the existing fencing along the project entrance as visible from the roadway. The new fence will be the same material and located inward on the property. The entry gate is wood with metal and stone columns will be set in on the property away from the roadway.

**9. Proposed grading minimizes the apparent disturbance to the natural terrain.**

Minor grading is proposed for the new parking area over an area that was previously disturbed for vineyard use. No grading is proposed to the natural terrain.

## 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. The limitations and conditions set forth herein also apply to accessory uses. The scope of existing and proposed site improvements and uses authorized by the amended Conditional Use Permits is limited to wine tasting, wine sales, wine distribution events and one annual community event, with minor site improvements as shown on the plans prepared by CJW Architecture, dated August 26, 2021 March 10, 2020, described in the Project Description dated November 11, 2021 and outlined below.

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

#### **Wine Tasting:**

- **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 6:00 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 arriving in any single hour**
- **All days limited to a maximum of 45 visitors at the Agricultural Building and immediate vicinity at any one time**
- **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 six (6) No more than three (3) two-day standard 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 11:00 am 12:00 pm until 5:00 pm with staff departing by 6:00pm.**
- **Average of 29 24 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.**

**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 as 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.**

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

7. Pulp from the wine production, including seeds, skins and stems shall be plowed back into the vineyards.
- ~~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 ASCG if necessary.~~
8. **Signage shall be limited to one *two-sided* 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 *and design* of the sign shall be reviewed by one ASCG 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, *and immediate area*. Visitors may be allowed in the northwest vineyard block *subject to a maximum of 16 visitors in the vineyard at a time and limit of 30 minutes per group*. 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 within 50' of the Agricultural Building*.**
10. **~~A maximum~~ *No more than 32 visitor-vehicles, in addition to the caterer/food truck, 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.***
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 16** -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-up 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).***
  - 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.***
13. ***Amplified live 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 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. Musicians may also play inside the barn building.***
  - 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. ***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. ***Guests Visitors may come to the winery production facility for tours and wine tasting (including barrel sampling) during the hours allowed for wine tastings or special events 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. 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. For the first two years, applicant shall provide priority reservations for the tasting room to local residents.*
- 19. Temporary solar pathway lights may be used in parking area if needed for safety during events allowed after dark.*
- 20. 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. 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.*
- 21. The applicant shall maintain an email distribution list and notify all interested parties of upcoming events on a quarterly basis.*
- 22. 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. 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. The Commission recognizes that over time applicants may desire to offer new and different amenities to enhance the wine tasting and distribution event experience and that such amenities may not be expressly listed 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 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 the CUP. Any such interpretations shall be publicly made available and the impacts disclosed in accordance with the monitoring and review provisions.*

25. ***The Planning Commission shall review the CUP after one year of operation and two years of operation. The Commission shall review every five years thereafter or upon receipt of a verified complaint of non-compliance verified by staff. 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.***
26. ***The Applicant may not begin offering wine tasting or on-site wine sales unless the following improvements are complete: widen northern driveway, remove shrubs and lower berm along Portola Road at the northern driveway, install a key pad operated electronic entry gate, install one concrete ADA parking space and reconfigure the interior of the barn to accommodate an ADA compliant restroom, and install one entry sign and exit sign at the northern driveway.***
27. ***The Applicant may not hold any wine distribution days, special release distribution days or Portola Valley community days unless the following improvements are complete: widen northern driveway, remove shrubs and lower berm along Portola Road at the northern driveway, install a key pad operated electronic entry gate, install one concrete ADA parking space and reconfigure the interior of the barn to accommodate an ADA compliant restroom, and install one entry sign and exit sign at the northern driveway. The 13 additional gravel parking spaces shall be installed prior to full operation and visitor limits described in this CUP. Prior to installation of the 13 gravel parking spaces, visitor limits shall be limited in proportion to the number of parking spaces available on site subject to approval by the Planning and Building Director in consultation with two Planning Commission Members.***
28. ***The applicant shall comply with all operational measures identified in the Project Description dated November 11, 2021 and the plans dated August 26, 2021. To the extent such measures are inconsistent with these CUP conditions, the CUP conditions shall control.***
29. ***To the extent permitted by law, the Applicant shall defend, indemnify and hold harmless the Town, its Town Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the Town for its actual attorneys' fees and costs incurred in defense of the litigation. The Town may, in its sole discretion, elect to defend any such action with attorneys of its own choice or may elect to tender its defense to Applicant.***

**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, 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. The limitations and conditions set forth herein also apply to accessory uses. 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 dated August 26, 2021, 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 (Option B on the plans), 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:**

30. **The applicant shall have** ~~This permit shall be valid for a period of ten (10) years from the effective date of planning commission approval of the amended conditional use permit (i.e. August 16, 2018 [15 days following approval])~~ **to construct the improvements authorized by the Planning Commission on January 18, 2012, November 20, 2013 and August 1, 2018.** Authorized buildings must be constructed or under construction within the initial ten-year period. Any building(s) not under construction within the ten-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.
31. If none of the authorized buildings or uses are pursued within the ten-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.
32. 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 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 event space located within the agricultural building.** ~~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.~~
33. 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 be by widening of the existing driveway connection as shown on the plans prepared by CJW Architecture, dated March 20, 2020 with revisions dated August 26, 2021, 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.**

34. Existing dirt/grass service roads as identified on the permit plans shall not be paved or 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.~~
35. 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 parkways 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**), 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.
36. ~~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.~~
37. 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 dated August 26, 2021.**

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 dated August 26, 2021.***
- 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.
  - k. 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 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.
  - l. 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.
38. The area identified as Hay/Grass on SK-1 shall be maintained in such hay/grass uses or open space.
  39. 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.
  40. ~~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.~~
  41. 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~~ **one year from the operation of the wine tasting as authorized in Conditional Use Permit X7D-151**, ~~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.
  42. 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.

**Additional Conditions of Approval:**

43. ***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.***
44. ***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.***
45. ***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.***
46. ***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 and follow all standard Town conditions and Municipal Code requirements including, but not limited to:***
  - a. ***No other modifications to the approved plans are allowed except as otherwise first reviewed and approved by the Planning Director or Planning Commission depending on the scope of the changes.***
  - b. ***Prior to building permit issuance, A detailed construction staging, logistics, and tree protection plan for the construction shall be submitted to the satisfaction of the Public Works Director.***
  - c. ***Applicant shall comply with the most current "Public Works & Engineering Department Site Development Standard Guidelines and Checklist." A completed and signed checklist by the project architect or engineer must be submitted with building plans.***
  - d. ***Applicant shall comply with the most current "Public Works & Engineering Department Pre-Construction Meeting for Site Development."***
  - e. ***Applicant shall comply with all requirements of the Woodside Fire Protection District.***

47. ***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.***
48. ***The applicant shall comply with all operational measures identified in the Project Description dated November 11, 2021 and the plans dated August 26, 2021. To the extent such measures are inconsistent with these CUP conditions, the CUP conditions shall control.***
49. ***To the extent permitted by law, the Applicant shall defend, indemnify and hold harmless the Town, its Town Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the Town for its actual attorneys' fees and costs incurred in defense of the litigation. The Town may, in its sole discretion, elect to defend any such action with attorneys of its own choice or may elect to tender its defense to Applicant.***