

PLANNING COMMISSION MEETING, TOWN OF PORTOLA VALLEY, FEBRUARY 17, 2010,  
SCHOOLHOUSE, TOWN CENTER, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chair Gilbert called the meeting to order at 7:32 p.m. Ms. Lambert called the roll:

Present: Commissioners McIntosh and Zaffaroni, and Chair Gilbert  
Absent: Commissioners McKitterick and Von Feldt  
Staff Present: Tom Vlastic, Dep. Town Planner  
John Richards, Town Council Liaison  
Leslie Lambert, Planning Manager

ORAL COMMUNICATIONS: None

REGULAR AGENDA

- (1) Public Hearing: Proposed Conditional Use Permit X7D-170 for Wireless Antenna Facility, Cal Water Tank Property, Peak Lane and Golden Oak Drive, T-Mobile Corporation (Continued to 3/3/10 meeting)

Mr. Vlastic said the ASCC might not have all of the information necessary to complete their review of this matter next week. It might need to be continued to the second meeting in March.

- (2) Continued Review of Proposed Conditional Use Permit Amendment Request X7D-87, 19501 Skyline Boulevard, Fogarty Winery

Mr. Vlastic reviewed the memo of 2/11/10 on the continuing review of the Fogarty Winery CUP. The main purpose of tonight's meeting was to identify a time for a site meeting that would include the Jacksons. In their letter of 2/17/10, the Jacksons indicated a willingness to meet during the 3/6/10 event at the winery. But the renter indicated the event might not take place. Alternative dates were 3/13/10 for an event taking place from 5 p.m. to 10 p.m. or 3/27/10 for an event from 3 p.m. to 8 p.m. Responding to Chair Gilbert, he said the Jacksons would allow visitors to come to their property and consider views, but they had some hesitation about allowing noise measurements on their property. Responding to Mr. Vlastic, Ellie Warner (Events Manager) said the event on 3/13/10 was a birthday party, and it would not be a problem to have the site visit at that time. Noise from the wedding on 3/27/10 would probably start around 6 p.m.

Mr. Vlastic said the ASCC and Planning Commission could elect to send a couple of Commissioners if a full meeting could not be convened. He added that staff was working on a number of things with the applicant that would come back to the Commission at a later date. The key issue at this point was to get a clear understanding of what was happening with the activities of concern to the neighbors.

Responding to Commissioner Zaffaroni, Bruce Jackson said the acoustical equipment could be placed on his property but not next to his house. He suggested the mutual boundary of Rapley Trail where there was a clearing with easy access. Mr. Vlastic said he would work with the Jacksons to ensure the measurements were taken in a way that would address the issue. Responding to Commissioner Zaffaroni, he said the noise consultants would take a look at the issues and come up with a plan for measuring noise, as had been done for The Sequoias.

Tommy Fogarty said the acoustical engineer he spoke with indicated that remote microphones could be used to take measurements from different places. He would like the microphones placed where the neighbors said they heard the noise. Responding to Mrs. Jackson, Mr. Vlastic said the applicant would identify the professional they wanted to use who would come up with a program. The Town would use the professional who worked on the Town's noise ordinance. Responding to Commissioner Zaffaroni, he said the use areas outside that were most sensitive would be identified, and the noise would be measured during the event. The range of issues that had been identified would be discussed with the consultants.

Responding to Chair Gilbert, he confirmed that the Jacksons would know the timeframes. Responding to Mr. Jackson, he said several events could be looked at over a period of time. Everyone wanted this to be accurate. Staff would work with the applicant, neighbors and consultants to ensure it was as complete as possible in order to come up with a mitigation program.

Mr. Jackson said the effect of the noise was a cumulative experience. One shot might not show the impacts. Mr. Vlasic said staff was trying to understand not only the individual events but the patterns of use in order to get a clear picture of everything that was authorized and functioning under the current permit and compare that with the requested changes.

Responding to Commissioner Zaffaroni, Mr. Jackson said the weddings were raucous, but birthdays could be raucous as well. The main point of the visit was to get a perspective of where the Jacksons were in relation to the winery and the events buildings. Mr. Vlasic added that the visit was also meant to identify the noise impacts. Dr. Fogarty said the Commission was welcome at the winery any time—announced or unannounced.

Mr. Jackson said the impression given in the Fogarty's 1/14/10 letter was that the changes made had been at the request of the Jacksons. While he appreciated any improvements, it painted the Jacksons as nitpicky and that they caused infinite work and didn't have legitimate issues.

Commissioner Zaffaroni said it would be helpful to clarify what the remaining important issues were. There was a long history with this property, and some of the issues had been attended to and addressed. Mr. Jackson said his October 31, 2009, letter listed issues that were still outstanding. Some of the old issues had been taken care of, but there were new issues. Commissioner Zaffaroni reiterated that it would be helpful if staff identified the issues that had not been addressed. Dr. Fogarty said it would help the winery if there was a list of those things that the winery could potentially mitigate. Mr. Jackson said there were things that weren't on the record but had been communicated to the Jacksons. Mr. Vlasic said there had been versions of a modified list of conditions that the winery had assembled that had been shared with the Jacksons before the Town had had a chance to react to them. Staff was trying to get this clarified and put together a package that focused on extending the hours for the weddings. The numbers of the events was not changing. Once there was a complete proposal, it could be presented and discussed. In fairness to the Jacksons and the Fogartys, the Town needed to have a complete understanding of what was proposed. One of the critical things right now was to appreciate some of the aspects that had been raised relative to the impact of the events. That would help put a perspective on these things and would be important. The noise issue had to be addressed in any event.

Responding to Commissioner Zaffaroni, Mr. Vlasic said there were no other neighbors he was aware of that were impacted. Ms. Lambert said a notice was sent to all the western hillside neighbors; there had not been any other input. Dr. Fogarty said the winery never had a complaint about noise except from the Jacksons.

Mrs. Jackson said there was a difference between the winery and the events, which brought in a lot of people who were not neighbors. Mr. Vlasic noted that there were uses that had been authorized and had been functional. It was a balance, and the goal was to: a) allow the winery to continue to function and accomplish those things that had been agreed to with the use permit; and b) address the concerns of the neighbor.

Mr. Vlasic asked Commissioners to email their availability for the suggested dates. Once that was received, the date/time for the site visit would be shared with the Jacksons.

#### COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Ms. Lambert said there would be a field meeting on February 22, 2010, to 2 Buck Meadow for a project with grading over 1,000 cy. She asked Commissioners to confirm availability.

APPROVAL OF MINUTES

Commissioner Zaffaroni and Chair Gilbert submitted changes to the minutes of the 2/3/10 meeting. By motion and second, the minutes were approved as amended by a vote of 3-0.

ADJOURNMENT: 8:15 p.m.

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Denise Gilbert, Vice Chair  
Planning Commission

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Leslie Lambert  
Planning Manager