



TOWN OF PORTOLA VALLEY
REGULAR PLANNING COMMISSION MEETING
765 Portola Road, Portola Valley, CA 94028
Wednesday, April 17, 2013 – 7:30 p.m.
Council Chambers (Historic Schoolhouse)

AGENDA

Call to Order, Roll Call

Commissioners McIntosh, McKitterick, Targ, Chairperson Von Feldt, and Vice-Chairperson Gilbert

Oral Communications

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

Regular Agenda

1. Request for Planning Commission Approval of one time special “car show” event, Conditional Use Permit (CUP) X7D-30, 302 Portola Road, Woodside Priory School
2. Preliminary Review, Proposed Amendments to Conditional Use Permit (CUP) X7D-151 and X7D-169, 555 Portola Road, Spring Ridge LLC (Neely/Myers)
3. Review of Conservation Committee’s Modified Redwood Guidelines
4. Annual Housing Element Monitoring Report for 2012

Commission, Staff, Committee Reports and Recommendations

Approval of Minutes: March 20, 2013 and April 3, 2013

Adjournment:

ASSISTANCE FOR PERSONS WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Assistant Planner at 650-851-1700 ext. 211. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

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

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley branch of the San Mateo County Library located at Town Center.

PUBLIC HEARINGS

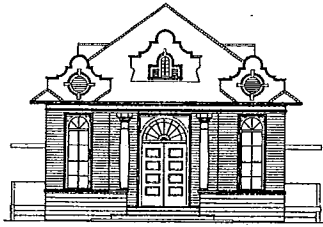
Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge a proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the Public

Hearing(s) described later in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing(s).

This Notice is posted in compliance with the Government Code of the State of California.

Date: April 12, 2013

CheyAnne Brown
Planning Technician



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Tom Vlastic, Town Planner
DATE: April 11, 2013
RE: Agenda for April 17, 2013 Planning Commission Meeting

The following comments provide an overview of the items on the April 17th agenda.

Request for Special Event Approval, *Senior Car Show*, CUP X7D-30, Priory School

The enclosed report dated April 17, 2013 describes and evaluates this request made pursuant to the provisions of CUP X7D-30 for the Woodside Priory School. The report recommends approval of the request.

Preliminary Review – Request for Amendments to CUP X7D-151 and X7D-169, 555 Portola Road, Spring Ridge LLC (Neely/Myers)


The enclosed report dated April 17, 2013 describes the requests and recommends procedures for the preliminary review process including a site meeting with the ASCC now tentatively scheduled for 4:30 p.m. on May 8, 2013. The request is to permit four (4) acres of vineyards and other agricultural uses in the Meadow Preserve area and to allow for the grapes from these vineyards to be processed at the winery operation authorized under the provisions of CUP X7D-151. It is recommended that the preliminary review be conducted at the 4/17 and 5/8 meetings. If commissioners conclude that more time is needed for development of preliminary review comments, the 5/8 consideration could be continued to the next regular planning commission meeting on May 15th for additional discussion.

Redwood Tree Guidelines

The enclosed report from interim planning manager Steve Padovan transmits the proposed revised redwood tree guidelines to the planning commission for consideration and recommendation to the town council for adoption. Once adopted, they would be added to the town's design guidelines document. The guidelines were developed by the conservation committee and have been modified to include input received, including recent reviews by staff and the ASCC.

Annual Report to the State on the Housing Element of the General Plan

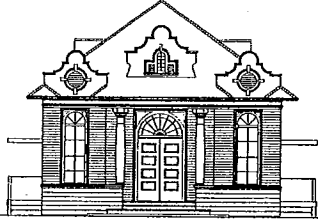
State law requires the town to submit an annual report on the housing element to the state, and the housing element itself also calls for annual monitoring of three programs (inclusionary housing, multifamily housing, and second units). The enclosed April 10, 2013 memorandum has been prepared to satisfy the annual reporting requirements. It also reviews the goals, progress to date and status of each of the three programs that are subject to annual monitoring. Based on the report findings, it is recommended that the planning commission consider directing staff to increase publicity relative to the second unit program to help encourage more second units.

TCV 
encl.

cc. Town Council Liaison
Mayor
Assistant Planner

Interim Planning Manager
Town Manager

Town Attorney



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Tom Vlastic, Town Planner
DATE: April 17, 2013
RE: Request for Planning Commission Approval of one time special "car show" event, Conditional Use Permit (CUP) X7D-30, 302 Portola Road, Woodside Priory School

Background and Request for Planning Commission Approval

In early March Tim Molak, Priory Head of School contacted town staff requesting clarification of the process that would need to be used to seek approval for a one time, student "senior" project car show event. He and the students involved, Hollyn Mudge and Michael Brett, were informed of the requirements of the Priory's CUP and, particularly, condition 14, copy attached. This condition allows for approval of unique school events that are not part of the normal school year activities. One time in the past, under the provisions of Condition 14, the planning commission did consider and approve a summer, school related conference that extended over several days.

In this case, the school, on behalf of the seniors, is seeking approval for their one day, May 18, 2013, senior project charity car show as explained in the attached letter received March 16, 2013. The event attendance would extend over approximately four hours on a Saturday afternoon when no other school events are scheduled and on a weekend day when there would not be typical school day population on campus.

The event would take place on the softball field visible from Portola Road, have a maximum of 25 cars, and an estimated attendance of between 15 and 250 persons. The relatively limited number of cars and small show time window would be factors in limiting attendance likely well below the higher limit number. In addition, the advertising has been limited as set forth in the letter and the event is not being sponsored by a specialty car organization. Also, we understand that "RSVPs" have been required for the event.

While the event will be visible from the Portola Road corridor, the number of cars limit the size of the space needed, and the softball area should be ample for car display and related show activities. In addition, the area is immediately adjacent to the main parking

areas on campus adjacent to the sports fields and gym and the performing arts facilities. While the location may attract some interested passersby, this would most likely be from trail users who would have more time to see the cars and might be therefore attracted to the event, although it is to be controlled by RSVPs. The only signing proposed along the street frontage would be small, low, portable "A" frame stands placed at the entry and along the entry drive to direct attendees to the parking lot and event site. The signs would only be used the day of the event.

The two seniors responsible for the project will be at the planning commission to provide any additional information as may be necessary.

Recommendation

Given the relatively small size of the event and short one Saturday afternoon duration, planning commission approval is recommended.

TCV 

Attach.

Cc:

Nick Pegueros, Town Manager
Steve Padovan, Interim Planning Manager
Carol Borck, Assistant Planner
Leigh Prince, Assistant Town Attorney

**Planning Commission Resolution No. 2005-416
Conditional Use Permit X7D-30
Woodside Priory School**

February 22, 2005

Condition 14

14. This permit recognizes the possibility that on occasion, a component of the private school use may; for example, include a special conference of Benedictine School students or faculty or similar school related event. While such an event is not considered part of the typical annual school use as recognized in Appendix D of the July 2004 initial study, such a use may be permitted, but only upon special review and approval by the planning commission. If any such use is desired, The Priory shall make application to the planning commission for such use and such application shall clearly describe all aspects of the activity including dates, duration, facilities to be used and special precautions to be taken to control activities so as to conform to site and area conditions. It is envisioned that any such use would only take place when it would not conflict the normal school or community use activities authorized by this permit. The application shall be made with sufficient lead time to allow for adequate town staff review and commission consideration of the proposal. Further, the application for the special use shall be considered by the planning commission at a public meeting that has been noticed pursuant to the conditional use permit noticing requirements of the zoning ordinance. For smaller such activities, the planning commission may delegate review and approval to planning staff.

Dear Portola Valley Planning Commission,

We are seeking permission from the Town of Portola Valley in order to host a charity car show on the Woodside Priory School Campus. Our proposed date and time for this event are Saturday, May 18, 2013 from noon to 4:00 P.M.

In order to graduate, Priory requires a senior project that addresses a community need or problem. We chose put on a car show to benefit the Boys & Girls Clubs of America, a charitable organization dedicated to helping at-risk young people.

Throughout the planning process, we have worked closely with Tim Molak, Priory's Head of School, to ensure that our event adheres to school and community standards.

Our plans call for having a maximum of 25 classic and/or sports cars displayed on Priory softball field (adjacent to football field and track). The show cars will for the most part come from the parents of students at Priory, as well as one from our monks. We also hope to receive additional cars from people in the community who participate in car shows, such as some of the customers of the Portola Valley Garage.

Attendee parking will take place in the school's parking lot, and if necessary, along the track and entrance driveway. There will be no parking outside of campus. The same parking attendants used at other Priory events will handle the parking.

There will be no amplified music or loudspeakers at the event.

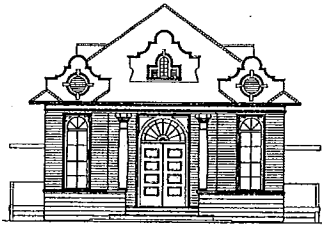
The advertising for this event is strictly through the local community. Flyers posted on community billboards only refer to the location as "Woodside Priory School" with no street address given.

Maximum attendance (in our wildest dreams) would be 250 people staggered over the four hours. There are currently no events scheduled on the Portola Valley website or at Woodside Priory School for that day that would conflict or interfere with our charity car show. Our requested date and time (Saturday afternoon) is entirely outside of normal peak traffic hours.

We believe this will be an enjoyable event supporting a worthy cause. We hope the Town of Portola Valley will approve this event, and encourage town council members to attend.

Sincerely,

Hollyn Mudge and Michael Brett



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Tom Vlastic, Town Planner
DATE: April 17, 2013
RE: Preliminary Review, Proposed Amendments to Conditional Use Permits (CUP) X7D-151 and X7D-169, 555 Portola Road, Spring Ridge LLC (Neely/Myers)

Request and Preliminary Review Process

Dr. Kirk Neely and Ms. Holly Myers (Spring Ridge LLC) have filed the subject requests for amendments to the two existing CUPs that apply to the 229-acre property located at 555 Portola Road. The CUP amendments are to accommodate expanded vineyard uses and, particularly, to add vineyards to the authorized "meadow area" agricultural uses. This additional vineyard area would be for the same area the commission did not support for such uses in completing action on CUP X7D-169 in January 2012. The specific amendments being requested are:

CUP X7D-169. Amend this CUP to allow for up to four (4) acres of meadow area vineyards in addition to the three (3) areas of orchard and mixed vegetable uses permitted with the current permit. This is also in addition to the harvesting of hay currently permitted on the remainder of the lower "meadow" portions of the applicants' property. The specifics of the proposed changes are set forth on the attached plan Sheet: SK-1, dated 3/8/13 prepared by CJW Architecture. The provisions of existing CUP X7D-169, as set forth in planning commission Resolution 001-2012, are attached for reference as is the recorded memorandum of use permit required by a permit condition.

CUP X7D-151. This permit is proposed to be amended to increase the area of allowed vineyards consistent with the vineyard area addition proposed for CUP X7D-169. CUP X7D-151 permits the existing vineyard and winery activities on the property as authorized by planning commission Resolution 2000-393, granted on June 21, 2012. This resolution is attached as is the 6/21/00 staff report prepared in support of the 2000 commission action. Attached air photos from the town's 2000 base map show the extent of the currently permitted and existing vineyard areas, all on the lower hillsides west of the meadow area.

It is noted that Sheet: SK-1 notes that four acres of vineyards are projected, but the request for amendment to CUP X7D-151 indicates an increase from 13.5-acres (paragraph F of the 2000 resolution) to 20 acres noted in the CUP amendment application form. The differences need to be clarified by the applicant as part of the preliminary review process.

The preliminary review process is intended to permit the planning commission to highlight concerns or issues that should be addressed as application processing proceeds. In this case, it is recommended that at the April 17th meeting the commission initiate the preliminary review process and then continue that review to a field meeting with the ASCC, now tentatively scheduled for 4:30 p.m. on May 8, 2013. In light of the recent joint meeting of the planning commission and town council on the meadow preserve matter, the town council would also be invited to formally attend the May 8th meeting so that council members can be better informed of meadow area conditions. For the May 8th session, the applicant has agreed to identify the proposed southerly limit of the proposed vineyard area.

As a reminder, the agricultural building in the meadow and northerly service access are already authorized by CUP X7D-169 and no changes are proposed relative to these features. Also, as can be seen by notes on enclosed Sheet: SK-1, grapes from the proposed vineyard would not be processed in the new agricultural building and there would be no retail sales of agricultural products on site. In addition, CUP X7D-151 prohibits wine tasting or direct sales to customers on site. These limits on site sales and tasting would not change.

In summary, therefore, the proposed CUP changes are to allow for vineyards in the northerly portion of the "meadow" area of the property (i.e., 4 acres as stated and shown on Sheet: SK-1) and to permit the grapes grown there to be used in the wine making activities authorized by the provisions of CUP X7D-151. For the vineyard designated area, the plans also indicate that other agricultural uses would be possible. We assume the proposal would be for "other" fruits and vegetable and not orchard, but this also should be clarified as part of the preliminary review process.

Background/Preliminary Evaluation

The materials attached to this report provide considerable background to this request; but, as most commissioners are aware, there is data from several years of town meetings that would be impossible to transmit in one report. If there are specific areas that commissioners would like staff to pursue additional data gathering, these should be identified during the preliminary review process.

Relative to the winery operation CUP, we believe the attached materials provide a fairly complete review of the issues and resulting parameters set for the permit and uses and it appears the permit provisions have been followed. Further, the plans for the culvert repair, file X9H-417, have been completed.

The provisions of CUP X7D-169 have been pursued by the applicant including ASCC review and approval of refined plans for the meadow area agricultural building and the greenhouse, and the upper area studio, guest house and cabana. No building permits have, however, been requested for any of the authorized buildings.

As the commission is aware, the ASCC did approve a plan for removal and thinning of southerly boundary plantings and plantings along the Portola Road right of way. During consideration of these proposals, there was some confusion as to the intent of the commission's action relative to the old southerly boundary fence posts and any potential for additional or new fencing along the southern boundary. Further, although a representative of the conservation committee was involved in the ASCC process of approval of plans for

removal and thinning of southerly boundary plantings, the Chair of the conservation committee has recently indicated that there should be more on-site thinning of small oaks along Portola Road than provided for in the ASCC approved plan.

Pursuant to the ASCC reviews and approvals, all old southerly boundary fence posts have been removed and the applicant has advised that the vegetation removal and thinning approved by the ASCC will be accomplished shortly. He has no plans to immediately install the southerly boundary fence, but has emphasized that it is of the same design and height as the "fencing" used by the MROSD to control access and uses on its open space lands.

It should be noted that if the planning commission were to consider an approval of the use permit amendments, then additional restrictions could be crafted relative to any fencing or further vegetation removal or thinning along Portola Road. If the request is denied or withdrawn, then such changes or condition clarifications could not be considered.

The main issue relative to the original vineyard proposal and the current proposed amendments focuses on making the findings of general plan consistency relative to the "Meadow Preserve" area of the property. The attached February 13, 2013 staff report and minutes of the February 13, 2013 joint meeting of the planning commission and town council on the meadow preserve matter discusses the general plan matter and the general direction of the town council for staff to address not only meadow preserve provisions, but also the provisions for all open space preserve areas along the west side of Portola Road. This effort would be included in the planning programs and budget that has been tentatively identified for FY 2013-14.

The applicants have determined that they do not want to wait for completion of the planning study and have, therefore, requested the proposed CUP amendments. It is staff's understanding that they feel the issues have been extensively discussed and that there is latitude in the current general plan language and the interpretations suggested in the discussions for the commission and/or council to make findings of general plan consistency for the proposed vineyard uses and similar to those made relative to agricultural uses noted in the materials associated with approval of CUP X7D-151.

Based on the record associated with the February 13th meeting and the background to it, as well as the history of previous commission discussions and CUP findings and approvals, and the data to be gathered at the May 8th site meeting, the commission will need to determine if the current requests can be found to be consistent with the general plan. As a reminder, these amendments are being made subject to the current general plan language for the Meadow Preserve, which is included in Section 2216.2 of the amended open space element and states:

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

In addition, excerpts from the general plan diagram for the meadow preserve area are attached and are with the PowerPoint slides presented at the February 13, 2013 meeting. With the staking and taping of the southerly boundary of the proposed vineyard area for the 5/8 site session, the commission and others can specifically consider the potential impacts of the proposed changes on views from the Portola Road corridor and how the changes

would influence the "natural condition" and "existing agricultural character." As discussed at the February 13th session, consideration should be given to factors associated with other open space preserves, including other uses that have been authorized for the subject site and MROSD lands within the Meadow Preserve area.

Next Steps

Clearly, no formal action is called for at this time. The planning commission should, however, identify specific questions or concerns relative to proposed amendments and additional information and background data that will be needed to support consideration of the proposals. Thereafter, the commission's preliminary review should be continued to the special site meeting with the ASCC scheduled for 4:30 p.m. on May 8, 2013. If commissioners are interested in viewing other than just the meadow area at that meeting, e.g., the upper winery vineyards and facilities, this should also be noted at the April 17th meeting.

Attachments

1. Planning Commission Resolution No. 2000-393 (X7D-151), with June 21, 2000 staff report.
2. 2001 Air Photos from town base, showing authorized vineyards.
3. Recorded Memorandum of Use Permit, 4/11/13.
4. Planning Commission Resolution No. 001-2012 (X7D-169).
5. Minutes from February 13, 2013 joint town council and planning commission meeting on the "Meadow Preserve."
6. February 13, 2013 staff report with attachments prepared for February 13, 2013 joint town council and planning commission meeting.
7. Slides from staff's February 13, 2013 PowerPoint presentation.

In addition to these attachments, proposed Sheet: SK-1, dated 3/8/13 and prepared by CJW Architecture, is enclosed.

TCV 

Encl.

Attach.

- cc. Nick Pegueros, Town Manager
Sandy Sloan, Town Attorney
Leigh Prince, Assistant Town Attorney
Carol Borck, Assistant Planner
Steve Padovan, Planning Manager
Town Council Liaison
Conservation Committee
Dr. Kirk Neely and Ms. Holly Myers
Kevin Schwarckopf & Carter Warr, CJW Architecture

RESOLUTION NO. 2000 - 393

RESOLUTION OF THE PLANNING COMMISSION OF THE
TOWN OF PORTOLA VALLEY
APPROVING CONDITIONAL USE PERMIT X7D-151
FOR SPRING RIDGE LLC

WHEREAS, the Planning Commission held a duly noticed public hearing on June 21, 2000, on this conditional use permit application to establish a winery at 555 Portola Road, and

WHEREAS, the Planning Commission considered the staff report dated June 13, 2000, as well as public testimony at the hearing, and

WHEREAS, the Planning Commission made the findings required to approve a conditional use permit as follows:

- A. 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 winery is adequately served by a private road given the low level of usage. That road then connects directly to Portola Rd., an arterial road. Traffic is not introduced on local or residential streets. The winery building is hardly, if at all, visible from public roads. The vineyards are visible from off-site.

- B. 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 site is large, 228 acres, and the vineyard and winery occupy only a small percentage (6%) of the property. There are no apparent conflicts with adjoining properties. There is ample room for the winery building and attendant employee parking.

- C. 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.

The private road is well maintained with proper drainage ditches and culverts. It is wide enough for one car with places for passing. One large culvert will be installed at a major gully partially on the Spring Ridge LLC property and partially Midpeninsula Regional Open Space District property. The culvert will be designed to carry the load of a fire engine and will also be adequate for the weights of trucks that will be used by the winery.

- D. The proposed use will not adversely affect the abutting property nor the permitted use thereof.

The Midpeninsula Regional Open Space has not objected to the project although specific agreements between the two parties are yet to be reached with respect to replacement of the culvert that is partially on each property.

- E. 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.

There are no apparent signs of erosion or sedimentation at this time of the year. The operator of the vineyard indicates they have not had such problems. He attributes this to several factors. First, the property had been used for dry farming for hay for 40 years and it appears the land had been well cared for. Second, the vines are laid out parallel with the contours which retards erosion. Shallow discing between the rows on contour helps keep water on the hillside. Also, early in the spring, grasses take hold between the rows and reduce erosion potential, although some mowing is done between the rows when plants are young.

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

The general plan has statements that support agricultural pursuits as well as preserving the natural environment.

While the general plan recommends the preservation of natural areas, in this case, the prior use, that is, dry farming for hay, was a conversion of a more native or natural environment to one that was altered by man. Therefore, the vineyard is using an area that had already been disturbed by man.

The general plan recommends the preservation of open space. This application, by providing 13.5 acres of vineyards on about 6% of the parcel area, helps provide open space.

The general plan encourages agricultural use of suitable lands. The vineyard is an agricultural use on land that is very productive for growing grapes.

The general plan encourages the preservation of the rural atmosphere of the town. Agricultural activities are characteristic of urban areas.

With respect to this property and this proposal, the commission finds that the proposed vineyards are consistent with the general plan. The commission also finds that any expansion of the winery could raise significant questions as to consistency with the general plan, particularly due the property's high visibility and the potential modification of natural land forms and vegetation.

- G. When this title or the town general plan specifies that a proposed use shall serve primarily the town and its spheres of influence, the applicant shall have demonstrated that a majority of business of the proposed use will come from the area immediately or within a reasonable period of time. In making such a demonstration, all similar uses in the town and its spheres of influence shall explicitly be taken into consideration by the applicant.

Not applicable to this use.

and,

WHEREAS, the Planning Commission did consider and approve a duly noticed Negative Declaration at the meeting,

NOW, THEREFORE, be it resolved that the conditional use permit application as described in the staff report titled "Conditional Use Permit Application, X7D-151, Spring Ridge LLC" is hereby approved with the following conditions:

1. The location of the vineyards shall be consistent with the plan titled "Existing Vineyard and Winery Access, Spring Ridge Property, Portola Valley, CA," dated 4/17/00.
2. Only grapes grown on the property may be used in the making of wine.
3. Irrigation water, when needed, is to be applied by drip irrigation.
4. Chemicals, such as sulfur, may be used in small quantities and only in the vineyard areas.
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 not be deposited beyond the limits of the property.
7. Pulp from the wine production, including seeds, skins and stems are to 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 to be reviewed by the Town Planner and referred to ASCC if necessary.
9. The culvert that is the subject of Site Development Permit X9H-417 shall be repaired.
10. 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.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on June 21, 2000.

By:

Craig Breon
Craig Breon

Attest:

Leslie Lambert
Leslie Lambert, Planning Coordinator

TOWN of PORTOLA VALLEY

Town Hall: 765 Portola Road, Portola Valley, CA 94028 Tel: (650) 851-1700 Fax: (650) 851-4677

MEMORANDUM

June 13, 2000

To : Planning Commission
From : George Mader, Town Planner
Subject : Conditional Use Permit Application, X7D-151, Spring Ridge LLC

Parcel Information

1. Address: 555 Portola Rd
2. Assessor's Parcel No.: 076-340-060
3. Zoning District: M-R (Mountain Residential) & R-E (Residential Estates)
4. General Plan: Conservation Residential & Open Residential
5. Applicant: Spring Ridge LLC
6. Owner: Spring Ridge LLC
7. Parcel Area: 228 acres

Conditional Use Permit Request

Spring Ridge LLC has applied for a conditional use permit to allow a winery operation on the subject parcel. Mr. Robert Varner, of the Park Wine Company, with offices in Menlo Park will operate the winery.

The enclosed site map, "Existing Vineyard and Winery Access, Spring Ridge Property," shows the location of the vineyards, winery building (labeled "Agricultural Building and Proposed Winery and Parking Area") and primary access road.

Mr. Varner has supplied the following information regarding the winery:

1. Only grapes grown on the property will be used in the making of wine.
2. The amount of wine produced annually will be 1,100 cases initially, then up to 3,800 cases. The larger figure represents the use of all vineyards and an unusually large crop.
3. The winery will be operated by one person.
4. The vineyards will be tended by three to six employees depending on the season.
5. There will be one to two truck trips per year to deliver glass bottles for bottling.
6. There will be two to eight trips per year to transport wine cases off-site to San Jose. The trucks will be ones that come to Portola Valley to make deliveries to local businesses.
7. Chemicals, such as sulfur, are used in small quantities and only in the vineyard areas.
8. Pulp from the wine production, including seeds, skins and stems are plowed back into the vineyards.
9. Irrigation water is from nearby springs on the property and applied by drip irrigation. For the past 15 years, however, there has been no need to irrigate.
10. No customers will come to the winery for tasting or purchasing of wine.
11. There will be no signage on the property with respect to the winery other than interior signs to direct persons to the winery building.

Background

The prior owner of the property, Greg Melchor, had the vineyards planted. Vineyards and wineries are permitted in the M-R and R-E zoning districts as conditional uses. Mr. Melchor, however, did not apply for a conditional use permit. Subsequently, the current owner has made

improvements to the vineyards. Mr. Varner planted and tended the vineyards for Mr. Melchor and for the current owner.

In 1999, Spring Ridge LLC applied for a building permit to construct an agricultural storage building on the property. At that time it was not proposed that this would later be used as a winery building. The ASCC approved the building on 7/26/99 and a copy of the plan is enclosed.

Area Description

The vineyards are readily apparent from Portola Rd. in the vicinity of the Sequoias. They are located on slopes that are generally from 10% to 30% in steepness. There are grass areas that separate the several plots of vines. Land to the south is open space owned by MROSD. Land to the north, El Mirador Ranch, is largely open space; however, a few residences are situated on the property.

Ordinance Provision re Wineries

Wineries are permitted in the R-E district in Section 18.12.030 J. and in the M-R district in Section 18.16.030 A. The provisions in both sections are the same. They permit a winery as a conditional use. The section reads as follows:

J. Wineries which include all or any combination of the following:

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

Findings For Approval of a Conditional Use Permit

In order to approve a conditional use permit, the planning commission has to make the findings listed below:

- A. 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.
- B. 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.
- C. 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.
- D. The proposed use will not adversely affect the abutting property or the permitted use thereof.

- E. 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.
- F. The proposed use will be in harmony with the general purpose and intent of this title and the general plan.
- G. When this title or the town general plan specifies that a proposed use shall serve primarily the town and its spheres of influence, the applicant shall have demonstrated that a majority of business of the proposed use will come from the area immediately or within a reasonable period of time. In making such a demonstration, all similar uses in the town and its spheres of influence shall explicitly be taken into consideration by the applicant.

Analysis

Review with respect to required findings for a conditional use permit:

- A. 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 winery is adequately served by a private road given the low level of usage. That road then connects directly to Portola Rd. (an arterial road). Traffic is not introduced on local or residential streets. The winery building is hardly, if at all, visible from public roads. The vineyards are visible from off site. (See discussion under item F. below.)

- B. 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 site is very large and the vineyard and winery occupy only a small percentage (6%) of the property. There are no apparent conflicts with adjoining properties.

- C. 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.

The private road is well maintained with proper drainage ditches and culverts. It is wide enough for one car with places for passing. One large culvert will be installed at a major gully next to MROSD property. It will be designed to carry the load of a fire engine and will also be adequate for the weights of trucks that will be used by the winery. The culvert is the subject of Site Development Permit X9H-406, currently being considered by the town.

- D. The proposed use will not adversely affect the abutting property nor the permitted use thereof.

Although there is no apparent conflict with the adjoining MROSD property, that agency will be contacted for its reactions.

- E. 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.

Potential erosion and sedimentation have been discussed with Mr. Varner and observed in the field. There are no apparent signs of erosion or sedimentation problems at this time of the year. Mr. Varner says they have not had such problems. He attributes this to several factors. First, Walter Jelich said he managed the property for 40 years for dry farming for hay. Presumably, he cared for the land very well. Second, the vines are laid out parallel with the contours. Shallow disking between the rows on contour helps keep water on the hillside. Also, early in the spring, grasses take hold between the rows and reduce erosion potential. Some mowing is done between the rows when plants are young.

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

The general plan has statements that support agricultural pursuits as well as preserving the natural environment. A fundamental question, however, might be whether conversion of large portions of the western hillsides to vineyards would be consistent with these provisions. In the case of this application, however, the amount of the total parcel that is in vineyards represents 13.5 acres or about 6% of the parcel area. This is not a large percentage. How the town might react to more extensive vineyards on this property or elsewhere on the western hillsides might be something the town would want to consider at such time. Historically, extensive orchards have been planted on the valley floor and on the lower portions of the western hillsides. These also represent a change to the natural vegetation.

For more context, consider some sections of the general plan that might be construed to support vineyards as an acceptable use:

2105, 2.1, p 21 - Agricultural uses are encouraged...provided they...do not result in significant degradation of the natural environment.

2209, 10, p 48 - To preserve those lands with high agricultural capabilities for agricultural purposes.

Some sections of the general plan encourage keeping land as open space, which vineyards might be considered, as follows:

2105, 7.b, p 22 - Largely bare slopes ... visible from large portions of the town or planning area should be kept free of structures to the maximum extent possible.

2126 p 29 - (Addresses Residential Area 11, the site for the vineyards)... It should be possible to preserve a large amount of the area in a natural state.

By way of background, it is interesting to note the analysis in the report dated 11/26/80 to the planning commission with regard to the Fogarty winery conditional use permit application. The report was used by the planning commission in approving the application.

The conversion of grass or chaparral covered areas with vineyards would appear consistent with the basic purposes of the zoning ordinance to retain the rural quality, preserve open space and preserve the natural beauty. Clearing of forested areas for vineyards, however, would appear to be inconsistent. Plans by the applicant do not

propose such clearing. ... A considerable portion of the vineyard area is visible from Skyline Blvd. and would appear to be consistent with the objectives regarding the parkway designation.

The fact is, the planning commission did find the vineyards to be consistent with the general plan.

- G. When this title or the town general plan specifies that a proposed use shall serve primarily the town and its spheres of influence, the applicant shall have demonstrated that a majority of business of the proposed use will come from the area immediately or within a reasonable period of time. In making such a demonstration, all similar uses in the town and its spheres of influence shall explicitly be taken into consideration by the applicant.

Not applicable to this use.

CEQA

The applicant has submitted an initial study. Staff has reviewed the study and made several changes. Based on this, staff recommends a negative declaration.

Recommendations

CEQA

That the commission approve a negative declaration for the winery.

Conditional Use Permit

That the commission approve the conditional use permit with the following conditions:

1. The location of the vineyards shall be consistent with the plan titled "Existing Vineyard and Winery Access, Spring Ridge Property, Portola Valley, CA," dated _____.
2. Only grapes grown on the property may be used in the making of wine.
3. Irrigation water, when needed, is to be applied by drip irrigation.
4. Chemicals, such as sulfur, may be used in small quantities and only in the vineyard areas.
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 not be deposited beyond the limits of the property.
7. Pulp from the wine production, including seeds, skins and stems are to 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 to be reviewed by the Town Planner and referred to ASCC if necessary.
9. The culvert that is the subject of Site Development Permit X9II-417 shall be repaired.

10. 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.

Note: Staff considered other limitations on the winery that are listed below, but was of the opinion that limitations 1-8 above are adequate to protect the public interest. Were these included, minor changes would be in conflict with the conditional use permit. Some flexibility is desirable to prevent unnecessary amendments by the town. If there are fluctuations with respect to the following provisions, they would be fundamentally constrained by items 1-8 above.

1. The winery shall be operated within the following constraints unless the planning commission approves minor changes it finds in basic conformity with the approved permit.
2. The amount of wine produced annually shall not exceed 3,800 cases.
3. The winery will be operated by one person.
4. The vineyards will be tended by no more than six persons.
5. There will be one to two truck trips per year to deliver glass bottles for bottling.
6. There will be two to eight trips per year to transport wine cases off-site to San Jose. The trucks will be ones that come to Portola Valley to make deliveries to local businesses.

encl. 

cc. Leslie Lambert
Sandy Sloan
Bob Varner
Spring Ridge LLC
Carter Warr
Alex McIntyre
Ted Driscoll
Nancy Vian

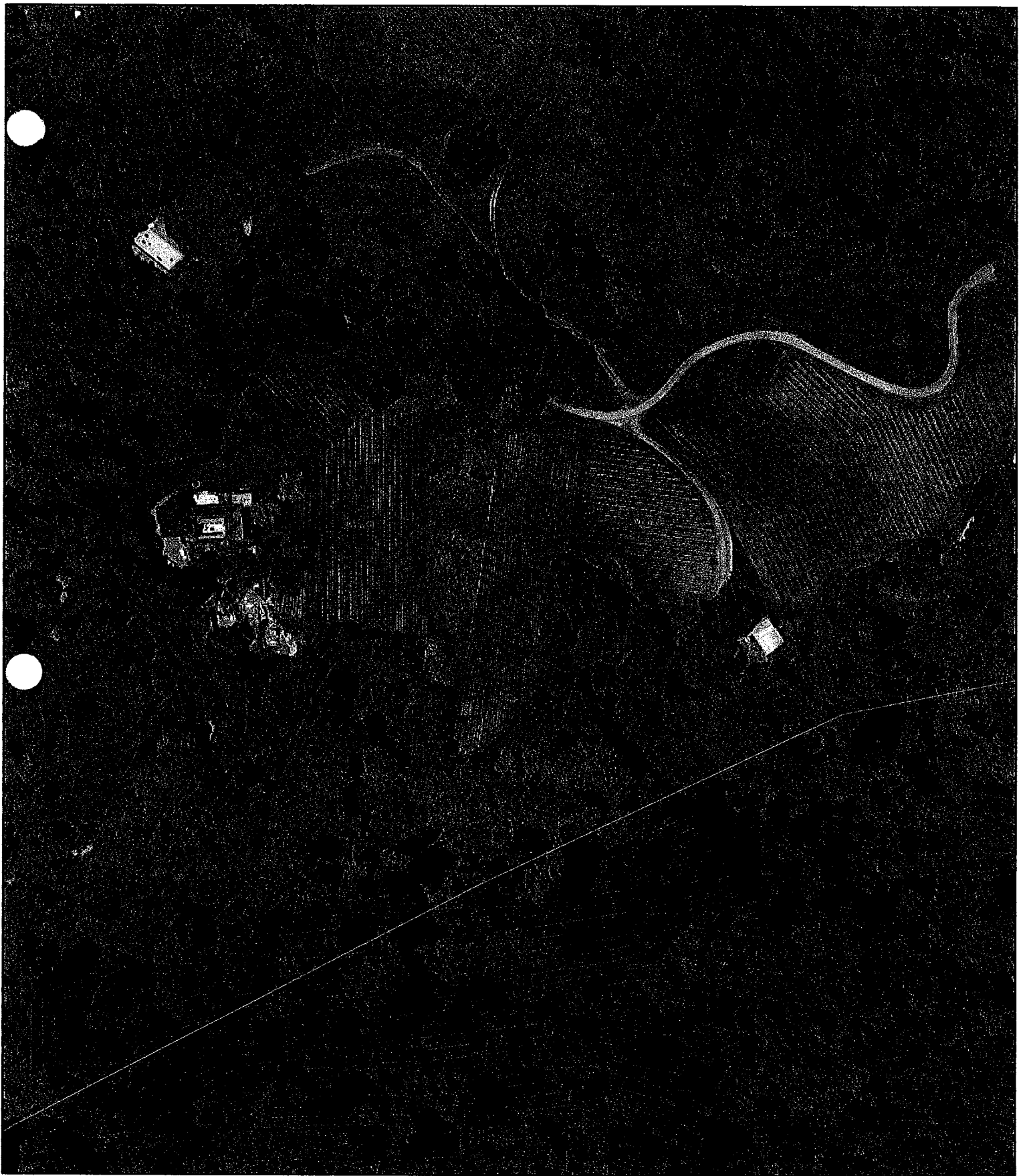


Vicinity Map

Scale: 1" = 800 feet

Conditional Use for Second Dwelling Unit, NEELY

555 Portola Road, Town of Portola Valley, May 2007



Vicinity Map

Scale: 1" = 200 feet

CUP X7D-169, Spring Ridge LLC/Neely
555 Portola Road, Town of Portola Valley
(Town Air Photo April 2001) June 2009

2013-054456 CONF

10:31 am 04/11/13 PE Fee: 21.00

Count of pages 3

Recorded in Official Records

County of San Mateo

Mark Church

Assessor-County Clerk-Recorder



* R 0 0 0 1 6 3 6 7 7 8 *

Recording Requested By
And When Recorded Mail To:

Town of Portola Valley
Attn: Town Clerk
765 Portola Road
Portola Valley, CA 94028

MEMORANDUM OF USE PERMIT

THIS MEMORANDUM OF USE PERMIT ("Memorandum") dated as of MARCH 15, 2013 is entered into between the Town of Portola Valley, a California Municipal Corporation ("Town"), and Spring Ridge LLC, a California Limited Liability Company ("Spring Ridge").

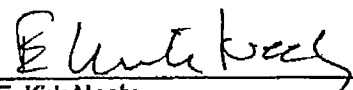
Recitals

- A. On or about January 18, 2012, the Town approved Conditional Use Permit X7D-169 ("Use Permit") regarding the real property and improvements commonly known as 555 Portola Road, Portola Valley, California ("Property") designated as Assessor's Parcel Number 076-340-110, and more particularly described in Exhibit A, attached hereto and incorporated herein by reference.
- B. The Town and Spring Ridge desire to execute this Memorandum to provide constructive notice of the rights and obligations of Spring Ridge and the Town regarding the Property under the Use Permit to all third parties.

NOW THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

Spring Ridge acknowledges and agrees to the terms of the Town issued Use Permit, which is incorporated into this Memorandum by reference. Spring Ridge shall hold, maintain and operate the real property and improvements in accordance with the terms of the Use Permit. The Use Permit runs with the land and shall bind Spring Ridge's heirs, successors and assigns unless superseded by other Town approvals.

SPRING RIDGE LLC


E. Kirk Neely
Manager

TOWN OF PORTOLA VALLEY


Tom Vlasic
Town Planner

STATE OF CALIFORNIA
COUNTY OF SAN MATEO

)
) ss.
)

On March 15, 2013, 2013, before me, Sharon Hanlon, a Notary Public, personally appeared Edward Kirk Dault, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed this instrument.

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

WITNESS my hand and official seal.

Sharon Hanlon
Signature



STATE OF CALIFORNIA
COUNTY OF SAN MATEO

)
) ss.
)

On March 18, 2013, 2013, before me, Sharon Hanlon, a Notary Public, personally appeared Thomas Wasic, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed this instrument.

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

WITNESS my hand and official seal.

Sharon Hanlon
Signature



**RICK SKIERKA
LICENSED LAND SURVEYOR**

P.O. BOX 620182
WOODSIDE, CA 94062
(650)851-1236
FAX (650)322-1536
FEIN # 94-2625873

New Parcel Description
(Lands of Spring Ridge LLC)

All that real property referred to herein is situate in the Town of Portola Valley, County of San Mateo, described as follows:

Parcel 2 as shown on that certain Parcel Map entitled, "PARCEL MAP OF CORTE MADERA LANDS OF ARIES AND MELCHOR BEING A DIVISION OF LAND DESCRIBED IN DEED RECORDED IN VOLUME 4416 OF OFFICIAL RECORDS AT PAGE 452, RECORDS OF SAN MATEO COUNTY, CALIFORNIA" etc., said Parcel Map filed on January 27, 1981 in Volume 50 of Parcel Maps at Pages 79 through 84, San Mateo County Records.

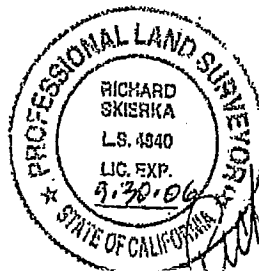
TOGETHER WITH all that land lying southerly of the following described lines:

Beginning at a 3/4" iron pipe monument tagged L.S. 5797 marking the most southerly corner of the lands described in that certain deed recorded on May 25, 2000 filed under Document Number 2000-062123 in the Office of the Recorder for the County of San Mateo, State of California; thence from said point of beginning North 78°44'22" West, a distance of 152.01 feet to a 3/4" iron pipe monument tagged L.S. 5797; thence North 77°11'33" West, a distance of 1289.02 feet from which a 3/4" iron pipe monument tagged L.S. 5797 bears South 77°11'33" East a distance of 15.00 feet, also from which the Number 5 Oak Tree as described in Book 5 of Deeds at Page 15 bears North 77°17'13" West, a distance of 11.81 feet.

EXCEPTING THEREFROM all that land lying northerly of the following described lines:

Beginning at a 3/4" iron pipe monument tagged L.S. 5797 marking the most southerly corner of the lands described in that certain deed recorded on May 25, 2000 filed under Document Number 2000-062123 in the Office of the Recorder for the County of San Mateo, State of California; thence from said point of beginning North 78°44'22" West, a distance of 152.01 feet to a 3/4" iron pipe monument tagged L.S. 5797; thence North 77°11'33" West, a distance of 1289.02 feet from which a 3/4" iron pipe monument tagged L.S. 5797 bears South 77°11'33" East a distance of 15.00 feet, also from which the Number 5 Oak Tree as described in Book 5 of Deeds at Page 15 bears North 77°17'13" West, a distance of 11.81 feet.

APN 76-340-060
Neely.CoC.desc1.rev1.doc/letters
2/15/05



Richard Skierka
Richard Skierka

RESOLUTION NO. 001 - 2012

RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PORTOLA VALLEY GRANTING SPRING RIDGE LLC (NEELY/MYERS) CONDITIONAL USE PERMIT X7D-169 FOR ADDITIONAL FLOOR AREA, IMPERVIOUS SURFACE AREA AND RELATED AGRICULTURAL USES FOR PROPERTY AT 555 PORTOLA ROAD

WHEREAS, Dr. Kirk Neely and Holly Myers, on behalf of Spring Ridge LLC (applicant), applied for a Conditional Use Permit pursuant to Section 18.48.010, Table No.1 of the Portola Valley zoning ordinance for additional floor area, impervious surface area and related agricultural uses on the applicant's 228.86-acre property located at 555 Portola Road (Assessor's Parcel 076-340-110); and

WHEREAS, the application was initially found complete in 2009 and modified over time to address input received from the Portola Valley town staff, Architectural and Site Control Commission (ASCC) and Planning commission; and

WHEREAS, the Portola Valley Planning Commission acted to deny the application in January of 2011, but that action was appealed to the town council, thereby keeping the application active; and

WHEREAS, pursuant to interaction with the Town Planner and Town Attorney, the applicant agreed to withdraw the town council appeal and to further modify the application to address identified concerns, particularly as articulated at the December 15, 2010 and January 19, 2011 duly noticed planning commission public hearing meetings; and

WHEREAS, the application was modified and, after additional preliminary review by the planning commission and further staff, ASCC and town committee consideration, presented to the Planning Commission for additional public hearing on December 7, 2011; and

WHEREAS, the background setting forth the application history and modifications, with provisions for possible application actions, were presented in the December 2, 2011 report from the Town Planner to the Planning Commission considered at the duly noticed December 7, 2011 public hearing and additional visual analysis was presented by the Town Planner at the December 7, 2011 public hearing, i.e., the December 7, 2011 PowerPoint presentation recorded in the minutes of the December 7, 2011 meeting; and

WHEREAS, a proposed Mitigated Negative Declaration (MND) was prepared for the project in compliance with the California Environmental Quality Act, was released for public review for 30 days on December 2, 2011, and three

public comments were received on the proposed MND, by the end of the circulation period on January 6, 2012; and

WHEREAS, the duly noticed December 7, 2011 Planning Commission public hearing on the application was continued on January 18, 2012, after closing of the 30-day review period on the proposed MND; and,

WHEREAS, at the January 18, 2012 continued public hearing, the Planning Commission considered the January 12, 2012 supplemental report from the Town Planner on the application, including the response to written comments on the MND in that report, additional public input, and analysis of required conditional use permit findings as set forth in the December 2, 2011 and January 12, 2012 reports from the town planner as further evaluated during Planning Commission deliberations at the January 18, 2012 public hearing as recorded in the meeting minutes.

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

1. Approves the proposed MND with modifications to the Initial Environmental Study made after the close of the public hearing at the January 18, 2012 Planning Commission Meeting and subject to the mitigation measures set forth in the *Terms and Conditions Exhibit* attached to this Resolution; and
2. Grants Conditional Use Permit X7D-169 for additional floor area, impervious surface area and related agricultural uses subject to the *Terms and Conditions* set forth in the attached Exhibit to this Resolution.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on January 18, 2012.

For: Chair McKitterick, Gilbert, McIntosh, Von Feldt

Against: Zaffaroni

Absent: None

By: 

Chair Nate McKitterick

Attest: 

Town Planner, Tom Vlasic

APPROVED TERMS AND CONDITIONS

Town of Portola Valley
Conditional Use Permit X7D-169
SPRING RIDGE LLC (NEELY/MYERS)
555 PORTOLA ROAD

ASSESSOR'S PARCEL NUMBER: 076-340-110

**CONDITIONS OF PERMIT PERTAINING TO ALLOWED FLOOR AREAS,
IMPERVIOUS SURFACE AREAS AND RELATED AGRICULTURAL USES**

As approved by the Planning Commission
January 18, 2012

Pursuant to Section 18.48.010, Table No. 1 of the Portola Valley Zoning Ordinance, this Conditional Use Permit (CUP) is granted to Spring Ridge LLC (Neely/Myers) allowing for the following floor areas and impervious surface areas on the subject 228.86-acre property:

Floor Areas:

Existing main residence with detached garage	7,808 sf
Existing agricultural/winery building ¹	1,787 sf ¹
Proposed greenhouse	3,420 sf
Proposed entertainment/cabana building	2,285 sf
Proposed guest house	740 sf
Proposed art studio	1,400 sf
Proposed horse barn	3,540 sf
Proposed agricultural building	2,400 sf
Total proposed floor area	23,380 sf

Impervious Surface (IS) Areas:

Existing paved and other IS areas including existing reservoir structures	31,614sf
Existing tennis court surface	6,766 sf ²
Proposed greenhouse IS	675 sf
Proposed entertainment/cabana building IS	1,550 sf
Proposed guest house/art studio IS	7,000 sf
Proposed horse barn IS	8,000 sf
Proposed agricultural building IS	8,000 sf
Total proposed IS Area	63,605 sf

¹The winery use is regulated and operated pursuant to CUP X7D-151.

²The clay court surface may or may not qualify as a permeable material as allowed for in town IS standards. For the purposes of this permit, however, it is included within the total allowed IS area.

The scope of existing and proposed site improvements authorized by this permit is shown on the plan data listed under Condition 7. of this permit, and generally described in the November 21, 2011 statement from the applicant. Specific building permit plans for all authorized floor area and IS areas shall be subject to ASCC review for conformity with

provisions of this permit prior to issuance. Further, all such building permits shall be subject to normal site development permit requirements. In addition, the floor area and IS allowance provisions and the provisions for agricultural uses of this permit are subject to compliance with the following conditions:

1. This permit shall be valid for a period of five (5) years from the effective date of planning commission approval. Authorized buildings must be constructed or under construction within the initial five-year period. Any building(s) not under construction within the five-year period may not be authorized unless the planning commission finds, prior to the end of the initial five-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 five-year period. Agricultural uses in the meadow preserve area shall also be initiated within the five-year period.
2. If none of the authorized buildings or uses are pursued within the five-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 existing gated driveway at the north end of the parcel's Portola Road frontage shall only be for secondary access, i.e., maintenance of the meadow area, emergency access and service to the meadow area agricultural uses allowed for herein.
4. The northerly secondary driveway connection may be improved for safety of service vehicle 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 or development of a new, replacement driveway connection, as evaluated in the December 2, 2011 staff report to the planning commission. 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 the ASCC relative to the aesthetic considerations for the Portola Road corridor.
- 4a. Existing dirt service roads as identified on the permit plans shall not be paved or otherwise improved beyond their existing condition.
5. Within one year of the effective date of this permit or prior to issuance of a building permit for the agricultural building, or installation of the new agricultural uses in the meadow areas, which ever is sooner, the permittee shall develop and implement a plan to the satisfaction of the ASCC to remove the recent redwood and non-native meadow area plantings as committed to in the 11/21/11 applicants statement. The plan, prior to ASCC approval and implementation, shall be shared with the Conservation Committee for review and recommendation to the ASCC.

- 5a. Prior to issuance of a building permit for the agricultural building or installation of any new agricultural uses authorized by this permit, the permittee shall develop and implement a plan for thinning of trees on the permittees' property along the Portola Road corridor. The plan shall also provide for selective removal of trees planted along the southern meadow area parcel boundary. This plan shall be to the satisfaction of the ASCC.
6. 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.
7. 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

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

- a. No new vineyard use on the permit property is authorized with this use permit. Therefore, prior to issuance of any building permits or installation of any new agricultural uses, plan Sheet: A-1.1E, Site Plan (and building elevations) – Ag. Building, shall be revised to eliminate the proposed vineyard area, related fencing and any notes relative to new vineyard use. Further, the applicants' November 11, 2011 statement shall be revised to remove references to any new vineyard use. The plan sheet and statement revisions shall be to the satisfaction of the town planner.
- 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.

- h. 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.")

- i. A detailed planting plan, with fencing provisions, shall be provided for the agricultural uses conceptually identified on plan Sheet A-1.1E, as revised pursuant to Condition 7.a of this permit. This plan shall be to the satisfaction of the ASCC and shall include detailed meadow management provisions, including irrigation details, in line with the applicant's CUP statement of November 21, 2011, once revised pursuant to Condition 7.a of this permit. 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.
 - j. 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.
 - k. Construction staging plans for each structure project shall be provided with building permit plans to the satisfaction of the ASCC.
8. 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.
 9. 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.
 10. A memorandum of acknowledgement and acceptance of the terms and conditions of this 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.

PORTOLA VALLEY TOWN COUNCIL / PLANNING COMMISSION SPECIAL JOINT MEETING AND TOWN COUNCIL REGULAR MEETING, NO. 855 FEBRUARY 13, 2013

Mayor Richards called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance. Ms. Hanlon called the roll.

Present: Councilmembers Jeff Aalfs, Vice Mayor Ann Wengert, Mayor John Richards
Planning Commissioners Nate McKitterick and Nicholas Targ; Vice Chair Denise Gilbert, Chair Alexandra Von Feldt

Absent: Councilmembers Maryann Derwin and Ted Driscoll
Commissioner Arthur McIntosh

Others: Nick Pegueros, Town Manager
Sharon Hanlon, Town Clerk
Tom Vlasic, Town Planner
Steve Padovan, Interim Planning Manager
Sandy Sloan, Town Attorney

ORAL COMMUNICATIONS

None.

STUDY SESSION [6:02 p.m.]

(1) Study Session: Meadow Preserve" provisions of the Portola Valley General Plan

Mr. Vlasic referred to the February 13, 2013 staff report, which sets forth the background for this item, and said that it is an opportunity for the Town Council and Planning Commission to discuss issues that have been discussed before regarding the General Plan provisions for the Meadow Preserve. The hope tonight, he said, is to make enough progress to provide direction and to clarify the General Plan language or provide an interpretation of that language and to consider any appropriate amendments.

Mr. Vlasic said the Comprehensive Plan Diagram of the General Plan refers to a "proposed Meadow Preserve," with an R-E (Residential Estate) District zoning designation and a 3.5-acre minimum parcel area. The area extends from the northern boundary of the Neely/Myers property to the Sequoias property. In addition to the Neely/Myers property, the Midpeninsula Regional Open Space District (MROSD) owns part of Meadow Preserve parcel.

Uses within the Neely/Myer property are now regulated under Conditional Use Permit (CUP) X7D-169 approved by the Planning Commission in 2012. It includes provision for an agricultural building at the north end of the Meadow Preserve and other agricultural uses in addition to haying. The MROSD parking lot access and planting permitted at the south end of the Meadow Preserve were approved in 1991 under CUP X7D-133.

Mr. Vlasic quoted from the Open Space Element, amended in May 2011, which defines the proposed Meadow Preserve as a community open-space preserve:

The Meadow Preserve, the large field adjoining Portola Road and north of The Sequoias, lies astride the San Andreas Fault and is visually important to the entire quality of the valley. This preserve should be kept in a natural condition and the existing agricultural character preserved. A southern portion of the preserve is owned by the MROSD and is part of the Windy Hill Open Space Preserve. The parking lot serving the preserve (the Windy Hill Preserve) should be maintained so as to cause minimum conflicts with the Meadow and remain compatible with the natural setting to the maximum extent possible.

The Appendix to the Open Space Element defines how these proposals would be implemented:

- *As these lands come before the Town for development permits, the Town should work with the property owners to assure retention of these important open-space preserves.*
- *There may be instances where the Town will decide to use some of its open-space funds in order to achieve its objectives.*

An example of this was the Stable Preserve adjacent to Town Center, where the front portion was purchased.

Mr. Vlastic pointed out on PowerPoint slides the General Plan Diagram where preserves currently exist, including:

- The Corte Madera Preserve along Alpine Road west of Willowbrook Drive
- The Meadow Preserve, extending from The Sequoias to the two Jelich parcels, the 1.9-acre site with the Butler barn building and the 14-acre site that include the orchards
- The Town Center, with the existing Park Preserve north of the Stable Preserve

In addition to showing the locations of both existing and proposed preserve designations, Mr. Vlastic's slides showed:

- The entry to the MROSD parking lot, looking across the southern part of the Meadow Preserve to the northern part
- Fence posts that basically represent the boundary between the MROSD and Neely/Myers properties
- The western hillside from the trail within the Portola Road Corridor
- A view looking back to the Meadow Preserve from just inside the fence at the MROSD entry
- Story poles at the north end of the Meadow Preserve indicating the siting of the agricultural building approved by the Planning Commission
- Trees designated for removal from the Neely/Myers property under terms of the CUP
- Views from The Sequoias looking across the parking lot with the Meadow Preserve behind tree screening, and from the northern end of the Meadow Preserve looking toward The Sequoias

Since the staff report was prepared, Councilmembers and Commissioners received additional materials, Mr. Vlastic said. These include:

- An opinion piece entitled "Meadow preserve threatened" in *The Almanac* on February 13, 2013. It was written by Jon Silver with the assistance of Linda Elkind and Bev Lipman
- Comments from Marcia and Jeff Keimer, Cervantes Road
- A letter from George Comstock and Anne Hillman, Alamos Road
- Suggestions and recommendations from Kirk Neely and Holly Myers regarding language to be considered

Mayor Richards invited Dr. Neely to speak. Dr. Neely thanked the Council and stated that the subject has become tiresome, contentious, forbidding and so forth, but the Planning Commission requested concrete clarification of the General Plan rather than interpreting what is permissible under the General Plan in terms of the meadow. He said their proposal to replace part of the field with some vineyards was a modest one, carefully crafted to leave a large portion of the field open for hay and grass only, and that it that met provisions of prior General Plan language. But it wasn't enough to satisfy the Planning Commission. Since the application, the General Plan has been revised to incorporate new modifiers and words which offer no additional clarity.

Dr. Neely said a reasonable person may look at the General Plan provisions and the way it has been applied by the Commission and conclude that such extreme restrictions place an unfair burden on a single owner of a very valuable property. These restrictions go far beyond those imposed on any other property in Portola Valley, restrictions that are much more extreme than any that are on comparable preserves in the valley. In other preserves, including Town Center, they are allowed to put up buildings and use property in a number of different ways and he can't even place vineyards or place other agricultural uses on portions of his land. He knows that the usual voices will be heard and that his property is expected to be a "museum of Portola Valley's past or for the benefit of passersby." Arguments that support those expectations must be weighed against the fairness of allowing practically no other uses for his property other than a mowed parcel.

Dr. Neely said he crafted two alternative versions to consider for General Plan revisions.

1. In the first, he said, he changed a few of the words in the most contentious sentence about "natural condition" and "existing agricultural character" – which are internally contradictory and difficult. A few words can be changed there to make it work for any kind of agriculture. He also added language to try to make the Meadow Preserve understandable – to remain an Agricultural Preserve and call it the Meadow Preserve but not strictly speaking, remain just another hayfield. He said he also borrowed language from the Stable Preserve and Orchard Preserve paragraphs, which he said should be linked to the Meadow Preserve related to acquisition of the land. He said its absence suggests that this parcel in particular is somehow defective.
2. The second alternative reflects some reorganization to make parity among the preserves more evident. It includes a preamble paragraph that omits language about potential open-space acquisition but keeps the views open and applies that principle across the board for all the open-space preserves along Portola Road.

Dr. Neely said the proposals he's recommended for the General Plan language are reasonable. Further, he added, General Plan language should avoid subjective terminology that has failed before, and it should be flexible

Dr. Neely said he knows that opinions differ, but believes that what they have proposed would look great and be fully consistent with the Town's rural character. In general, he said, he'd love to collaborate with the Town and get beyond the antagonism of the past five years. He further stated that proposed language should be flexible and has intent, but refrains from being a "taking" of the parcel.

Mayor Richards invited input from Planning Commissioners.

Vice Chair Gilbert said that before the meeting gets mired in wording details, we need to step back and ask what we really want to do. Do we want to keep it largely as a meadow, or broaden it to be an agricultural preserve? Once that decision is made, then the wording will follow. When the Planning Commission reached its decision, she said, "Meadow Preserve" had been used in all the General Plan verbiage, and the Commissioners had a wide range of divergent views on the extent to which "agriculture" fit in that context. With the need to preserve the meadow as the common denominator, the Planning Commission agreed on a compromise that allowed the barn and agriculture around the edges without interrupting the visual effect of the meadow in front of it. Otherwise, we would be talking about an agricultural preserve rather than a meadow preserve.

Vice Chair Gilbert also said it would be important also to go back to when the General Plan was created and try to determine why "Meadow Preserve" was chosen in the first place. "Meadow" and "agricultural" connote different visual effects. It would also be important to determine that if indeed the focus was on meadow preservation, whether that direction remains valid or whether wishes have changed.

Commissioner Von Feldt stated that she confirmed what Commissioner Gilbert said regarding the Planning Commission's decision.

Commissioner McKitterick said he's much more comfortable asking what the future policy should be, rather than trying to draw conclusions about what went into previous decisions about the words that were used. He said the Planning Commission's decision on the Neely/Myers application was specific to the application and did not reflect a great deal of philosophical discussion. Now, however, is the time to open up that discussion.

Commissioner Targ said "agricultural character" encompasses an abundance of agricultural opportunities, but he is new to his position on the Planning Commission and there's history to be learned. The words evidently mean different things to different people, he said, so determining what we want to achieve is probably a good starting place. He added that he's heard there is an obligation to maintain a meadow and if it isn't maintained as a meadow, any change might be considered a blight on the meadow. This opens up an interesting legal question.

Commissioner McKitterick said some of the language considered for amending the General Plan would have allowed the vineyard as the applicant had proposed. In that context, he said, the agricultural language was certainly discussed.

Mayor Richards invited public comment.

Jon Silver, 355 Portola Road, said he would forward to Councilmembers and Commissioners an open letter, which contains more detail than *The Almanac* piece, that's signed by Rusty Day, chairman of the Westridge Architectural Supervising Committee (WASC), Vice Chair Gilbert, Ms. Elkind (a former Planning Commissioner), Tom Kelley and Fred Jefferson (both former Portola Valley School Board presidents), Bev Lipman and himself.

Mr. Silver said Vice Chair Gilbert hit the nail on the head when she said we have to decide what we want to accomplish before we find the right words to express it. He also agreed with Commissioner McKitterick to the extent that the focus should be on the future, but looking back is also important to understand the Town's traditions and what the original drafters of the General Plan meant to say. The existing agricultural character obviously now must be understood as historical, he said, but "character" does not imply keeping every detail the way it was 30 years ago. It makes sense to keep a largely open meadow and still allow agricultural uses that are reasonably consistent but not limited to haying, he added. He also advocated the principle of clustering.

When we come out of this process, Mr. Silver said, he hopes the Town will ensure that the language applies to all preserves, and clarifies goals we should all seriously try to achieve. He wants to see people come together, share clashing ideas and come up with the best solution. The process need not be "trench warfare," but rather a collaborative, respectful public process. He said that we can preserve the Town's tradition and the intention of Town founders to retain the largely open character of that meadow and at the same time allow vital, living agriculture to be a part of it.

Commissioner McKitterick asked whether Mr. Silver would support agricultural uses of the meadow. Mr. Silver said, "Oh, absolutely." He said that just removing "existing" from "existing agricultural uses" would be less ambiguous than the current language. It would be unreasonable to limit the meadow to non-native grasses that the Spanish introduced and leave it untouched except to maybe remove the thistles.

Tom Kelley, Franciscan Ridge, said Portola Valley's isn't an agricultural community, and that's a big issue. "That's not who we are," he said. "It's a natural community – Portola Valley is not agricultural, it is more horse people than agricultural people."

Bill Patterson, Stonegate Road, asked Mr. Vlastic for a clearer picture of where the proposed Neely/Myers barn and agricultural use would be in relation to the north end of the valley. Mr. Vlastic returned to the slides, pointing out the driveway at the north end of the property and some trees. He indicated that the barn would be behind the trees in the distance. He described the location as being pushed very much to the north end, with story poles erected at the northern setback limit, and explained that the site lies between the fault traces.

As Mr. Vlastic explained, the agricultural uses approved by the Planning Commission extend along a small portion of the front of the building and to the west side of the meadow. The uses around it also were pushed to the north end of the property, and included some orchard area back within the trees extending from the Orchard Preserve on the adjoining property, plus some vegetables, he said. About 14 acres of the meadow lie on Neely/Myers property, he said. Of the seven acres the applicants wanted for agricultural uses, a good portion was intended for vineyards, which the Planning Commission did not approve. The southern seven acres, extending to the MROSD property, was to remain in grass and hay.

In response to further questions from Mr. Patterson, Mr. Vlastic said the agricultural building would be between 2,000 and 3,000 square feet and about the same height as the Jelich barn, about 24 feet. He also noted that no access roads serve the area other than the one he pointed out. The old ranch roads that remain could be used for mowing and haying operations, Mr. Vlastic said, but neither be paved or otherwise changed from their existing character. The only improved access for maintenance and agricultural activities in the meadow would be associated with the northerly driveway.

Julia Shepardson, Meadowood Drive, said she's lived in Portola Valley for more than 30 years, and is grateful for the views of open spaces, and is concerned about the impact of any form of agriculture. She would like to see the community go in the direction of expanding the meadow rather than allowing any current owners to expand the agriculture. The meadow is a heritage for the community and communities beyond, she said – the soul of the valley. Agriculture requires having barns, people coming to manage the crops, delivery trucks, etc., which also invites opportunistic invasive plants to come in and ruin the ecology. Furthermore, she said that because the land backs up to contiguous open space, she would like the community to think of ourselves more as trustees for this heritage.

Judy Murphy, Portola Green Circle, said when Dr. Neely and Ms. Myers bought this property, they knew it was the Meadow Preserve and came with some restrictions as stated in the Town General Plan. She said she's certain they considered it carefully. When Dr. Neely spoke earlier, he said he felt restricted when in fact they've done a great deal to this property, she added, and an agricultural building has been allowed, and agriculture uses have been approved on a significant piece along the edge. She also noted that the "flexible" language Dr. Neely requested has led the Town into a lot of trouble. She stated that adopting flexible language should be the last thing to do; the language should be precise, careful, clear and as inflexible as possible. She said we must protect the Meadow Preserve as an iconic part of what we all consider our Town.

Bernie Bayuk, Paloma Road, who's lived in the same house for 50 years and has passed the Meadow Preserve maybe 1,000 times, said he fully agrees with Ms. Shepardson that Portola Valley is not an agricultural community. "We are an open-space Town," he said, and the legacy is there. Agriculture is an industry, and many activities take place if you're going to raise good wine.

Carter Warr, Willowbrook Drive, said that Portola Valley has an enormous history of agriculture. That was the original use of all the property, from timber harvesting to growing fruits, vegetables and livestock. All of Westridge and most of Alpine Hills was ranchland. Until 1948, almost all of Portola Valley was covered in orchards or ranchland. So the heritage is agricultural.

Seeing no more public comments, Mayor Richards brought the matter back to the Council and Commission for discussion.

Councilmember Aalfs thanked everyone for the public comments and agreed with how Commissioner Gilbert framed the issue. He believes some form of agriculture has a place in the meadow, but doesn't want to see rows and rows of plants in its midst. He said trees or vines could be considered on the edges of the meadow, but to keep the space as undeveloped as possible. He'd like to hear ideas about where the balance lies and how to create something to preserve it and keep it as undeveloped as possible while allowing some agricultural uses, which means that the issue will keep coming back to be debated again but that is the way it should be.

Mayor Richards said among the options are to continue the discussion when more Councilmembers are present, proceed toward amending the General Plan with attendant public hearings, or come to some decisions tonight.

Vice Mayor Wengert thanked the Planning Commission for all its great work on this very difficult issue, especially with the amendment in 2012. She said she believes General Plan amendments are in order, and a primary goal should be to balance the reasonableness of the desires of the community and all the values we hold dearest with property owner rights. She noted that a number of preserves along the entire Portola Road Corridor are named historically – a Meadow Preserve, an Orchard Preserve, and a Stable Preserve. But they are held in private ownership and may change hands in the future, and when that occurs, the Town may be able to make some acquisitions but there is no guarantee that will happen.

For that reason, Vice Mayor Wengert said, she is interested in two broad goals in terms of General Plan changes:

1. Try to find the balance between reasonable desires of residents for preservation of these spaces with other interests; she said the Planning Commission did an excellent job in allowing the agricultural building on the Neely/Myers property and to allow them to move forward with a large part of their plan
2. Create parity among the Meadow Preserve, Orchard Preserve and Stable Preserve, because all are part of the same Portola Road Scenic Corridor. She said we should take a general definition that 1) applies to these properties as they are, 2) allows for some grandfathered uses, and 3) ensures that the right processes remain in place to provide for adequate review going forward.

Mayor Richards stated that he has listened to comments on this subject for several years and agrees that the Council needs to go back and modify or amend the General Plan. The Council needs to decide what the future of the meadow should be along with the rest of the preserves in the corridor and do it under one package. He also wanted to acknowledge that Dr. Neely has been a good steward of the property and that both parties have the right ideas on both sides of the issue.

Chair Von Feldt asked that if the Council wants to proceed with a General Plan amendment, the issue would come back to the Planning Commission to come up with language pertaining to all three preserves as well as language pertaining to their different characteristics and depending on whether the land is public or private.

Vice Mayor Wengert said that while anticipating changes in the future and incorporating traditional values, the key question is, "What do we want for this corridor?" Certainly as long as parts of those preserves remain privately owned, she said it's incumbent upon the Town to have consistent policy that reflects the Town's clear objectives while recognizing owners' rights.

Mayor Richards – recalling a history of herbs, medicinal herbs, stable, strawberries, orchards, grazing and farms (some of which are still there) – said he agrees that Portola Valley has been an agricultural Town for many years. Although a tall orchard in the meadow would certainly change its character, he said, he believes an active agricultural use of the meadow would provide some benefits to the community.

Vice Mayor Wengert said it's important to speak out relative to our views on the agricultural side, and she supports it as well. She recalled former Councilmember Steve Toben's interest in local agriculture from a sustainability point of view.

Commissioner Targ concurred with comments regarding the characterization of agriculture and also revisiting the General Plan. He said that in addition to clarifying goals and objectives, this situation offers an opportunity for the Town to better understand what's involved with agriculture and see that many agricultural uses do not involve a great deal of activity and are highly sustainable. Amending the General Plan provides an opportunity to create the kind of understanding needed to avoid having to repeat the process that Dr. Neely and Ms. Myers have been through.

Commissioner Targ added that his observations about sustainability and the work the owners have done to maintain the meadow are important to acknowledge. Maintaining the meadow has required financing, time and planning, and they have been outstanding stewards for the view that everyone appreciates and the owner should be commended.

Commissioner McKitterick said what Portola Valley means to each of us going forward is a good question, but he personally ties it to historic uses in the valley to a large extent. That means agriculture with the attendant buildings, including orchards, stables, three different schools – including the Historic Schoolhouse – estates, open space, trail system. He said he had a certain interpretation of the old language in the General Plan, and in crafting any new language, he would do so with an eye toward such historic uses in the Portola Road Scenic Corridor.

Vice Chair Gilbert said she concurs with the approach and the need for consistency among the preserves but pointed out that each also has its own requirements in that one is a stable, one an orchard and the other a meadow.

Chair Von Feldt said although she understands that it would go back to the Planning Commission to come up with the language, she's not very clear about direction from the Council. In the Planning Commission's original decision, she said, it wasn't just a matter of keeping the meadow "largely open," but fencing that would keep animals out. She also agreed that it's important to acknowledge the differences among the types of preserves.

Vice Mayor Wengert said she even questions whether "meadow" and "orchard" and "stable" should be the terminology or whether it might be the time to adopt "open space scenic corridor" terminology that doesn't create a series of boxes that are too difficult to encompass each of the preserves. Clearly, she said, existing uses would stay the same, but perhaps some consistent language could apply going forward that could serve as basis for analyzing any CUP for any of those properties that would maintain the overall goals of the General Plan. She said it may not be the ultimate answer, but now might be the best time to take a high-level look from that perspective and determine whether the properties share enough common objectives for a broader approach to work and whether the Planning Commission would be able to evaluate applications from any of the affected property owners considering the same criteria.

Vice Mayor Wengert said that judging from the input, there's certainly a base of support for considering agriculture as part of Portola Valley's heritage.

Commissioner McKitterick asked whether the idea is to work toward a balance between agriculture and open space. In response, both Mayor Richards and Vice Mayor Wengert said they do not mean a 50/50 split. Councilmember Aalfs said it would be more along the lines of open space with perhaps a judicious application of agriculture.

Mayor Richards said the General Plan seems to have overlapping definitions of open space preserve and greenbelt. It's intended to be fairly flexible from that standpoint. But in this case, as the situation currently exists, he said, something different probably ought to reflect the fact that Meadow Preserve already contains clumps of trees and a large parking lot. Some definition changes need to take place to accommodate those changes.

Mr. Vlastic said without trying to push in one direction or another, he is concerned that when applications come in, the Planning Department and the Planning Commission would have to look at the properties not in the context of a preserve, but in the present use and options for future uses before the Town can pin down what the best term is for the area. He noted, also, that there's the Morshead Preserve to consider, with its mustard orchard. He said the historic agricultural character would apply to many areas in Town.

Mr. Vlastic also said that he thinks the Town must look not so much toward a certain balance between open space and another use, but look carefully at the specific properties and realistic implementation of what can be done. The Town tries to work with property owners to achieve a certain objective – not place demands but work with the owners. He said in the Neely/Myers case, the Planning Commission tried hard to do that, although he acknowledged that the property owners feel otherwise.

Mr. Vlastic said the time for imposing requirements comes when collaboration and cooperation don't achieve the General Plan objectives. As the Planning side gets deeper into working on proposals for General Plan amendments, they will have to consider priorities in the open-space program and determine where some of the Town's open-space funds would go to further its objectives, he said. Coal Mine Ridge and some other critical open-space areas the Town has acquired already, he added, were acquired via approval of significant subdivision developments, such as Portola Valley Ranch and Blue Oaks.

The Town has not wanted a lot of development in the western hillsides, he said, and geologic constraints provide leverage to control it, but nonetheless, the full acquisition of the meadow, orchard and/or stable was anticipated with a PUD or something similar. Another question, Mr. Vlastic said, concerns priorities for acquisition of open-space lands.

Relative to the meadow itself, he said the question concerning the whereabouts of the "transitional line" – where more development is or is not acceptable – needs to be addressed sooner rather than later. He suggested that a joint Council/Commission field trip might help, but the Planning Commission needs clear input from the Council. For example, he said that in looking together at the Neely/Myers property, they could evaluate whether the seven acres Dr. Neely wants for vineyards would be okay without jeopardizing the character that should be maintained. He said that needs more attention.

Councilmember Wengert said Mr. Vlastic's comments indicate the merits a two-pronged approach. One involves potential General Plan revisions in the broader sense, which could merge some of these areas. She said tackling the issue at the General Plan level is important for planning for the future, including thoughts about acquisition priorities when opportunities arise. In addition, in terms of first attending to the meadow in particular, she said the joint field trip is a great idea to get a sense of what the impact on the northern area of the meadow would be with more agricultural uses allowed specific to the Neely/Myers request.

Mr. Vlastic agreed that unless the Council and Commission take some hard looks at that property, things will remain vague.

Commissioner McKitterick said he would like the Open Space Acquisition Fund used not solely for buying parcels of land, but also to purchase trail and view or conservation easements and other types of property rights that can be monetized.

Dr. Neely said he would like fair representation of what was he and Ms. Myers proposed and how the Planning Commission actually ruled. He holds 19 or 20 acres on the valley floor, of which 14 acres are open. In their proposal they very carefully asked for only seven acres at the margin for agriculture, and left seven acres open as grassland in the middle. He said that wasn't good enough for the Planning Commission, where the decision represented not a compromise but a gutting of the original plan that left no economic agriculture whatsoever. He said that oddly enough, the "hobby agriculture" uses allowed on only three acres that were approved entail the most truck trips and the most water. In contrast, he said, the economically viable use – a vineyard – which requires neither truck trips nor water, was denied. He said what they had proposed was very balanced, forward-thinking and careful. The three acres was not a workable agricultural compromise.

Dr. Neely said Mr. Vlastic would essentially like the meadow in three zones, with the southern part owned by MROSD, the middle dedicated as open space and the northern part used for agriculture. He said that's what they asked for, but it was not allowed. Dr. Neely also said that he's dead set against a General Plan that would rule out any uses for the meadow whatever.

Mr. Vlastic said the central meadow was part of what was viewed as agricultural (hay) use.

Dr. Neely restated that his previous proposal was a very balanced one. He then asked whether these are "proposed" preserves or in fact preserves.

Ms. Sloan said that's part of the confusion, because the General Plan Diagram shows "proposed," as Mr. Vlastic pointed out, but the General Plan itself doesn't use that word. In response to Commissioner McKitterick, she said that yes, the Diagram is part of the General Plan.

Mr. Vlastic said it should be clear that a lot of the early-on General Plan language basically uses terminology such as "General Plan proposals." Until it comes to the point of the Town acquiring it, a property doesn't mature as an existing condition. For example, he said plans for the rear portion of the Stable Preserve are still articulated in the General Plan as proposals, because the Town doesn't own that portion of the property. Thus, the General Plan is a guide. The term "proposal" becomes problematic when it isn't used consistently, and that's clearly an issue, he said. In response to Mayor Richards, Mr. Vlastic confirmed that there's also a difference between the General Plan and zoning regulations.

In response to Mayor Richards, Commissioner McKitterick said three Commissioners opposed the Neely/Myers proposal and two favored it. Chair Von Feldt said there was no problem with the barn and the agricultural use of the meadow for haying, but the reason for objecting to the proposed vineyard was that the visual aspects of a vineyard with fencing around it would be inconsistent with General Plan guidance and also interfere with the wildlife corridor. Vice Chair Gilbert said the applicant could use alternative locations on the property for a vineyard.

Commissioner McKitterick added that Commissioners had differing interpretations of terms such as "largely open" and "existing agricultural character."

Mr. Silver said Vice Chair Gilbert started off on the right foot by emphasizing the importance of looking at the big picture. He said it's important also to look at the Town's organization chart. The public is the ultimate power, so public hearings are needed to get public input, take direction from that and come up with the best ideas based on the Town philosophy. If the Town Council doesn't like what the Planning Commission proposes, he said, it can send it back to the Planning Commission. But to begin with, he said the Planning Commission doesn't need marching orders from the Town Council. Public hearings need to come first, and then let the process play out.

Mr. Kelley said that rather than trying to be all things to all people, the Council should be more decisive about what Portola Valley is and wants to be. The primary job of the Council is to preserve Portola Valley.

Mayor Richards said there's general agreement about proceeding with a field trip, having the issue go to the Planning Commission, and holding public hearings.

Commissioner McKitterick, recollecting the Nathhorst Triangle issue, said the first thing to do would be for staff to get input from the property owners regarding their opinions about the current language that controls their properties and their thoughts about what they consider appropriate for their properties. As a Commissioner, he said he would want to start there. Mayor Richards agreed that's always part of it. Commissioner McKitterick said he wouldn't want to go off on a tangent that's completely separate from the property owners' views.

Vice Mayor Wengert said it's important to be as clear as possible about next steps, particularly these two big issues:

- The joint field trip, including identifying what proposal remains from Dr. Neely and Ms. Myers
- The Planning Commission beginning the General Plan review

Mr. Vlasic said this year's budget includes the Meadow Preserve issue and the Portola Road Scenic Corridor, but even the combination of the two items is not as broad-based as tonight's discussion suggests. He said Dr. Neely and Ms. Myers probably are looking at more direction relative to the Meadow Preserve sooner versus later. He said the field trip may not produce a final conclusion, but at least it would elicit reactions from the Council and the Commission.

Vice Mayor Wengert emphasized that the hearings Mr. Silver mentioned most definitely would involve the public.

Commissioner Targ asked whether an application is currently pending. Ms. Sloan said no, the Planning Commission took its action and Dr. Neely and Ms. Myers did not appeal so they are free to resubmit.

Councilmember Aalfs said two things are being discussed – General Plan amendments and a field trip in response to the projected application. Mr. Vlasic said it would be Meadow Preserve and General Plan discussion, not specifically geared to the projected application.

Mayor Richards closed the Study Session, noting it was time to begin the Town Council regular meeting.

TOWN COUNCIL REGULAR MEETING [7:41 p.m.]

Ms. Sloan asked the Council to approve an urgency item, a Closed Session Government Code 54956.9C, regarding remediation related to the cutting of a significant number of trees at 18 Redberry Ridge in the Blue Oaks Subdivision.

Councilmember Aalfs moved to add the urgency item to the end of the agenda. Seconded by Vice Mayor Wengert, the motion carried 3-0.

- (2) Presentation: Oral Report from Adrienne Etherton, Executive Director, Sustainable San Mateo County [7:44 p.m.]

Ms. Etherton said Sustainable San Mateo County was founded in 1992 by a small group of citizens who wanted to raise awareness about the concept of sustainability, which wasn't widely understood at the time. She defined sustainability as meeting the needs of the present without compromising the future and planning for the future, not only in terms of the environment but also social equity and a vibrant economy.

The organization updated its mission statement within the last year – *to stimulate community action on economic, environmental and social issues by providing accurate, timely and empowering information* – to focus more on action. She said the organization's annual *Indicators for a Sustainable San Mateo County report* is a great data tool but it should lead to action by local governments and advocacy organizations.

Sustainable San Mateo County programs include Healthy Community Forums, which was launched in 2011 with the Sierra Club's Loma Prieta Chapter. The initiative now embraces nearly 30 community groups and elected officials supporting, co-sponsoring, planning and hosting interactive discussions that focus on various topics ranging from neighborhoods to affordable housing to healthy foods.

The organization also has developed a robust awards program, which includes:

- Sustainability Awards, established 14 years ago to recognize local businesses, community groups and individuals showing true commitments to the environment, economy and social equity



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Town Council and Planning Commission
FROM: Tom Vlastic, Town Planner
DATE: February 13, 2013
RE: **Joint Study Session – Consideration of Clarification
of General Plan Meadow Preserve Provisions**

RECOMMENDATION

Conduct the Joint Study Session on general plan “Meadow Preserve” provisions and the concerns that have been expressed in the record of previous town council and planning commission meetings relative to the provisions. Based on the outcome of the discussion, the town council should provide direction to the planning commission and staff relative to possible actions that should be taken to clarify the “Meadow Preserve” provisions. These could range from *interpretation* of the existing wording by the council or clarification *through a general plan amendment process*.

The primary outcome would be for the town council with planning commission input to provide direction as to the specific intent of any clarifying effort and, in particular, the range of agricultural uses beyond “haying” and the location for such uses that would be consistent with the intended character for the Meadow Preserve area. To be clear, this specifically pertains to the portion of the Meadow Preserve that is on the 229-acre property owned by Dr. Kirk Neely and Ms. Holly Myers.

FRAMEWORK FOR STUDY SESSION

Because such study sessions are relatively rare in Portola Valley, after consultation with the town manager, we recommend the following framework for the meeting.

1. *Receive staff report.* This will be brief as the main purpose of the meeting is for the council with commission input is to provide direction as recommended above.
2. *Receive comments from property owner.*
3. *Receive planning commission input.*
4. *Allow for any public input.*
5. *Council and commission discussion*
6. *Council clarification or interpretation of existing general plan provisions or direction for general plan amendments to the text an/or diagram. Direction would be to address the concerns set forth herein and in the background materials to this report. Some options for general plan modification are also discussed herein.*

BACKGROUND

On September 26, 2012 the town council considered the Meadow Preserve issues and after considerable discussion and public input, including input from Dr. Neely, concluded that a joint study session with the planning commission would be appropriate before the council could reach a decision relative to the path to take to clarify the general plan Meadow Preserve language. Due to scheduling conflicts, time priorities given to the efforts related to the sale of the Blue Oaks lots, the Holidays and other factors, it was not possible to set the joint study session until February 13, 2013.

The attached record associated with the September 26, 2012 council meeting including the September 26, 2012 staff report with extensive background documents and the minutes from the town council meeting, provide extensive data to frame the study session discussion and should be referred to by both council and commission members in preparation for the February 13, 2013 meeting. This record includes the October 26, 2011 town council discussion of the Meadow Preserve issues.

DISCUSSION

As noted in the materials associated with the September 26, 2012 meeting, a major concern of the property owners was the inability of the planning commission to conclude that vineyard uses were consistent with the current or even previous general plan provisions. They have indicated that they hope the general plan language would be clarified to permit a broader agricultural use interpretation allowing for vineyards to be located within at least a portion of the meadow preserve area on their 229-acre property. At the same time, as explained in the September 26th report, the planning commission has received some public input that indicated any clarification should focus on protecting the more or less existing condition of the preserve, meaning mainly hay and grasses. The discussion did not necessarily focus on the extensions of vineyards, but the general perspective was that, overall, the hay and grass condition was important to the "existing character" of the preserve.

The attached minutes of the September 26, 2012 meeting include a fairly detailed discussion of the issues the town council should discuss with the planning commission. The focus should be to very clearly articulate the town's policies and objectives relative to the character of the Meadow Preserve area. At this point, the planning commission has concluded that findings for consistency with the general plan would only support a limited area at the northern end of the Meadow for other agricultural uses, i.e., beyond grasses and haying, and that this could include an agricultural building. The commission expressly concluded that vineyards were not consistent with the meadow preserve provisions and, in particular, the majority of the more southerly portion of the meadow on the Neely property, where elevations are closer to those of the driveway entry to the MROSD parking lot, should be retained in grassland and or haying operations only.

Some factors to consider in addition to the attached materials are noted below. We also understand that Dr. Neely intends to provide a communication to the town advising of the specific changes he would like considered as part of the subject discussion.

1. Currently the "Meadow Preserve" includes the eastern end of the Neely/Myers property, from the Portola Road corridor to essentially where the tree cover becomes more dense at the base of the western slopes. It extends from the northern Neely/Myers property line to

the boundary line separating the Sequoias from the MROSD property. As explained in the minutes of the September 26, 2012 council meeting, the MROSD parking lot with gates, landscaping, signage and other features occupies the southern end of the Meadow Preserve and these features were authorized with town approval of the MROSD's CUP.

2. North of the Meadow Preserve, the immediately adjacent 1.9-acre parcel containing the "Butler Barn" building and the 14.0-acre Jelich Ranch/White properties are in the area identified on the general plan as Orchard Preserve. The town has permitted development on these orchard preserve properties it has found consistent with the architectural character. These properties, as well as conditions on the MROSD parcel, the Neely/Myers "meadow" area, and generally within the Portola Road corridor should be inspected in preparation for the study session. Such review may help in coming to grips with the questions associated with "character" objectives for "agricultural uses."
3. The Portola Road corridor task force has, in its work, recommended policies to preserve views of the western hillsides and to "meadow." At the same time, the taskforce concluded that the berm should not be removed and that some clusters of vegetation should remain because of the experience it provides for trail uses. Dr. Neely has reached concurrence with the ASCC for removal of vegetation along the Portola Road Corridor. This includes removal of a number of trees both planted and volunteers. With the commitments to tree removal, including those associated with improvement to the northerly agricultural use service access, the ASCC concluded that the small oaks on the Neely property did not require additional thinning. That decision was made, in part, because it was recognized that most of the "small" oaks in question are in the town's Portola Road right of way and thinning would be under town control.
4. There has been some debate over whether or not the "meadow" area is actually a "natural meadow," or if it is even technically "natural" or a "meadow." While efforts could be made to make formal judgments on these terms, we question the value of such efforts. We believe the intent of the "meadow preserve" was to recognize the relative level, grassland (or haying) character, but with some allowance for uses including agricultural. The planning commission in acting on the CUP did make interpretations largely consistent with these provisions. Generally, the area proposed for other, non-haying agricultural uses at the lower elevations of the northern part of the "meadow" were found acceptable for such uses and consistent with the general plan and this reflected input provided by the town council at the October 26, 2012 Town Council meeting. It was concluded that the "other" agricultural uses at the northern end of the "meadow preserve" did not impact the character called for in the general plan, but the commission concluded that vineyards would not be consistent with the character, if even limited to the lower, less visible elevations at the northern end of the property. Town council reactions at the October 26, 2011 meeting appeared to offer the opportunity for a somewhat broader interpretation, but councilmember Driscoll also commented that the character of the meadow is a "visual thing."

In summary, the issues seem to have taken some focus with the eventual action by the commission on the Neely/Myers use permit. There was a visual analysis that concluded a range of agricultural uses at the north end of the meadow and on the west side was possible without impacting the visual character of the area. The break in topography that transitions to the northern half of the meadow is generally the line where the visual impacts decrease and it might be possible to better define this visual transition area and recognize that agricultural uses, including vineyards, would be possible without impacting the visual character of the area. This would leave roughly the southern two thirds of the "meadow area" on both the Neely and the

MROSD property in grass and haying, or essentially its "existing character." The term existing, however, should be removed and specific characteristics defined. These considerations should be recorded in both general plan and text diagram modifications. Clearly other options will be discussed at the study session, but the above comments are offered to provide some additional thoughts to help focus consideration of the issues.

In any case, again it is recommended that, prior to the study session, council and commissioners inspect field conditions associated with the Meadow Preserve and along the Portola Road corridor. The materials attached hereto should be considered and particularly the minutes from the September 26, 2012 and October 26, 2011 council meetings.

FISCAL IMPACT

The 2012-2013 FY planning budget includes provisions for work on the meadow preserve matter and, depending on town council direction, it appears that the budget may be sufficient to complete the general plan clarification process. The other costs would be associated with the noticing for the public hearings before the planning commission and town council.

ATTACHMENTS

1. September 26, 2012 Town Council minutes on Meadow Preserve discussion
2. September 26, 2012 memo to the town council from the town planner with attachments including October 26, 2011 town council meeting minutes (Note: references in the list of attachments to this memo incorrectly state October 2011 dates as October 2012. All October documents in the list are from 2011 and are correctly stated on the individual attached documents.)

APPROVED – Nick Pegueros, Town Manager *N. P.*

cc. Sandy Sloan, Town Attorney
Alex Von Feldt, Planning Commission Chair
Steve Padovan, Interim Planning Manager
Carol Borck, Acting Assistant Planner
CheyAnne Brown, Planning Technician
Dr. Neely and Holly Myers

PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO. 847 SEPTEMBER 26, 2012

Mayor Derwin called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Ms. Hanlon called the roll.

Present: Councilmembers Jeff Aalfs, Ted Driscoll and Ann Wengert; Vice Mayor John Richards, Mayor Maryann Derwin

Absent: None

Others: Sharon Hanlon, Town Clerk
Sandy Sloan, Town Attorney
Nick Pegueros, Town Manager
Tom Vlastic, Town Planner

REGULAR AGENDA [8:23 p.m.]

- (4) Discussion and Council Action: Report from Town Planner to the Town Council on consideration and possible direction to the Planning Commission to initiate Public Hearing for General Plan amendment, clarification of "Meadow Preserve" provisions

Mr. Pegueros said Mr. Vlasic would walk the Council through issues that sparked the request to provide direction on General Plan language relative to the Meadow Preserve, but to summarize the process ahead, he said that as a result of this meeting, the Planning Commission will have Council input to evaluate as Commissioners consider pertinent General Plan language and propose clearer wording. The Planning Commission recommendation would then come back to the Council.

Mr. Vlasic said the staff report of September 26, 2012 provides background on the situation and the issues of interpreting General Plan language as it was amended in 2011 and as it existed prior to that time. After providing the Planning Commission with some direction, he indicated that at some point Councilmembers and Commissioners might want to get together. For now, he provided some context.

The basic language in the General Plan before the 2011 amendment pertaining to the Meadow Preserve had been in place since about 1970, Mr. Vlasic said. The Meadow Preserve extends from the northern boundary of the Spring Ridge property to The Sequoias, and includes the Midpeninsula Regional Open Space District (MROSD) property. The Town signed a development agreement with the MROSD in the 1980s to allow installation of the parking lot and preserve the driveway to the Spring Ridge property. At that time, there also was discussion about changing the General Plan to show the MROSD on the Town's Plan Diagram.

In 1997, when the Recreation Element was updated, he said the language was extended to include: a *southern portion of the original Meadow Preserve is owned by the Midpeninsula Regional Open Space District and is part of the Windy Hill Open Space Preserve. The parking lot serving the preserve should be maintained so as to cause minimum conflicts with the Meadow and remain compatible with the natural setting to the maximum extent possible.* Mr. Vlasic said he pointed this out to underscore the fact that there were interpretations made under the definition of Meadow Preserve as to what could go in there. As he put it, "It's not unprecedented that there were interpretations made . . . based on how the Open Space District project was handled." In discussing with the Town Attorney, he said, one option going forward would be to further interpret the language as it exists today, work with the Planning Commission on that rather than modifying the General Plan.

Ms. Sloan called the Council's attention to an excerpt from an attachment to the staff report, an October 3, 2011 memorandum from the Planning Commission to the Town Council:

. . . prior to the May 2011 General Plan amendments, the key Meadow Preserve wording was in the Recreation Element of the General Plan and specifically stated the intent for the preserve as follows: *The Meadow Preserve, proposed for the large field adjoining Portola Road and north of The Sequoias, lies astride the San Andreas Fault and is visually important to the entire quality of the valley. The preserve should be kept largely open, the existing character preserved, and present agricultural uses maintained.* (Section 2313)

With the recent amendments, these provisions were moved to Section 2216.2 of the Open Space Element and modified to read: *The Meadow Preserve, the large field adjoining Portola Road and north of The Sequoias, lies astride the San Andreas Fault and is visually important to the entire quality of the valley. This preserve should be kept in a natural condition and the existing agricultural character preserved.*

[Note: There was/is no boldface emphasis in the General Plan text; it appears here to draw attention to some of the terminology that has been troublesome.]

Whether through interpretation or amendment, Mr. Vlasic said it's important to have a guideline that will enable to come to closure on decisions regarding the Spring Ridge property.

Ms. Sloan recalled the Planning Commission struggling with the fact that the older version did not use the word "natural" but the newer one does. She advised the Council not to get too bogged down tonight in the exact words, but rather to come up with some guidance for the Planning Commission.

This guidance could reflect one of two alternatives, Ms. Sloan suggested. The Council 1) could give the Planning Commission additional guidance to work with the 2011 General Plan language, or 2) decide a General Plan amendment makes more sense, and provide suggestions on how the language might change.

Councilmember Wengert asked whether a timing differential is associated with those alternative plans of action – interpretation versus amendment. Ms. Sloan said the timing would probably be about the same, because notice of meetings about this issue on both Planning Commission and Town Council agendas would go out, whether public hearings are scheduled or not.

Councilmember Wengert, noting that the Portola Road Corridor is another factor to consider in the context of the Meadow Preserve, said that one of the Task Force's top priorities relates to preserving the views of the western hills. View preservation actions could range from tree removal to maintaining a diversity of forest, field and meadow. Councilmember Wengert said neither the previous nor current General Plan language incorporates any of these ideas. Yet another aspect to take into account involves Portola Valley's commitment to sustainability. She recalled an agriculture-related idea expressed by former Councilmember Toben resonating with his peers on the Council. Mr. Toben had discussed a vision of row gardening in the Meadow Preserve to augment the food supply, reduce transportation costs and transportation-related greenhouse gas emissions. Thus, Councilmember Wengert suggested, the Council might want to consider allowing agricultural uses that have no history in the Meadow Preserve. She suggested that she's leaning toward preferring the General Plan amendment approach, because the situation calls for the type of overarching guidance typically provided in the General Plan.

Councilmember Aalfs said he considers the term "natural condition" both misleading and ambiguous. He said that the language might be changed with a view toward what the Town wants to see in the Meadow Preserve. As for the word "existing," he said what exists changes over time. He agreed with Councilmember Wengert, that the language should be revised.

Councilmember Driscoll asked the reason why the old language was changed.

Mr. Vlasic explained that it didn't begin with a discussion about the Meadow Preserve, but with updates for the Open Space and Recreation Elements of the General Plan. Those updates included some rewording, some reorganizing and some revising. The Planning Commission reviewed all sections of those elements, and when Commissioners got to the Meadow Preserve, they determined that the wording that existed at the time didn't reflect the reality of Meadow Preserve conditions. The word "agricultural" later became an issue with the Town Council and the property owner, and the matter grew more confusing and complex from there.

Councilmember Wengert said one important thing to do would be to clarify the intent of the word "agriculture" so no ambiguity remains about what it means. Councilmember Driscoll noted that "natural" and "agricultural" actually contradict one another.

Planning Commissioner Denise Gilbert, addressing Councilmember Driscoll's comment, said the agriculture approved in the Neely/Myers Conditional Use Permit (CUP) was a compromise, and it allowed agricultural uses only around the exterior portion of the meadow, so the central meadow would remain "largely open." Prior to that compromise, she said the Planning Commission was deadlocked, with half saying agriculture didn't fit with the definition of meadow, and half saying agriculture would be okay.

Jon Silver, Portola Road, said he's pleased to see acknowledgement of the problematic wording in the General Plan, but is concerned lest the Council give direction to the Planning Commission before receiving public input.

Judy Murphy, Portola Green Circle, serves on the Conservation Committee. She said when Committee members reviewed the issue in the context of the Neely/Myers property, their task was made more complicated and bewildering by the fact that they were told to consider the General Plan only as it applied to Town-owned open space.

Mayor Derwin asked Mr. Vlasic exactly what he wanted from the Council tonight. He replied that if the Council appreciates some ambiguity in the language and wants to articulate some broader concepts as a result of the Portola Road Corridor Plan Task Force work, that provides some specific direction without telling anybody what to do – it's to consider these things. If the Council's consensus is that a General Plan amendment process is in order, he said that process would begin and go on the Planning Commission agenda.

Councilmember Wengert summarized her thoughts: attention to agriculture uses, diversity and preservation of the western hills viewshed. She said she's struggled with the inconsistency of the Town not having restricted vineyards anywhere else.

Mr. Vlasic said that in a study session, the Planning Commission could begin reacting to some wording that staff develops on the basis of input from this meeting and other feedback. He also suggested the Planning Commission and Town Council meet jointly before entering the hearing phase of the process.

Kirk Neely, Portola Road, expressed concerns about the Council waiting for the Portola Road Corridor Task Force to complete its recommendations before proceeding on this issue, and about Mr. Silver's suggestion for more public hearings. Dr. Neely pointed out that his project is moving into its fifth year, and he wants "a little clarity." He's also concerned about adding more and more codicils to the General Plan, he said it gets more and more complicated. The more complicated it gets, he continued, the more difficult it becomes, "so I think we have to be careful moving in that direction." Dr. Neely said he would like simple, flexible, mutually acceptable language in the General Plan, and would like to be part of the process. In the meantime, he asked whether the Council could at least give the Planning Commission guidance "from the get-go" in support of the vineyards in the meadow.

Mayor Derwin asked Ms. Sloan if that's even permitted. Ms. Sloan said it would be better if that's included when a proposal comes back to the Council. Ultimately, she said, it shouldn't be necessary to go back and forth between the Council and the Planning Commission multiple times, provided the discussions are fully encompassing of the vineyards question. She said, too, that it might be better to obtain significant public input first.

Councilmember Wengert, noting her sensitivity to Dr. Neely's point about the time he's invested in this and understanding his frustration, said a lot of progress has been made but the one issue remaining requires carefully attention. She said that an earlier change intended to broaden the definition unfortunately did not create the clarity they'd hoped for, and she isn't sure any other process could ultimately arrive at a decision whether the vineyards will work on this property. She also emphasized that she did not suggest that the Portola Road Corridor Plan be complete before this issue is resolved.

As he sees it, Dr. Neely said, no progress at all has been made in terms of the meadow. He said it's incumbent on the Council to provide some leadership in this matter.

Mayor Derwin said she is open to many kinds of agriculture in the meadow, including vineyards. She noted that the vineyards on the Napa County hillsides have an open look.

Councilmember Driscoll said "agriculture" is too broad, because it also could mean strawberries in little pots; so the focus should be on the character of visual corridor and the ability to see across the meadow. He said the meadow's character isn't a function of the actual plant materials and whether they're harvested.

Dr. Neely said he prefers simple General Plan language for various reasons, that every term in both versions was used at some point to object to agriculture in general and vineyards in particular, that all the language is in some way contentious and that the process will be very difficult. He also said he's very concerned that he hasn't heard much guidance going on to get back to the Planning Commission.

Dr. Neely said a fundamental question is whether the General Plan contains explicit or implicit language regarding whether the meadow must be maintained as hay or grassland. Having "hobby" agriculture around the edges, he contended, still imposes a requirement that his family maintains it as a meadow. He said a reasonable person looking at a General Plan requirement to maintain a significant portion of private property as hayfields and grassland for the benefit of passersby would say that represents an unfair burden. "I'll be very explicit," he said. "That's our position."

Mr. Silver said he has some sympathy regarding the time involved, and hopes this process will result in simpler, maybe even shorter, verbiage in the General Plan. As for hearings, he said there's no way to amend the General Plan without at least two hearings – one with the Planning Commission and one with the Town Council – and it might be necessary to hold more than that. He also said a public process yields the best results.

Mayor Derwin asked whether Commissioner Gilbert has heard enough guidance for the Planning Commission to move forward. Commissioner Gilbert replied that she's afraid the process may result in no difference, inasmuch as the Planning Commission and the public alike are divided pertaining to the central portion of the meadow. She said the debate will endure about how much agriculture can be allowed before a meadow is no longer a meadow.

Ms. Sloan said that unlike situations in which final decisions rest with the Planning Commission (unless a decision is appealed), the Council must approve General Plan amendments. Thus, if the Planning Commission remains deadlocked, a report describing their stances could be forwarded to the Council.

Councilmember Wengert said that this time she hopes it's clear that the message she wants to send relative to this new effort is that the goals are slightly different now than they were in 1970. The Meadow Preserve is narrowly defined now, she said. Councilmember Wengert, agreeing with Dr. Neely that hay and grass is at the heart of it, said the question is whether that narrow definition should be expanded to include agricultural uses. If the answer is yes, agriculture must be defined in the context applicable in other parts of Town.

Councilmember Aalfs, agreeing that the language should be as simple as possible, said the two bothersome words are "natural" and "agriculture."

Vice Mayor Richards said "agriculture" needs to be defined. Historically, he said, Portola Valley was an agricultural town, and one of the main reasons for incorporation in the first place was to maintain, preserve and protect agricultural uses.

Ms. Murphy said another word to bear in mind is "meadow," as in Meadow Preserve. She said if the Town decides the meadow will be used for agriculture, it's not a meadow anymore. As she put it, "That's pretty basic . . . I don't think you should fool yourself that you can continue to call it a Meadow Preserve" under those circumstances.

Dr. Neely agreed with Ms. Murphy: "The problem begins and ends with the term 'Meadow Preserve.'" The modifiers used with agriculture – "existing" and "present" – have also been problematic. Noting that "natural" is a term defined in the "eyes of the beholder," he added that essentially all the terms are subject to interpretation "in the eyes of the beholder."

Councilmember Wengert said the Planning Commission also could consider eliminating the term "meadow," which she said has become archaic given the multiple uses in the Portola Road corridor.

Mr. Vlasic said in the end, they don't want to bring the Council a document in which meanings are unclear. At this time, he said, in addition to the wording issues, the fact that there's a parking lot in the Meadow Preserve must be considered. Changes may be needed in the General Plan Diagram to reflect reality. He said the process could lead in a variety of directions to reach the clarity needed.

Councilmember Wengert agreed, adding that there have been many problems with this definition over the years. There are times, she said, when it's appropriate to take the General Plan and move it forward in a substantial way. If not, it will get fuzzier and more interpretive, so it's time to bring it current to reflect what we have and what we want, incorporating values and goals, so that it's workable for the Planning Commission and easier for everyone to understand.

When Mayor Derwin asked Mr. Vlasic if this discussion would help, he said he's convinced that when we get through the Council hearings and the General Plan is amended, it will provide clarity. In response to her question about a timeline, he said it probably can't get onto the Planning Commission agenda within the next month or two.

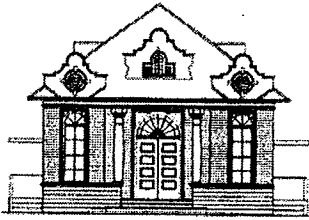
Commissioner Gilbert said the conversation raises questions about whether the Meadow Preserve should continue as a preserve at all, considering that at least two owners are involved and the uses may be inconsistent. Councilmember Wengert said it's the definition of a "meadow" that's troublesome, and she's not looking to diminish the visual impact of this area in any way as a result of any ownership status.

Ms. Murphy said that historically the area has been a Meadow Preserve, and it's visually unique along the Portola Road Corridor. Noting that Dr. Neely is in an awkward position because it's his land, yet so much of the community feels as if it's theirs too because of that iconic viewshed, she said that many people would be very upset if someone decided it's not a meadow any longer.

Mr. Silver said he's anxious for the action to be taken.

Mr. Pegueros said the joint study session with the Council and the Planning Commission could be beneficial. Mr. Vlasic said it would be important to have enough as a starting point to get good direction from such a session, so he'd discuss it with Mr. Pegueros before anything is scheduled.

Marilyn Walter, Coyote Hill, said that when she was a member of the Conservation Committee, one of the documents the Committee reviewed pertained to the Town's general values, including the night sky, the open space and so on. She said before getting mired down into the legalities, the whole question should be framed with the Town's historical values in mind.



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Town Council
FROM: Tom Vlastic, Town Planner
DATE: September 26, 2012
RE: **Procedures and Preliminary Guidance – Clarification of General Plan Meadow Preserve Provisions**

RECOMMENDATION

Direct planning staff to initiate public hearing before the planning commission to clarify the "Meadow Preserve" provisions of the general plan. Further, provide preliminary guidance, as determined appropriate, relative to the objectives for the clarifications. If the planning commission were directed to conduct the public hearing, at the conclusion of the hearing, the commission would take action to forward recommendations to the town council for general plan clarification. The council would then need to conduct its own hearing before any change to the general plan could be adopted.

BACKGROUND

On October 26, 2011, the town council, at the request of the planning commission, considered concerns with the "meadow preserve" language in the general plan. Following review of the October 3, 2011 memorandum from the planning commission and input from the town planner, Dr. Neely and the public, the council concluded that the planning commission should exercise flexibility in applying the "meadow preserve" definition, particularly for agricultural uses, and that the existing provisions should be placed on a future council agenda for further discussion.

The memorandum from the planning commission and the minutes from the October 26, 2011 town council meeting set forth a fairly complete review of the issues with the general plan provisions. Further, the October 25, 2011 letter from Dr. Neely and Holly Myers, owners of most of the land designated "meadow preserve," offers their perspectives on the general plan language issues.

Following the October 2011 town council discussion, on January 18, 2012 the planning commission did complete action on the conditional use permit request of Dr. Neely and Holly Myers. The commission action found the proposed agricultural building in the meadow preserve acceptable, and within the general plan provisions. The commission also approved agricultural uses beyond haying, including some orchard uses and growing of vegetables. The area for the non-haying agricultural uses are the northerly half of the meadow preserve area on the Neely/Myers property. The commission action did not, however, allow for the vineyard uses

that were desired by the applicant. The commission concluded it could not find such uses consistent with either the original or modified meadow preserve provisions.

DISCUSSION

While Dr. Neely and Holly Myers did not appeal the commission removal of the vineyard option, this was a major concern to them and they have been waiting for the town council to take up the issue with the hope the general plan language would be clarified to permit a broader agricultural use interpretation allowing for vineyards to be located within the meadow preserve area. At the same time, during discussions of this year's planning program, which includes dealing with the general plan meadow preserve matter, the commission received some public input that indicated any clarification should focus on protecting the more or less existing condition of the preserve, meaning mainly hay and grasses. The discussion did not necessarily focus on the extensions of vineyards, but the general perspective was that; overall, the hay and grass condition was important to the "existing character" of the preserve.

As can be seen from the materials attached to this memorandum, any wording changes will need to be carefully developed, with clear definitions where needed, to avoid future interpretation debates. This would be developed by staff in bringing the matter to the planning commission for discussion and setting for public hearing. At this time, however, it would be helpful for the town council to provide guidance relative to the matter of broader agricultural uses in the meadow preserve area, and particularly the issue of whether or not vineyards would be an acceptable agricultural use for consideration in the preserve. If it was ultimately determined that vineyards could be considered, any proposal would still require normal CUP processing and evaluation, but, without the meadow preserve language issue faced by the commission when it completed action on the Neely/Myers CUP in January.

In addition to the above comments, it is noted that, pursuant to the conditions of the approved Neely/Myers CUP X7D-169, plans are being processed through the ASCC for the agricultural building in the meadow preserve and for the cabana building. The agricultural building is mainly for haying uses at this time, but the property owners have again advised the town in a May 4, 2012 letter to the town planner that they are anticipating town council review of the meadow preserve language.

FISCAL IMPACT

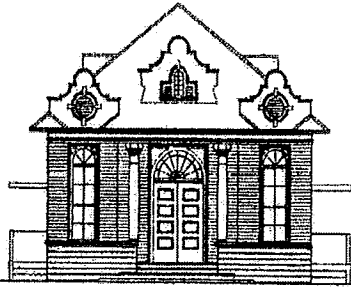
The 2012-2013 FY planning budget includes provisions for work on the meadow preserve matter and, at this point, it appears that the budget should be sufficient to complete the general plan clarification process. The other costs would be associated with the noticing for the public hearings before the planning commission and town council.

ATTACHMENTS

1. October 26, 2012 Town Council minutes on Meadow Preserve discussion
2. October 17, 2012 memo to the town council from the town planner
3. October 3, 2012 memo to the town council from the planning commission
4. October 25, 2011 letter to the town council from Dr. Neely and Holly Myers
5. October 26, 2011 letter to the town council from Linda Elkind, 14 Hawk View
6. May 4, 2012 letter to the town planner from Dr. Neely and Holly Myers
7. Approved CUP plan for meadow area, agricultural building and related access.

APPROVED – Nick Pegueros, Town Manager

cc. Sandy Sloan, Town Attorney
Alex Von Feldt, Planning Commission Chair
Steve Padovan, Interim Planning Manager
Carol Borck, Planning Technician
CheyAnne Brown, Planning Technician
Dr. Neely and Holly Myers



TOWN OF PORTOLA VALLEY

7:30 PM – Regular Town Council Meeting

Wednesday, October 26, 2011

Historic Schoolhouse

765 Portola Road, Portola Valley, CA 94028

ACTION AGENDA

7:30 PM – CALL TO ORDER AND ROLL CALL

Vice Mayor Derwin, Mayor Driscoll, Councilmember Richards, Councilmember Toben, Councilmember Wengert

All Present

ORAL COMMUNICATIONS

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

Virginia Bacon voiced her concern of possible fire hazard along areas of the C-1 trail.

Jon Silver concerned with ASCC recruitment procedure.

CONSENT AGENDA

The following items listed on the Consent Agenda are considered routine and approved by one roll call motion. The Mayor or any member of the Town Council or of the public may request that any item listed under the Consent Agenda be removed and action taken separately.

1) Approval of Minutes – Special Town Council Meeting of September 28, 2011

Minutes pulled and approved as submitted 5-0

(2) Approval of Minutes – Special Town Council Meeting of October 5, 2011

(3) Ratification of Warrant List – October 12, 2011

(4) Approval of Warrant List – October 26, 2011

(5) Recommendation by Administrative Services Officer – Budget Amendment, COPS Funding restored

Items 2, 3, 4 & 5 Approved 5-0

REGULAR AGENDA

PUBLIC HEARING (7:40 pm)

(6) PUBLIC HEARING – First Reading of Proposed Wireless Communications Facilities Ordinance

- (a) First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Adding Chapter 18.41 [Wireless Communications Facilities] to Title 18 [Zoning] of the Portola Valley Municipal Code and Repealing and Amending Related Sections in Title 18 [Zoning] for Conformity (Ordinance No. __)

First Reading of Ordinance, Approved as Amended 5-0
Second Reading scheduled for the November 9 Council meeting

(7) Discussion – Planning Commission Requested Clarification of the Meadow Preserve Provisions of the General Plan (7:58 pm)

Council directed that the Commission apply the Meadow Preserve definition that existed when CUP X7D-169 was filed. Council advised that the Commission should exercise flexibility in applying the definition, particularly to agricultural uses. Council requested that the General Plan provision be placed on a future Council agenda for further discussion.

(7) **Discussion: Planning Commission's Requested Clarification of the Meadow Preserve Provisions of the General Plan [7:58 p.m.]**

Mr. Vlastic explained that the October 17, 2011 staff report was prepared to transmit the Planning Commission's questions about the Meadow Preserve. In considering the Neely/Myers use permit application for their property at 555 Portola Road, he said, the Planning Commission had identified certain issues with the General Plan language for which commissioners felt Council clarification was needed, particularly in light of changes the Council made at its May 25, 2011 meeting.

As Mr. Vlastic explained, in this case, the Town has the flexibility to consider either the General Plan as it existed at the time the application was filed or as it was revised through the Council's action. Among the issues of particular concern about the Meadow Preserve are agricultural uses, the presence of structures and their location, and the visual character.

Since distribution of the Council packets, Mr. Vlastic said that two additional documents have arrived, including one from Dr. Kirk Neely and Holly Myers (in attendance at tonight's meeting) giving their perspective of the planning conditions that they perceive in interpreting the language for the meadow area. The other document is a comment from Linda Elkind, Hawkview Street, who could not come to this meeting but wanted to offer her perspective.

The Planning Commission is hopeful that the Council's discussion will help provide guidance so that the Commission may bring closure to this longstanding use permit application.

Ms. Sloan said that while it's perfectly reasonable in this case for the Planning Commission ask for help in interpreting which General Plan language should apply, the Council should focus on the plan language generally without getting into any particular permit application.

Commissioner Gilbert, who worked with Planning staff to crafting the questions for the Council's consideration, said she'd be happy to answer any Council questions about the Commission's perspective.

Mr. Silver, who attended the Planning Commission meeting when the Commissioners discussed their approach to the questions for the Council, said that the staff report and related documents were impressive. He said that in this case, the pre-existing language in the General Plan should apply to the Neely/Myers application and any others that were in the pipeline at that time. He also said that it's important now to get the language right, to "really nail it" going forward. He said that reference to historical agricultural uses is an important element to include, and he suggested, too, that after discussing it the Council send it back to the Planning Commission to prepare another revision for the Council to review.

As Mr. Silver sees it, the public was blindsided when the Council received a letter that influenced its decision at a meeting that same night. He indicated that he didn't believe that was the intent, but that's what happened.

Ms. Sloan suggested that the Council begin by discussing whether the Planning Commission should apply language in effect at the time an application is deemed complete, or whether it should consider an application in accordance with any subsequent changes.

Councilmember Toben suggested that the principle about the old language is intended to support the applicants' interests, in that they think they're dealing with a certain set of rules. However, if an applicant considers later language more advantageous, he asked whether that same principle should apply. Ms. Sloan agreed about the principle he pointed out, adding that yes, the Town could work with the applicant to apply later language instead.

Councilmember Wengert said that in this case, the old version seems to favor the applicant's interest in some features while the new version favors that interest in other respects. Ms. Sloan said that the choice in terms of any particular application would be one or the other, but there could still be latitude in the interpretation.

In response to Councilmember Toben's inquiry about the change in language with respect to present agricultural uses in particular, Mr. Vlasic said that as it existed before the Planning Commission forwarded amendments to the Council for action at its May 2011 meeting, the General Plan didn't include the Meadow Preserve restrictions. Those restrictions, he explained, were contained in a Council resolution, and the Planning Commission's work on the General Plan amendments was undertaken in part to incorporate information so that the updated Open Space Element in the General Plan reflected the intent of that resolution.

Mayor Driscoll said that some of the terms used are imprecise. Using "natural" as an example, he pointed out that 2,000 years ago, what's now the Meadow Preserve probably was a redwood forest, which would be "natural." In its current state, he said, it's probably not "natural." He also noted that the idea of "keeping" the Meadow Preserve in a natural condition implies that it's already in a natural condition. Inevitably, he added, the general nature of such terms – particularly in light of the fact that a General Plan is intentionally general – requires interpretation. His own interpretation of "natural" in this context, Mayor Driscoll said, means it isn't "heavily modified recently by man," with structures, concrete, paving and such things.

Councilmember Richards agreed that the General Plan should be general in nature, and that the traditional approach of using language in effect at the time an application is deemed complete makes sense.

Councilmember Wengert said that although the language needs some fine-tuning; she also agrees that the old language should be the "default" position. She noted, too, that the Council's action in May 2011 had some unintended consequences and created some issues, particularly for the Planning Commission to deal with on any application going forward.

Mayor Driscoll also indicated that the general policy of using ordinances and General Plan provisions in existence at the time of an application makes sense, although the Town would be open to an applicant's request for an interpretation based on subsequent changes.

In response to Councilmember Toben, Mr. Vlasic said that the Meadow Preserve has been identified as such in the General Plan for a long time. Councilmember Toben also asked how the phrase "present agricultural uses maintained" could apply when there are none. Ms. Sloan pointed out that the phrase had been in the General Plan for perhaps 20 years, so it wouldn't necessarily remain current. Councilmember Toben also said that it's a bit confusing to talk about changing the language in the provision being discussed for general reasons not necessarily related to a particular application, when the only Meadow Preserve in Town is located on a single property. He asked to hear from the applicant.

Ms. Myers said that she and Dr. Neely understand the struggles with the language in the General Plan, and that they're not able to state a preference of one version over the other. Dr. Neely added that both versions are full of ambiguities and inconsistencies.

Councilmember Toben suggested that Dr. Neely and Ms. Myers might choose to suspend the application until such time as the language issues are worked out. Ms. Sloan said they could do that, and that it's also possible for an applicant to request a General Plan amendment and propose language themselves.

Dr. Neely indicated that the application, although since revised, is three years old, and there's no way they could be sure the Town would agree to whatever language changes they might propose.

As Mayor Driscoll observed, an outcome cannot be preordained.

Ms. Sloan said that other questions to address involve the meanings of the terms "largely open" and "existing character" as well as "present agricultural uses."

In terms of "largely open," Councilmember Wengert said the Planning Commission needs to understand whether a) it's up to the Planning Commission to interpret the definition or whether b) the Council should provide guidance specifically with respect to structures in the context of "largely open." Mayor Driscoll said that if the Council intended to disallow structures in the Meadow Preserve, that would have been stated explicitly, and that to him, "largely open" provides some flexibility in terms of allowing some small structures that don't detract from the open appearance but are appropriate for property maintenance.

Rusty Day, Pinon Drive, said that the General Plan is a carefully crafted document that Portola Valley has invested 30 years in assembling and has amended it six times. Its structure should be understood and respected, he stated. There's been no discussion tonight of the General Plan's land use components, which he said govern the application that the Town Council and Planning Commission are trying to define in an ad-hoc way. In terms of land use, he continued, the parcel in question is assigned to two different categories of land-use, covered in Sections 11 and 12. He also claimed that both land-use and open-space portions of the General Plan define "open."

According to Mr. Day, Portola Valley adopted the General Plan as mandated by the state law, which also requires that building permits and subdivision maps be consistent with the General Plan. He said it's the Planning Commission's job to call upon Town counsel and staff, hear public comment, and apply the

General Plan to applications it receives. In contrast, he said that going through words in isolation is an ad-hoc approach of trying to tailor the General Plan to meet the perceived needs of an applicant.

Mr. Day also said he wanted to know why the Council added "property owned by the Town" language, because he believes that action "completely turned the General Plan on its head." The General Plan is specifically and explicitly designed to provide principles for the regulation of private land and the development thereof, he argued, and to set the framework for the application of Zoning Code provisions.

Mr. Silver, impressed by Mr. Day's observations and agreeing with his comments about the General Plan's application to privately owned lands, reiterated two earlier points: 1) in this case, the application should be governed by the old language, and 2) the Open Space element should go back to the Planning Commission to work on the wording and then come back to the Council.

Councilmember Wengert pointed out some of the history of the Council's action in May 2011. She said she participated in the Ad-Hoc Spring Down Master Plan Committee, which she described as one of the main drivers to the new definitions for open-space preserves that the Council adopted at its May 12, 2010 meeting (Resolution No. 2489-2010), which were to be applied to the Town-owned Spring Down property.

Councilmember Toben said he'd like to hear Commissioner Gilbert regarding whether she feels the Council has provided sufficient direction for the Planning Commission to undertake clarifying the language in the General Plan.

Commissioner Gilbert said that she understands the Council wants the Planning Commission to apply the Meadow Preserve definition that existed when CUP X7D-169 was filed, but she isn't clear whether the Council wants to provide guidance about how to interpret "present agricultural uses."

Councilmember Richards said that he believes the Planning Commission has latitude to consider historical agricultural uses as among the intentions of the General Plan. Mayor Driscoll agreed, noting that the character of the Meadow Preserve is "a visual thing."

Mr. Day said that before the Spring Down issue arose, the General Plan included land-use categorization of different residential areas. He said that the place to look in terms of the Meadow Preserve is the Land-Use Element of the General Plan (Section 2126), which says, "It should be possible and practical to preserve a large amount of the area in a natural state. In particular, it is desirable that the natural character of the open ridge leading up to the Windy Hill Open Space Preserve and the orchards and meadow adjacent to Portola Road and town center be retained." Mr. Viasic said that the general characteristics noted in "orchards and meadow" are more specifically defined as "Orchard Preserve" and "Meadow Preserve" in the other elements in the General Plan.

Councilmember Toben likened the Planning Commission's task in applying the facts of the Neely/Myers application to the phrase "present agricultural uses maintained" to trying to fit a square peg into a round hole. In terms of policy, he said, when the Council considered the General Plan amendments in May 2011, he envisioned the potential for row gardening. In the same way that the Town has applied forward-thinking insights in terms of sustainability, with the first municipal LEED Platinum complex in California, and in its review of septic systems in light of greenhouse gas effects, etc., he noted that limited-impact agricultural production that enables local experimentation might be worthwhile in terms of augmenting the food supply, and it wouldn't harm the visual values of the meadow.

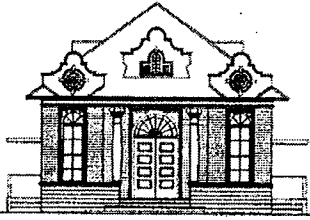
Mayor Driscoll said that in the end, the General Plan is trying to maintain a balance between private property rights and the public good, and attempting to avoid putting undue burdens on property owners without trying to turn the whole area into a giant national park. He said he appreciates the time and trouble the Planning Commission took to raise these issues for the Council.

Mr. Silver said that the Council's efforts are appreciated as well.

Ms. Myers said that the Planning Commission also raised questions about the language that existed in the General Plan when they filed their application, and those questions still remain.

Commissioner Gilbert explained that she's taking two things from this discussion: 1) general comments from various Councilmembers on interpretation of the terms, and 2) that the Planning Commission will continue to apply its judgment. She said that she believes the Council's broad guidance is sufficient to proceed. Mr. Vlasic said that staff also would offer recommendations to the Planning Commission based on tonight's discussion.

Mayor Driscoll said that the Council will put the matter on the agenda for discussion at a future Council meeting and then refer it back to the Planning Commission.



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Town Council
FROM: Tom Vlastic, Town Planner
DATE: October 17, 2011
RE: Planning Commission Request for Town Council Consideration and Clarifications, General Plan Provisions, "*Meadow Preserve*"

Request and Town Council Consideration and Action

Provided herewith is the October 3, 2011 memorandum from the planning commission requesting town council consideration of questions and clarifications relative to the "meadow preserve" provisions of the General Plan. It is hoped that at the October 26th meeting the council would be able to address the questions and provide the requested clarifications so that the planning commission can continue to consider the Conditional Use Permit (CUP) proposals for the meadow preserve area as requested by Dr. Kirk Neely and Ms. Holly Myers, i.e., CUP X7D-169. Tentatively, the commission meetings on the CUP would take place in November and December, but this will depend on the outcome of the town council's consideration of the planning commission's general plan questions and concerns.

If the town council concluded that some formal reconsideration of general plan provisions was necessary before full responses to the planning commission memo could be provided, that could impact the schedule for consideration of the CUP application. At the same time, the council could address the various questions and requests for clarifications at this time, but also determine that eventually, the general plan provisions might need to be better clarified to be fully consistent with any council conclusions and interpretations of the various meadow preserve provisions.

Recommendation

At this point, it is suggested that the Council consider and, if at all possible, reach conclusions relative to requests from the planning commission so that the commission can continue to process the CUP application in a timely manner.

TCV

Encl.

cc. Angela Howard, Town Manager
Planning Commission
Sandy Sloan, Town Attorney

Leslie Lambert, Planning Manager
Dr. Kirk Neely and Ms. Holly Myers



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Town Council
FROM: Planning Commission
DATE: October 3, 2011
RE: Request for Town Council Consideration and Clarifications,
General Plan Provisions, "*Meadow Preserve*"

On September 21, 2011, the planning commission considered the "Meadow Preserve" provisions of the General Plan, both as existed prior to general plan amendments adopted by the town council in May of this year, and the May amendments. These prior and current provisions are discussed in more detail in the attached September 15, 2011 memorandum from the town planner to the planning commission. At the conclusion of the September 21st commission discussion, commissioners concurred that clarification of the provisions was needed from the town council. The commission is seeking this clarification before it must address zoning ordinance required conditional use permit (CUP) findings for general plan consistency relative to CUP proposals of Dr. Kirk Neely and Ms. Holly Myers for the "Meadow Preserve" portion of their 229-acre parcel. At the 9/21 meeting, the commission did not discuss the CUP application or its merits, but only focused on questions relative to the "Meadow Preserve" provisions and how they should be applied or interpreted.

Following the commission discussion, it was agreed that this memo would be prepared to focus commission requests for clarification and questions. Commissioners Denise Gilbert and Alex Von Feldt developed the memo on behalf of the commission with the assistance of the town planner. Commissioners will also be present at the town council meeting when this matter is on the agenda to answer any questions council members may have.

The key questions and issues the commission is seeking council guidance on are set forth below. (Note: At this point, due to the illness of the meeting minutes transcriber, it is not certain that the minutes from the 9/21 meeting will be available for reference.)

- 1. Which general plan provisions should the planning commission use to judge proposals for the Meadow Preserve area relative to the revised Neely/ Myers CUP application? Specifically, should the commission use the language that existed prior to the May amendments or the amended language?**

The town attorney has advised that it is up to the town to decide which version it wants to refer to. She noted that a change in language could be used in dealing with an application, even if the change occurred after the application has been filed. At the same time, the town has typically acted to make use of the provisions that existed at the time any specific land use application was filed.

(For clarity, the town attorney concluded that the current Neely/Myers CUP application is a revision to the application filed originally in 2009, prior to adoption of the amended general plan language in May 2011.)

Also, for reference, prior to the May 2011 general plan amendments, the key Meadow Preserve wording was in the recreation element of the general plan and specifically stated the intent for the preserve as follows:

"Meadow Preserve, proposed for the large field adjoining Portola Road and north of the Sequoias, lies astride the San Andreas Fault and is visually important to the entire quality of the valley. This preserve should be kept largely open, the existing character preserved, and present agricultural uses maintained." (2313)

With the recent amendments, these provisions were moved to Section 2216.2 of the open space element and modified to read:

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

The Meadow Preserve is a "Community Preserve," as defined in the general plan, and in both the previous and amended version the definition of Community Preserve is the same. The previous version of the recreation element stated that these are, "*scenic areas kept essentially in a natural state for the benefit of residents of the town. Such preserves provide visual pleasure and accommodate very limited access and use, such as trails and paths*" (2302). These provisions were moved to Section 2203 of the amended open space element and, again, the specific wording was not changed.

Planning commissioners struggled with finding consistency with both the **prior** and **amended** wording and, particularly, noted the following with questions for the council:

- The amended language states that the meadow should be kept in a "*natural condition*" and the "*existing agricultural character preserved.*"
 - (i) Some commissioners felt that keeping the meadow in a "natural condition" conflicted with preserving the "existing agricultural character". It can either be in a natural state OR developed for agricultural uses. You can have one or the other but not both. What was the council's intent when it used both the terms "natural condition" and "the existing agricultural character preserved"?

- (ii) When the planning commission recommended adding the term "natural condition" to the general plan Meadow Preserve wording in its general plan work prior to the May town council amendments, it was using the term "natural condition" as defined in Section 2204 which dealt with Open Space Preserves. Section 2204 of the amended plan specifically defines "natural condition" as an area with limited permitted uses as described in items 1 through 9 of the section. This includes: "retaining the land in a natural condition", "Such preserves provide visual pleasure and accommodate very limited access and use..." and "Permitted outdoor uses are those that do not require structures...do not result in modification of the site." However, since the town council amended the General Plan so that the open space preserve limitations in Section 2204 apply only to open space preserve areas owned by the town – than this definition of natural condition no longer applies to the Meadow Preserve. What did the council intend should be used as criteria for judging "natural condition" for this preserve?
- (iii) The planning commission struggled with what the town council meant by "existing agricultural character" for the Meadow Preserve, as the meadow currently has no agricultural uses and appears to have had none for some time. Did the town council mean "historical" agricultural uses? There is some history of a haying operation on the meadow – was the Town Council's intent that a haying operation could be permitted? What about agricultural uses other than what the meadow has been used for historically – perhaps an orchard? A vineyard? A vegetable operation? Since there is a CUP application before the commission that specifically raises this issue the council's discussion could bear directly on the commission's decision with respect to the application and thus it is important to determine what should be spelled out in the General Plan and what should be left to the judgment of the Planning Commissioners. If other agricultural uses, besides a haying operation, are found to be consistent with the language, can the commission exercise its judgment to limit the types and area of other agricultural uses to locations that have minimum visual impact on the "existing character" of the meadow?
- The prior version calls for the preserve being kept "largely open", preservation of the "existing character" and maintenance of "present agricultural uses."
 - (i) The "existing character" is an open grassy meadow consisting predominantly of weeds with one section, the knoll on the western edge of the meadow furthest from Portola Road, dominated by native plants including native roses. It is an open view shed where users of the trail along Portola Road can see the broad meadow frequented by wildlife including deer and coyote.
 - (ii) There do not now appear to be any "present agricultural uses". Thus, the commission recommended deleting the phrase "present agricultural uses." If the council decides the commission should use the prior version in evaluating the Neely/Myers CUP - Does the council believe that the phrase "present agricultural uses" should apply to historical agricultural uses (namely a haying operation) since the meadow appears to have been used for growing hay in the years prior to the time the General Plan was

conceived, and perhaps for some time after town incorporation, and the original Meadow Preserve language drafted?

- (iii) The term "largely open" left significant room for interpretation. Does "largely open" allow for a structure? To eliminate the ambiguity in the phrase the commission recommended deleting it and replacing it with "kept in a natural condition." This was consistent with Section 2203 (prior Section 3201) which says that "Community Open Space Preserves are scenic areas kept essentially in a natural state..." and Section 2204 which states "Open Space Preserves are areas to be kept largely in a "natural" condition" as defined in items 1 through 9 eliminating any ambiguity. If the town council decides that the commission should use the prior version does the wording provide the commission with some flexibility in determining if agricultural structures/ buildings could be allowed if they are sited to minimize the visual impacts on the "existing character"?

NOTE: The amended version proposed by the planning commission said "This preserve should be kept in a "natural condition" and the "existing character preserved." The commission discussed the ambiguity is this version as well. (i) "Natural condition" with respect to the Meadow Preserve can no longer be defined as in Section 2204 since the council decided that this section no longer applies to privately owned preserves, such as the Meadow Preserve. (ii) Should "existing character" be determined strictly – as an open fallow field – or historically which might include a haying operation?

In summary, the commission found consistency issues with both the prior and amended language. Council direction will be important in helping the commission in coming to grips with the intent of the "Meadow Preserve" provisions.

2. Why was the decision made to limit the descriptions in Section 2204, 1-9, to only town owned open space preserves?

When the planning commission was discussing the open space element amendments, it assumed that the open space preserve definition was to apply to all such areas described in the general plan and not only town owned preserves. With the changes made at the May 25, 2011 council meeting, it is not clear as to how the council reached the decision to make the changes relative to limiting the application to only town owned preserves. Understanding the council's thinking and conclusions would also assist the commission in reconciling the apparent inconsistencies in the language for the meadow preserve. It would likely help in both the application of the prior or amended language.

Commissioners also commented that it would have been helpful to them, if prior to adopting the changes made at the May 25, 2011 town council public hearing, the changes would have been referred to the planning commission for review and comment. It is quite possible that the town council's decision, that Open Space Preserve limitations in Section 2204 do not apply to privately owned lands, may have resulted in other inconsistencies in the General Plan besides the possible uses of the Meadow Preserve. If the planning commission were provided the opportunity to review this change in light of the other provisions in the General Plan these inconsistencies could have been

addressed. Some members of the public who spoke at the September 21, 2011 planning commission meeting also offered that the town might have benefited from more discussion of the changes prior to action by the town council, particularly the change to limit application of Section 2204 to only town owned preserves.

In any case, commissioners look forward to town council consideration of the above questions and requests for clarifications and the commission will be represented at the meeting when the council discusses this matter to answer any questions.

DG/AVF/tcv

Encl.
Attach.

cc. Angela Howard, Town Manager
Sandy Sloan, Town Attorney
Tom Vlastic, Town Planner
Leslie Lambert, Planning Manager
Dr. Kirk Neely and Ms. Holly Myers

Spring Ridge LLC
Kirk Neely and Holly Myers
555 Portola Road, Portola Valley CA 94028
KN 650 766-7503 neely@stanford.edu
HM 650 766-6503 crestavista@batnet.com

October 25, 2011

Mr. Tom Vlasic
Portola Valley Town Planner

Re: Conformity of our CUP application with the PV general plan

Dear Tom:

Thank you for forwarding the supporting documents for the October 26 Town Council meeting, in which the Council will discuss the 10/3/11 Commission questions about the intent of the general plan regarding agricultural uses in our 'meadow.' The pertinent issues are extensively laid out in the Commissioners' memo. We add our commentary below.

Agricultural use is encouraged by the PV general plan. There is no question that the general plan encourages agriculture in the town, in this zoning location, and on this property in particular. Furthermore, agriculture is seen by the town as consistent with open space designation:

- General Plan, Section 2105 2.1: "Agricultural uses are encouraged as interim or long-term uses in residentially designated areas [which the meadow is] provided they are compatible with nearby nonagricultural uses and do not result in the significant degradation of the natural environment."
- Planning Commission Findings in the Spring Ridge winery CUP resolution (June 2000):
 - "The general plan recommends the preservation of open space. This application, by providing 13.5 acres of vineyards on about 6% of the parcel area [proposed in the new CUP to increase to 9%], helps provide open space."
 - "The general plan encourages agricultural use of suitable lands. The vineyard is an agricultural use on land that is very productive for growing grapes."
 - "The general plan encourages the preservation of the rural atmosphere of the town. Agricultural activities are characteristic of [rural] areas."

What is the "existing character?" At the time of our CUP application in 2009, the specific general plan reference to the field stated the "[proposed Meadow Preserve] should be kept largely open, the existing character preserved, and present agricultural uses maintained." The relevant paragraph was moved and the language revised by the Commission, then modified by the Council in May 2011 to "should be kept in a natural condition, and the existing agricultural character

preserved." Throughout the history of the general plan, versions of this paragraph proposing the 'meadow preserve' have been consistent in specifically supporting agricultural uses there.

One question posed for Council clarification is whether agricultural uses beyond historic haying are consistent with the general plan language. We recognize the ambiguity related to the language "present agricultural uses" or "existing agricultural character," given that productive agriculture has not taken place in the field for many years. Narrow reading of the May 2011 amended language might exclude even a haying operation, obviously not the intent of the Council. Broader reading encourages most forms of agriculture as desirable in maintaining *both* a natural and agricultural character. The basic meaning of all versions of the general plan is that, as much as possible, the field should remain rural and agricultural rather than becoming dense residential development.

Agriculture is natural. The Commissioners' memo includes a straightforward statement and query about "natural condition" versus "agricultural character in the amended language:" "It [the meadow] can either be in a natural state OR developed for agricultural uses. You can have one or the other but not both. *What was the council's intent when it used both the terms "natural condition" and "the existing agricultural character preserved"?*" We in fact disagree with the contention that "natural condition" and "agricultural character" are irreconcilable. It is a false choice. Agriculture is one of many expressions of nature, in contrast with the "unnatural" condition present throughout the Portola Road corridor, i.e. man-made residences and institutions.

Strictly speaking, the natural environment/condition/character/state of the 'meadow' is dense forest punctuated by intermittent fire. Grassland is *not* the natural ecosystem, as evidenced by the volunteer oaks encroaching on all margins of the field. Indeed, the notion of a 'meadow' in this location is nonsensical without some type of agricultural intervention. The current status of the field is that of grasses and invasive weeds (including native invasives on the west side), controlled only by annual mowing. The field would clearly look better with a higher level of agricultural attention, and it would be equally "natural."

Narrow reading of the general plan leads to *reductio ad absurdum*: no intervention is allowed, and the field returns to forest. A more balanced reading of the general plan supports diverse agricultural practices, as argued below.

Nature has already been disrupted; any type of agriculture can contribute to maintaining an open, rural character. We cite these documents to support our interpretation that more intensive agriculture is consistent with the general plan for this location:

- Spring Ridge winery CUP Finding (June 2000): "While the general plan recommends the preservation of natural areas, in this case, the prior use, that is, dry farming for hay, was a conversion of a more native or natural environment to one that was altered by man. Therefore, the vineyard is using an area that had already been disturbed by man."
- Town Planner analysis of the Fogarty winery CUP application (November 1980): "The conversion of grass or chaparral covered areas with vineyards would appear consistent with the basic purposes of the zoning ordinance to retain the rural quality, preserve open space and preserve the natural beauty."

These statements argue that vineyards are permissible, indeed desirable, manifestations of natural beauty and the natural environment, when established on previously deforested land, which the field in question clearly is. Any of the proposed agricultural uses (vineyard, orchard, etc) could be a suitable use when the landform has already been so markedly "altered by man." All of the agricultural choices are consistent with the prior general plan phrasing that the space be "kept largely open."

Can the Commission demand that agriculture be invisible? The Commissioners' memo also asks: "*If other agricultural uses, besides a haying operation, are found to be consistent with the language, can the commission exercise its judgment to limit the types and area of other agricultural uses to locations that have minimum visual impact on the "existing character" of the meadow?*" This question concerns us. We worry that it may herald an attempted 'backdoor' prohibition on 'other agricultural uses.' In our opinion, if other agriculture uses in this location are considered permissible, beneficial, and consistent with the general plan, as we have argued above, then the Commission should not potentially invoke 'double jeopardy' and place an unachievable burden of 'invisibility' upon agriculture.

We can only point to the major concessions to 'visibility' that we have already made in relocating the support building and in offering to limit the acreage dedicated to 'other' agriculture. We have offered to preserve the central portion of the field as grassland. In other words, our plan has already limited "the types and area of other agricultural uses to locations that have minimum visual impact." Efforts to further limit the acreage, or to prohibit reasonable agricultural necessities such as fencing, would effectively disenfranchise us from use of the field.

We have taken great care to render a balanced and thoughtful application that meets our legitimate needs and rights as property owners while preserving the natural, agricultural, and rural character of the 'meadow.' We hope that the Commission can begin to share our vision that this outcome for the field is in the best interests of the town. Thank you for your continued attention and assistance in facilitating this application.

Best wishes,

Kirk Neely and Holly Myers

Linda Elkind
14 Hawk View St.
Portola Valley, CA 94028

October 26, 2011

Re: Item 7: Planning Commission Request for Town Council Consideration and Clarifications, General Plan Provisions, "Meadow Preserve".

Mayor Driscoll and Members of the Town Council,

I am sorry that I cannot be present to comment in person on this very important issue.

However, I recommend that the town process the Neely application under the GP language that was in place at the start of his application process.

I hope that you will respond to the Planning Commission's thoughtful requests for clarification and then allow the full PC to review your clarifications. There are many ramifications to the proposed changes that will require extensive review to assure that no internal conflicts result from the language you approved in May. Please send the General Plan Open Space element and Recreation elements back to the Planning Commission for further public review and clarification.

Sincerely,

Linda Elkind

Spring Ridge LLC
Kirk Neely and Holly Myers
555 Portola Road, Portola Valley CA 94028
KN 650 766-7503 neely@stanford.edu
HM 650 766-6503 crestavista@batnet.com

May 4, 2012

Mr. Tom Vlastic
Town Planner, Portola Valley

Re: Spring Ridge LLC CUP

Dear Tom,

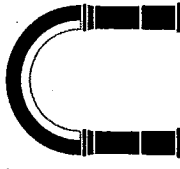
Condition 7a of the Approved Terms and Conditions of CUP X7D-169 mandates revision of plan sheet A-1.1E and our November 21, 2011 letter for the purpose of eliminating the proposed vineyard area and any notes or references to it. The attached redlined Nov. 21 letter removes all references to vineyards. A revised sheet A-1.1E will be forwarded by CJW.

Because the vineyard area was fully integrated into and essential to the proposed agricultural plan, we intend to submit a fully revised plan for new agricultural uses after the Town Council again reviews and possibly amends the relevant general plan language, as requested by the Planning Commission. We understand that this review will be on the Council agenda soon. We will not be applying to the ASCC for new agricultural uses until these processes are completed.

Once you review and approve the current revisions mandated by Condition 7a, we can arrange to sign an appropriately modified memorandum of understanding. We anticipate submission of project plans to the ASCC shortly thereafter.

Best wishes,

Kirk Neely
Holly Myers



CJW ARCHITECTURE
 130 Portola Road, suite A
 Portola Valley, CA 94028
 (650) 851-9333 / Fax: 851-9337

PROJECT

Spring Ridge CUP
 555 Portola Road
 Portola Valley, CA 94028

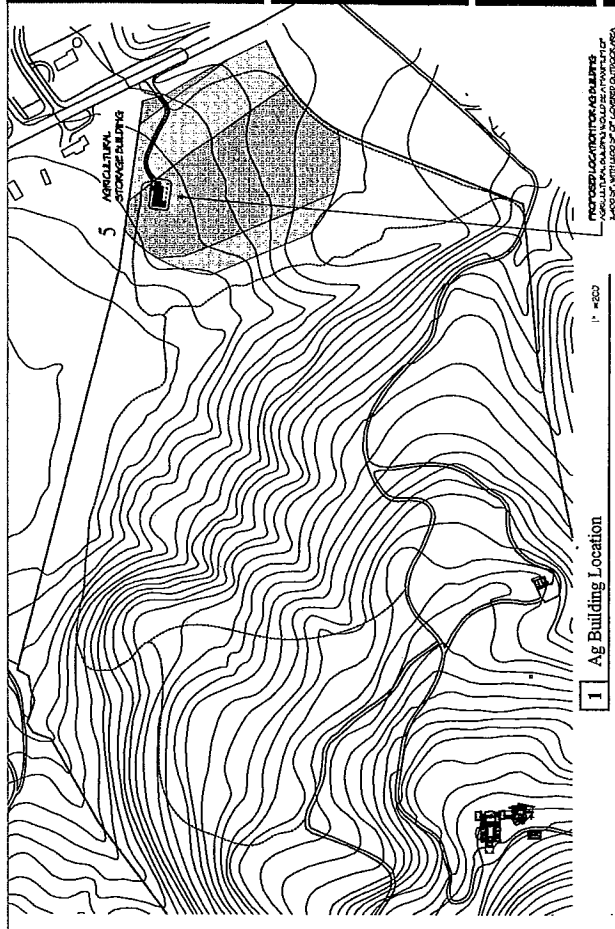
SHEET TITLE

Revised Agricultural Building Site Plan

REVISIONS

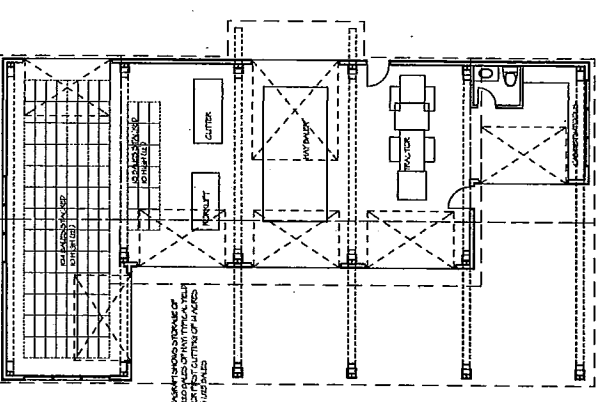
No.	Date	Notes

JOB: 2008.002.10
DATE: 4/23/12
SHEET: A-1.1E

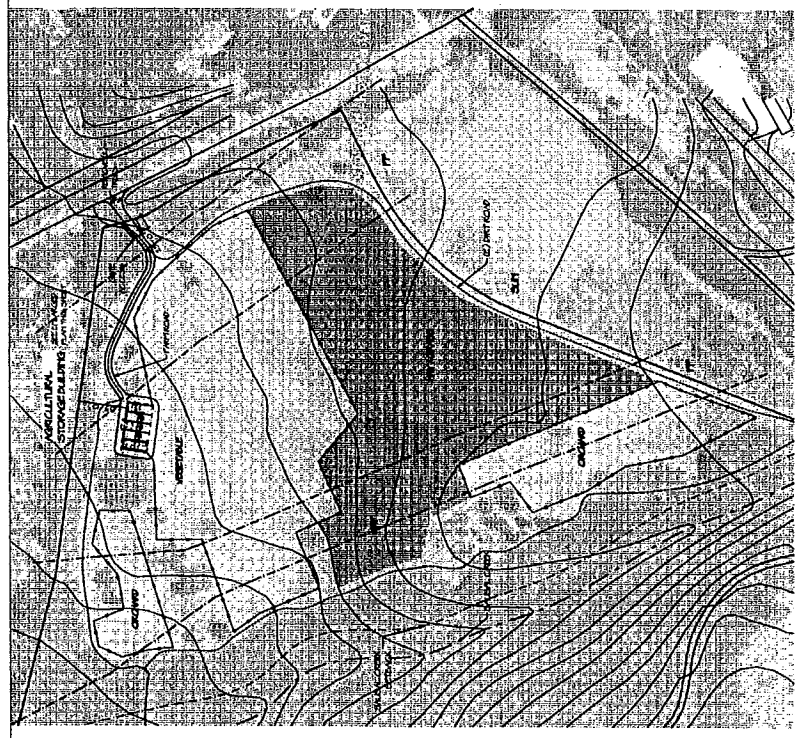


1 Ag Building Location
 1" = 200'

- PROPOSED LOCATION OF BUILDINGS**
 ASSUMES USE OF EXISTING UTILITIES AND ADJACENT TO EXISTING UTILITY AREAS
- GROUPS POLYMER BLENDED AG BUILDINGS
 - GROUPS POLYMER BLENDED AG BUILDINGS
 - GROUPS POLYMER BLENDED AG BUILDINGS
 - GROUPS POLYMER BLENDED AG BUILDINGS
 - GROUPS POLYMER BLENDED AG BUILDINGS



2 Proposed Agricultural Building
 1/8" = 1'-0"



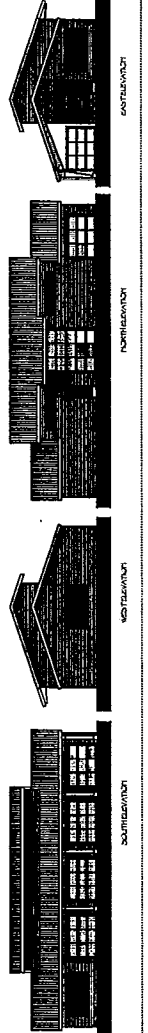
3 Ag Building Site Plan
 1" = 100'

- LEGEND**
- AGRICULTURE/LOW INTENSITY
 ANY / CROPS
 - AGRICULTURE/MED INTENSITY
 FRUIT / VEGETABLE AREAS

OWNER INTENT
 THIS PROJECT IS A PROPOSED AGRICULTURAL BUILDING FOR THE PROJECT SITE. THE PROJECT SITE IS A 1.5 ACRE TRACT LOCATED AT 555 PORTOLA ROAD, PORTOLA VALLEY, CA 94028. THE PROJECT SITE IS CURRENTLY ZONED AGRICULTURE (AG) AND IS SUBJECT TO THE AGRICULTURE (AG) ZONING ORDINANCE. THE PROJECT SITE IS CURRENTLY USED AS AN AGRICULTURAL SITE AND IS SUBJECT TO THE AGRICULTURE (AG) ZONING ORDINANCE. THE PROJECT SITE IS CURRENTLY USED AS AN AGRICULTURAL SITE AND IS SUBJECT TO THE AGRICULTURE (AG) ZONING ORDINANCE.

AGRICULTURE/LOW INTENSITY ANY / CROPS
 THIS ZONING INTENSITY IS APPLIED TO THE PROJECT SITE AND IS SUBJECT TO THE AGRICULTURE (AG) ZONING ORDINANCE. THE PROJECT SITE IS CURRENTLY USED AS AN AGRICULTURAL SITE AND IS SUBJECT TO THE AGRICULTURE (AG) ZONING ORDINANCE.

AGRICULTURE/MED INTENSITY FRUIT / VEGETABLE AREAS
 THIS ZONING INTENSITY IS APPLIED TO THE PROJECT SITE AND IS SUBJECT TO THE AGRICULTURE (AG) ZONING ORDINANCE. THE PROJECT SITE IS CURRENTLY USED AS AN AGRICULTURAL SITE AND IS SUBJECT TO THE AGRICULTURE (AG) ZONING ORDINANCE.



Portola Valley General Plan
Meadow Preserve

February 13, 2013

Existing Situation

- General Plan Diagram designation: “*Proposed Meadow Preserve*”
- Zoning: Residential Estate, 3.5 acre minimum parcel area
Slope Density and Fault Setback Provisions
- Agricultural uses and “Ag” building permitted north end of Preserve,
CUP X7D-169 (approved 2012)
- MROSD parking lot, access & planting permitted south end of Preserve,
CUP X7D-133 (approved 1991)

Open Space Element

as amended May 2011

Diagram: *“Proposed Meadow Preserve”*

Text: *“Community Open Space Preserve”*

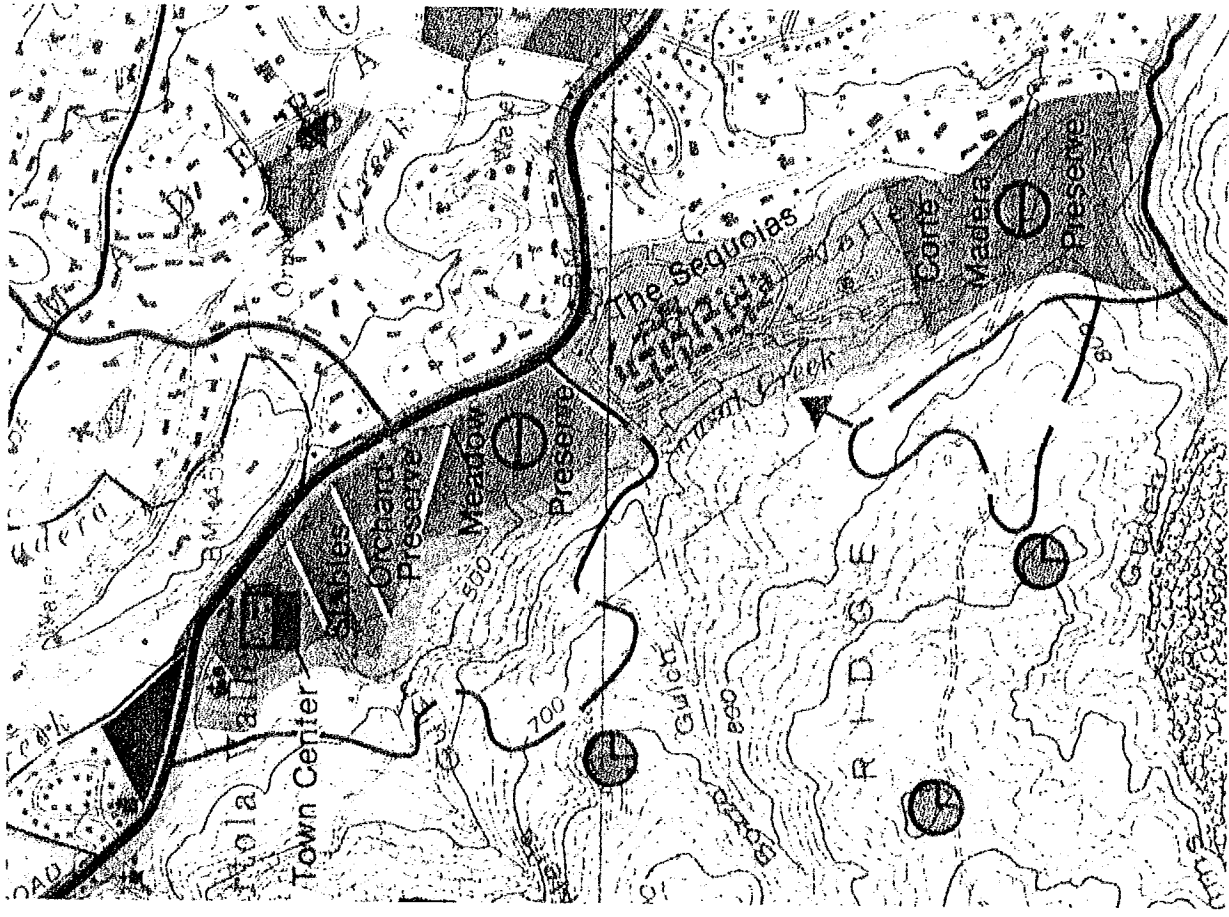
The Meadow Preserve, the large field adjoining Portola Road and north of The Sequoias, lies astride the San Andreas Fault and is visually important to the entire quality of the valley. This preserve should be kept in a natural condition and the existing agricultural character preserved. A southern portion of the preserve is owned by the Midpeninsula Regional Open Space District and is a part of the Windy Hill Open Space Preserve. The parking lot serving the preserve should be maintained so as to cause minimum conflicts with the meadow and remain compatible with the natural setting to the maximum extend possible.

Open Space Element Implementation (Appendix 2):

Community Open Space Proposals:

Regulation: As these lands come before the town for development permits, the town should work with the property owners to assure retention of these important open space preserves.






Acquisition: There may be instances where the town will decide to use some of its open space funds in order to achieve its objectives.



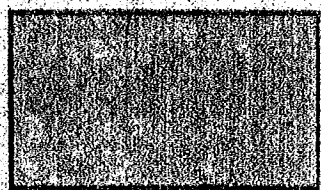
PARKS, RECREATION AREAS AND OPEN SPACES

Preserve Park

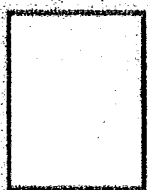
Proposed

- NEIGHBORHOOD    
- COMMUNITY    

Existing



OTHER COMMUNITY (Labeled)



REGIONAL PARK (Labeled)

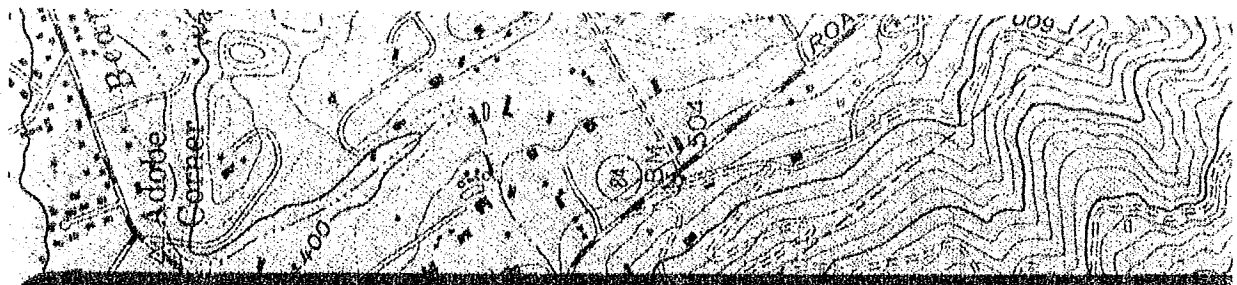
PRIVATE REGIONAL FACILITY (Labeled)



OPEN SPACE PRESERVE



PARKWAY (Labeled) & GREENWAY





MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission

FROM: Steve Padovan

DATE: April 17, 2013

RE: Review of Conservation Committee's Modified Redwood Guidelines

PROPOSAL

Request for the Planning Commission to review and comment on the modified guidelines developed by the Conservation Committee and reviewed by the ASCC for the planting and removal of redwood trees within the Town. The Planning Commission's comments will then be forwarded to the Town Council for their consideration at an upcoming meeting.

BACKGROUND

The Redwood Guidelines were initially developed in order to establish a general framework for the Conservation Committee's decision making process regarding tree removal permits. The Planning Commission initially reviewed a draft of the Conservation Committee's Redwood Guidelines on October 17, 2012. The Commission's comments were focused on understanding how the appropriate redwood habitats were developed and to consider additional flexibility in determining where those appropriate habitats are located. The guidelines and comments were then forwarded to the ASCC for their review and comment at their October 22, 2012 meeting. The ASCC provided additional comments and some suggested revisions to the document. These suggestions are summarized briefly as follows:

- make the guidelines more consistent with existing Town guidelines;
- provide more information on appropriate planting locations;
- discuss when it would be justified to remove a redwood tree, and;
- discourage the use of redwood trees for screening purposes.

The chair of the Conservation Committee brought the guidelines back to the members who produced a modified version of the guidelines in February 2013. The modified version was reviewed by the ASCC on March 25, 2013.

DISCUSSION

In summary, the guidelines seek to protect heritage and significant redwood trees that are growing in their appropriate natural habitats and to allow for the removal or discourage the planting of redwoods in oak woodlands or other dry land communities (additional details can be found in the attached March 25, 2013 memorandum to the ASCC). Basically, the guidelines are broken down into three sections: Planting of Redwoods; Care of Redwoods, and; Removal of Existing Redwoods. It's goal is to provide current and future homeowners with information on where it is appropriate to plant redwoods and the process by which they can be removed.

The ASCC agreed that the modifications to the guidelines were well developed and that they would benefit Town residents by providing valuable information on appropriate planting locations and on tree removal criteria. In addition, the ASCC offered the following suggestions:

- emphasize the water demands of redwoods by providing data on the volume of water needed to sustain a redwood tree;
- include more clarification on the inappropriate use of redwoods for screening purposes and their impacts on the views of neighboring properties.

Based on the above comments, information was added to the guidelines regarding the water needs of a redwood and bullet #6 under "Inappropriate Planting Locations" was modified to address the use of redwoods for screening purposes. To further address screening issues, an appendix was added to the back of the guidelines recommending a list of alternate native plants that can be used for screening in place of redwoods.

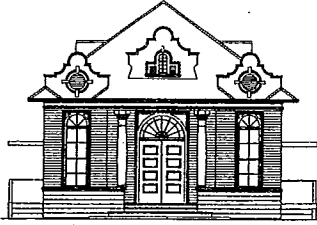
RECOMMENDATION

Staff recommends that the Planning Commission review and provide comments on the draft guidelines and forward those comments to the Town Council.

ATTACHMENTS

1. ASCC Memo dated March 25, 2013 with attachments
2. Excerpt of ASCC Minutes of March 25, 2013
3. Conservation Committee's Modified Redwood Guidelines

c: Nick Pegueros, Town Manager
Tom Vlastic, Town Planner
Jeff Aalfs, Town Council Liason
Judith Murphy, Chair Conservation Committee



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: ASCC

FROM: Steve Padovan

DATE: March 25, 2013

RE: Review of Conservation Committee's Modified Redwood Guidelines

PROPOSAL

Request for the ASCC to review and comment on the modified guidelines developed by the Conservation Committee for the planting and removal of redwood trees within the Town. The ASCC's comments will then be forwarded to the Planning Commission for their consideration at an upcoming meeting.

BACKGROUND

The Conservation Committee initially developed guidelines in September 2012 for the planting and removal of redwood trees in order to establish a general framework for their decision making process regarding tree removal permits and for landscape review of development plans before the ASCC and Planning Commission. In summary, the guidelines seek to protect heritage and significant redwood trees that are growing in their appropriate natural habitats and to allow for the removal or discourage the planting of redwoods in oak woodlands or other dry land communities.

The original guidelines were reviewed by the Planning Commission whose comments were focused on understanding how the appropriate redwood habitats were developed and to consider additional flexibility in determining where those appropriate habitats are located. A revised set of guidelines was then submitted for review to the ASCC on October 22, 2012. At that meeting, the ASCC members discussed the guidelines and offered the following comments:

- Consider some editing to make the "guidelines" actually be consistent with other town guidelines in the town's design guidelines document. Further, they should be clear as to provisions guiding tree planting and tree removal. There should be more focus on provisions for tree removal.

- The guidelines should include provisions on how to use redwoods. They should not be used to create a "fence" condition like the redwood tree planting on Alpine Road near the intersection with Paso del Arroyo. Also, for example, they should not be planted in an oak forest, as they would "hurt" the oaks.
- Redwoods grow rapidly and become a strong landscape feature. Care needs to be exercised in their use and the "guidelines" should help people carefully think about the use of redwoods and long-term consequences of their planting.

Based on these comments, the guidelines were sent back to the Conservation Committee for additional analysis and modifications.

DISCUSSION

The purpose of the draft guidelines is to provide current and future homeowners with information on where it is appropriate to plant redwoods and the process by which they can be removed. The guidelines are broken down into three sections: Planting of Redwoods; Care of Redwoods, and; Removal of Existing Redwoods.

In general, redwoods should only be planted in appropriate natural redwood habitats: along perennial streams, in fog drip areas along the western hillsides, along sag ponds and seep areas, and in high water table areas. It is within these habitats that the trees thrive without human intervention. In addition, if the subject property is within one of these habitats, then the trees should be grouped together as that affords some protection for the trees during high winds and has a more natural appearance.

Outside of the above listed appropriate redwood habitats, and encompassing the majority of the developed land in the Town, are oak woodlands, chaparral, grasslands and other dry land communities. In these areas, redwoods generally need to be artificially irrigated to stay healthy. Based on these characteristics, the Committee decided that it is not appropriate to plant redwoods in these areas. Furthermore, discouraging the use of redwoods in the dry land habitats is consistent with the low water and natural vegetation policies that the Committee supports.

In addition to habitat issues, the Committee agreed that redwoods should not be planted within 50 feet of structures and septic fields as their shallow roots can cause damage to those facilities. Furthermore, the consideration of neighboring views should be considered when planting redwoods and the trees should not be planted in straight rows to form a hedge. More appropriate shrubs can be found to achieve that purpose.

With regard to the removal of trees, the Committee determined that they would need a compelling safety reason to approve any removal of a redwood in their appropriate natural habitats. However, any redwoods outside of those natural habitats could be removed after consideration of esthetic, safety, neighborly and/or economic reasons.

In summary, the guidelines seek to protect heritage and significant redwood trees that are growing in their appropriate natural habitats and to allow for the removal or discourage the planting of redwoods in oak woodlands and other dry land communities.

RECOMMENDATION

Staff recommends that the ASCC review and provide comments on the draft guidelines and forward those comments to the Planning Commission.

ATTACHMENTS

1. ASCC Minutes of October 22, 2012
2. Planning Commission Memo dated October 17, 2012
3. February 20, 2013 Conservation Committee's Modified Redwood Guidelines

c: Nick Pegueros, Town Manager
Tom Vlastic, Town Planner
Jeff Aalfs, Town Council Liason
Judith Murphy, Chair Conservation Committee

impacted by the project and that the addition would fully match the architecture, including finishes and materials of the existing flat roof, contemporary design house.

Vlasic also commented that the project fully conforms to all zoning standards including yard setbacks, floor area and height limits and that no special findings are needed by the ASCC relative to the proposal.

ASCC members considered the staff report and the following project plans and materials received, unless otherwise noted, September 10, 2012 and prepared by Elin R. Pedersen:

- Cover Page Sheet
- Sheet A.1, Site Plan and Property Information
- Sheet A.2, Floor Plan
- Sheet A.3, Roof Plan (trellis extension details)
- Sheet A.4, Exterior Elevations
- Sheet A.5, Lighting Plan
- Sheet A.6, Landscaping and Drainage
- Sheet B.1 & B.2, BIG Checklist and Outdoor Water Efficiency Checklist
- Materials and colors sheet, 9/7/12 stating that all proposed materials and finishes will match existing conditions including siding, roofing, windows and trim.

Ms. Pedersen presented her proposal to the ASCC. In response to a question, she noted that structural engineering review of existing conditions appears to support the application of the desired southwest side sun control shade using existing roof beams. Also, it was noted that the manually switched light at the crawl space was only for safety of access as may be needed in an emergency situation.

Public comments were requested, but none were offered. After brief discussion, Breen moved, seconded by Clark and passed 4-0 approval of the project as presented.

Following consideration of the above application, Warr returned to his ASCC position.

Review of Conservation Committee Guidelines on Redwoods

Steve Padovan presented his October 22, 2012 staff report on this matter and requested comments from ASCC members on the guidelines developed by the conservation committee for planting and removal of redwood trees. He clarified that ASCC comments would be forwarded to the town council for consideration when the council discusses the guidelines, now tentatively scheduled for a November council meeting. Padovan also reviewed the comments on the guidelines presented by planning commissioners at the October 17th planning commission meeting. He noted that the guidelines address both planting and removal of redwood trees.

Public comments were requested. **Loverine Taylor, Westridge**, expressed concern over the guidelines and how they were developed. She took exception to comments limiting the location of appropriate habitat for redwoods and offered that there are a number of locations in town where conditions do support redwoods, including areas in Westridge and Arrowhead Meadows. She offered that the guidelines appear to take control of redwoods "to the extreme."

ASCC members discussed the guidelines and offered the following comments:

- Consider some editing to make the "guidelines" actually be consistent with other town guidelines in the town's design guidelines document. Further, they should be clear as to provisions guiding tree planting and tree removal. There should be more focus on provisions for tree removal.
- The guidelines should include provisions on how to use redwoods. They should not be used to create a "fence" condition like the redwood tree planting on Alpine Road near the intersection with Paso del Arroyo. Also, for example, they should not be planted in an oak forest, as they would "hurt" the oaks.
- Redwoods grow rapidly and become a strong landscape feature. Care needs to be exercised in their use and the "guidelines" should help people carefully think about the use of redwoods and long-term consequences of their planting.

Padovan thanked ASCC members for their input and noted that the comments would be considered in preparing the guidelines for town council action.

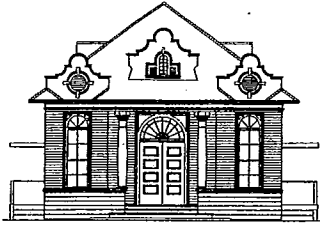
Minutes

Breen moved, seconded by Koch, and passed 4-0-1 (Warr) approval of the October 8, 2012 meeting minutes as drafted.

Adjournment

There being no further business, the meeting was adjourned at 9:12 p.m.

T. Vlasic



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission

FROM: Steve Padovan

DATE: October 17, 2012

RE: Review of Conservation Committee's Guidelines on Redwoods

PROPOSAL

Request for the Planning Commission to review and comment on the guidelines developed by the Conservation Committee for the planting and removal of redwood trees within the Town. The Planning Commission's comments will then be forwarded to the Town Council for their consideration when they review the guidelines in November.

BACKGROUND

On August 15, 2012, the Town received an application for a Site Development Permit for the Removal of Significant Trees from the Portola Ranch Association. The request was to remove four redwood trees, located adjacent to the Association's offices, ranging in size from 62 to 90 inches in circumference (a Site Development Permit is required for the removal of any redwood greater than 54 inches in circumference). The reasons stated for removal included continuing damage to plumbing, entry steps, sidewalks and walkways surrounding the office.

Site Development Permits for tree removal are reviewed by the Conservation Committee (CC) in accordance with Town policy. As such, the permit was placed on the next available CC agenda (August 28, 2012) for their review and action. Coincidentally, the committee had been discussing preliminary guidelines for the planting and removal of redwood trees at their previous July meeting. Therefore, the committee decided to discuss the guidelines in detail and formally approve them prior to taking action on the tree removal permit. Then, using the guidelines as a framework, the CC approved the removal of the four trees.

Upon review of the CC's decision, it was determined that any new guidelines affecting the Town's decision making bodies should be reviewed and approved by Town Council

and be subject to public review and comment. Therefore, staff recommended that the CC formally place the redwood guidelines on their September 25, 2012 agenda and open the item up for public review and comment. At the September 25th meeting, the CC received no public comments and approved the guidelines on an 8-1 vote. Following that decision, the redwood guidelines were scheduled for review by the Planning Commission and the ASCC (October 22nd) prior to review by the Town Council in November.

DISCUSSION

As an advisory committee to the Town Council, the Conservation Committee is responsible for advising the Town Council, the Planning Commission and the ASCC on matters within its area of responsibility, including review and reporting on discretionary permits, providing general information or advice in writing or at public hearings, and recommending actions, including possible legislation. Committees are encouraged to develop and communicate to the Town Council recommendations under their purview that will enhance the quality of life for residents. The conservation of natural resources within the community is a primary goal of the Conservation Committee, therefore, any guidance on the planting and removal of significant trees in the Town is within their purview.

The draft guidelines identify three appropriate natural redwood habitats: along perennial streams, in sag ponds and seep areas, and along the western hillsides. It is within these habitats that the trees thrive without human intervention. Based on that information, the Committee determined that they would need a compelling safety reason to approve any removal of a redwood in the above mentioned natural habitats. The Committee also recommended that any redwoods planted in these appropriate natural habitats should be grouped together as that affords some protection for the trees during high winds.

Outside of those three redwood habitats, and encompassing the majority of the developed land in the Town, are oak woodlands, chaparral, grasslands and other dry land communities. In these areas, redwoods generally need to be artificially irrigated to stay healthy. The Committee decided that it is not appropriate to plant redwoods in these habitats. Furthermore, discouraging the use of redwoods in the dry land habitats is consistent with the low water and natural vegetation policies that the Committee supports.

In summary, the guidelines seek to protect heritage and significant redwood trees that are growing in their appropriate natural habitats and to allow for the removal or discourage the planting of redwoods in oak woodlands or other dry land communities.

RECOMMENDATION

Staff recommends that the Planning Commission review and provide comments on the draft guidelines and forward those comments to the Town Council.

ATTACHMENTS

1. Draft of Conservation Committee's Approved Guidelines on Redwoods

c: Nick Pegueros, Town Manager
John Richards, Town Council Liason
Judith Murphy, Chair Conservation Committee

Modified Redwood Guidelines
February 20, 2013

Conservation Committee's Guidelines on Redwoods

The Conservation Committee strives to protect heritage and significant sized trees that are growing in appropriate natural habitats where they thrive without human intervention.

Sequoia sempervirens, or Coast Redwoods, are iconic California native plants that are among the tallest and longest living of all trees. These trees once covered 1.6 million acres of California in 1850, but now more than 95% of the old growth forest is gone, lost to indiscriminate logging, especially during the gold rush. Redwoods are admirable trees that are familiar in the Portola Valley landscape and we are fortunate that this unique tree can thrive in our community. Like most native plants, redwoods thrive naturally in habitats that are appropriate to their needs. Specifically, they need both summer and winter fog and adequate rainfall, which occurs in a narrow coastal belt between the 42nd and 36th degree North latitudes - Portola Valley is at 37.3 degrees North.

Humans can alter habitats in such ways as to allow almost any plant to grow, even if that species would not normally be found in that location. Since redwoods require a constant supply of water in the summer, they do not grow naturally in the oak woodlands and other dry land communities in the hills on the bay side of our valley where fog drip is not as common. Redwoods can only stay healthy and alive in those habitats with the human intervention of summer watering.

The purpose of these guidelines is to provide current and future homeowners with information on where it is appropriate to plant redwoods on their property and the process for removing them if they currently exist.

I. PLANTING OF REDWOODS

A. Grouping of Trees.

This species has a preference for the company of other close redwoods. When grown as a stand-alone tree, they are prone to topple in windstorms because they have no taproot. Planting the trees in

clusters allows their root systems to become intertwined, providing the support needed to survive major windstorms that frequent the central and northern sections of the California coastline. Therefore, if one is interested in planting a Redwood in a suitable location, several of them should be grouped together or closely spaced, as anyone who ever walked into an old growth native forest has observed.

B. Appropriate Planting Locations

Among the habitats where redwoods would be appropriate to be planted, are the following locations that provide a year round source of water:

1. Along perennial streams in riparian areas.
2. In fog drip locations along the western hillsides. The latitudinal limits of coast redwood distribution correspond approximately to the 35% fog threshold.
3. In sag ponds and large seep areas.
4. In high water table areas, where the water is so near the surface that no supplemental water is needed.
5. Far enough from existing or proposed structures that their extensive root systems will not cause damage.

C. Inappropriate Planting Locations

The Conservation Committee discourages the planting of redwoods in locations outside of their native microclimate. This recommendation is consistent with low water usage and appropriate natural vegetation communities policies that the Town and the Conservation Committee encourage. In addition, the insatiable appetite for water, particularly from fog drip, has resulted in redwoods developing a shallow and very extensive lateral root system which can extend 100 feet from the trunk in a mature tree. This root system often causes problems with the foundations of nearby buildings, septic tanks and leach fields. Furthermore, redwoods can grow rapidly, and unless carefully sited, can block views causing strife between neighbors.

Based on these characteristics, the Committee discourages the planting of redwoods in the following locations:

1. Oak woodlands.
2. Grasslands and meadows.
3. Anywhere that requires supplemental summer watering.
4. Within 50 feet of any existing or proposed structures, septic systems or leach fields where the roots will eventually cause problems.
5. In any locations where eventual growth will compromise your view or your neighbors.
6. In a row of individual trees to form a hedge. See the Town web site for more appropriate shrubs and trees.

II. CARE OF REDWOODS

A redwood growing in an appropriate habitat needs no special care once it is established. The trees are native to the area and resistant to fungus and parasites. The trees should never be topped.

III. REMOVAL OF EXISTING REDWOODS

The Conservation Committee is tasked with reviewing the removal of significant trees in the Town of Portola Valley. Significant redwoods are any tree with a trunk or multiple trunks with a total circumference of 54 inches or a diameter greater than 17.2 inches. The Committee would need a compelling safety reason to approve the removal of redwoods growing in appropriate planting locations. They are an iconic part of our landscape and heritage and are to be treasured.

Existing redwoods in Portola Valley that are not in appropriate planting locations were planted in the past before the current understanding of sustainable appropriate planting, view preservation and minimizing water use were established. As redwoods grow, they often cause problems with obstruction of neighbor's views and their roots may damage buildings, septic systems, roads and other infrastructure. Whether or not these trees should be removed requires a balancing of esthetic, safety, neighborly and economic considerations. If homeowners and neighborhoods desire to remove existing redwoods planted in inappropriate locations, the Committee has no objection, subject to an appropriate permit review.

matter and timeframe to permit the property owner to pursue plans for residential site development with the town.

ASCC members concurred that if the October inspection confirms site conditions are acceptable and consistent with the basic objectives of the restoration effort, the ASCC would support allowing building plans to be processed so that judgments could be made relative to the need for early installation of additional, house plan specific, screen planting.

Conservation Committee Redwood Tree Guidelines

Padovan presented the March 25, 2013 staff report on the matter and reviewed the February 20, 2013 proposed modified redwood tree guidelines as prepared by the Conservation Committee. He clarified that the ASCC should review and offer recommendations on the guidelines for consideration by the planning commission and that, after planning commission consideration, the town council would need to concur with the guidelines. It was noted that after such council concurrence, the guidelines would be added to the town's design guidelines document.

Judith Murphy, conservation committee chair, and Padovan discussed and clarified the proposed guidelines. Public comments were requested, but none were offered.

After discussion, ASCC members concurred that the guidelines were well developed and would be a positive addition to the town's design guidelines. Members also concurred that the guidelines would be of great help to residents in making decisions relative to planting and removal of redwood trees. The following suggestions were also offered to enhance the usefulness of the guidelines:

- The water demands of redwoods should be emphasized and clarified with data on the volume of water needed to sustain trees.
- Consider clarifying the comments relative to "inappropriate planting locations" to emphasize that redwoods should not be used to "defensively" screen views between properties because of their rapid growth characteristic and long-term larger view impacts. It was noted that in a number of recent cases, the selection of redwoods was made solely because of their rapid growth to hide or screen views and apparently without sufficient thought to the "appropriate planting locations" criteria as articulated in the proposed guidelines.

Commission and Staff Reports

Vlasic reported on the planning commission's March 20, 2013 approval of the Priory's request for amendments to CUP X7D-30. He advised that the 3-2 action included allowance for the requested artificial turf. It was noted that the action might be appealed or called up for review by the town council.

Breen reported on her follow-up review for conditions compliance relative to the project approved for 40 Tagus Court.

Minutes

Conservation Committee's Guidelines on Redwoods

The Conservation Committee strives to protect heritage and significant sized trees that are growing in appropriate natural habitats where they thrive without human intervention.

Sequoia sempervirens, or Coast Redwoods, are iconic California native plants that are among the tallest and longest living of all trees. These trees once covered 1.6 million acres of California in 1850, but now more than 95% of the old growth forest is gone, lost to indiscriminate logging, especially during the gold rush. Redwoods are admirable trees that are familiar in the Portola Valley landscape and we are fortunate that this unique tree can thrive in our community. Like most native plants, redwoods thrive naturally in habitats that are appropriate to their needs. Specifically, they need both summer and winter fog and adequate rainfall, which occurs in a narrow coastal belt between the 42nd and 36th degree North latitudes - Portola Valley is at 37.3 degrees North.

Humans can alter habitats in such ways as to allow almost any plant to grow, even if that species would not normally be found in that location. Since redwoods require a constant supply of water in the summer, they do not grow naturally in the oak woodlands and other dry land communities in the hills on the bay side of our valley where fog drip is not as common. Redwoods can only stay healthy and alive in those habitats with the human intervention of summer watering.

The purpose of these guidelines is to provide current and future homeowners with information on where it is appropriate to plant redwoods on their property and the process for removing them if they currently exist.

I. PLANTING OF REDWOODS

A. Grouping of Trees.

This species has a preference for the company of other close redwoods. When grown as a stand-alone tree, they are prone to topple in a windstorm because they have no taproot. Planting the trees in clusters allows their root systems to become intertwined, providing the support needed to survive major windstorms that frequent the central and northern sections of the California coastline. Therefore, if one is interested in planting a

Redwood in a suitable location, several of them should be grouped together or closely spaced, as anyone who ever walked into an old growth native forest has observed.

B. Appropriate Planting Locations

Among the habitats where redwoods would be appropriate to be planted, are the following locations that provide a year round source of water:

1. Along perennial streams in riparian areas.
2. In fog drip locations along the western hillsides. The latitudinal limits of coast redwood distribution correspond approximately to the 35% fog threshold.
3. In sag ponds and large seep areas.
4. In high water table areas, where the water is so near the surface that no supplemental water is needed.
5. Far enough from existing or proposed structures that their extensive root systems will not cause damage.

C. Inappropriate Planting Locations

The Conservation Committee discourages the planting of redwoods in locations outside of their native microclimate. This recommendation is consistent with low water usage and appropriate natural vegetation communities policies that the Town and the Conservation Committee encourage. In addition, the insatiable appetite for water, particularly from fog drip, has resulted in redwoods developing a shallow and very extensive lateral root system which can extend 100 feet from the trunk in a mature tree (a mature redwood can consume 500 gallons of water a day). This root system often causes problems with the foundations of nearby buildings, septic tanks and leach fields. Furthermore, redwoods can grow rapidly, and unless carefully sited, can block views causing strife between neighbors.

Based on these characteristics, the Committee discourages the planting of redwoods in the following locations:

1. Oak woodlands.
2. Grasslands and meadows.
3. Anywhere that requires supplemental summer watering.

4. Within 50 feet of any existing or proposed structures, septic systems or leach fields where the roots will eventually cause problems.
5. In any locations where eventual growth will compromise your view or your neighbor's view.
6. For screening, unless careful consideration has been given to eventual height and view obstruction for you or your neighbors. There are more appropriate plantings to choose for screening – e.g. Holly Leaf Cherry. See the attached Appendix A or the Town website for more appropriate screening shrubs and trees. It is never appropriate to create a hedge of any plant.

II. CARE OF REDWOODS

A redwood growing in an appropriate habitat needs no special care once it is established. The trees are native to the area and resistant to fungus and parasites. The trees should never be topped.

III. REMOVAL OF EXISTING REDWOODS

The Conservation Committee is tasked with reviewing the removal of significant trees in the Town of Portola Valley. Significant redwoods are any tree with a trunk or multiple trunks with a total circumference of 54 inches or a diameter greater than 17.2 inches. The Committee would need a compelling safety reason to approve the removal of redwoods growing in appropriate planting locations. They are an iconic part of our landscape and heritage and are to be treasured.

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APPENDIX A – Appropriate Substitute Screening Plants

It is generally recommended that you use several different species, planted in a staggered pattern, so that they can have layers rather than straight lines. Also, it's a good way to hedge your bets that something will survive. While some are deciduous, it is interesting and healthier for the evergreens to mix in some plants that lose their leaves to promote air circulation.

Screening native plants for hot/dry locations:

Arctostaphylos crustacea ssp. crustacea (Brittle Leaf Manzanita) */**
Arctostaphylos regismonta (Kings Mtn Manzanita) */**
Arctostaphylos ssp (there are several other locally native manzanitas)*/**
Artemisia californica (California Sagebrush) */**
Baccharis pilularis (Coyote Brush) */**
Garrya elliptica (Coast Silktassel) */**
Heteromeles arbutifolia (Toyon, Christmas Berry) *
Rhamnus crocea (Redberry) *
Rhus integrifolia (Lemonadeberry) */**
Ribes malvaceum (Chaparral Currant)
Ceanothus thyrsiflorus (Blue Blossom) *
Cercocarpus betuloides (Mountain Mahogany) *
Prunus ilicifolia (Hollyleaf Cherry) *
Quercus agrifolia (Coast Live Oak) */**
Quercus douglasii (Blue Oak)
Ribes californicum (Hillside Gooseberry)

* = evergreen ** = deer proof

Screening native plants for moist locations:

Baccharis pilularis (Coyote Brush) */**
Cornus sericea (Creek Dogwood, Redtwig Dogwood)
Corylus californica (CA Hazelnut)
Gaultheria shallon (Salal, Oregon Wintergreen) */**
Heteromeles arbutifolia (Toyon, Christmas Berry) *
Holodiscus discolor (Creambush, Ocean Spray)
Lonicera involucrata (Twinberry, Twinberry Honeysuckle)

Physocarpus capitatus (Ninebark)
Ribes aureum (Golden Currant)
Ribes californicum (Hillside Gooseberry)
Ribes sanguineum (Pink-Flowering Currant)
Rosa californica (California Wild Rose)
Vaccinium ovatum (California Huckleberry, Evergreen Huckleberry) */**
Cercis occidentalis (Western Redbud)
Quercus agrifolia (Coast Live Oak) */**
Quercus lobata (Valley Oak)
Salix lasiolepis (Arroyo Willow) **



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Karen Kristiansson, Principal Planner
DATE: April 10, 2013
RE: Annual Housing Element Monitoring Report for 2012

Portola Valley's housing element calls for annual monitoring of inclusionary housing, multifamily housing, and second units. The element sets forth various goals for each of these types of housing. Each year, the planning commission is to monitor progress towards those goals and determine whether any adjustments are needed. In addition, state law requires that the town submit an annual report on the housing element to the Department of Housing and Community Development (HCD). This report must be filled out using a form provided by HCD. A copy of that form filled out for 2012 is attached.

Because the state form is very general, this memo provides more information about the three programs to be monitored, including the goals of the housing element, progress to date and current status. Based on the information presented below, it appears that although the number of second units permitted is increasing, second unit production has been somewhat lower than anticipated. As a result, it would be appropriate for the town to further publicize the second unit program. Additional actions for the inclusionary housing and multifamily housing programs do not appear necessary at this time.

Inclusionary Housing

The two goals for this program that are set forth in the housing element are, first, to build the Below Market Rate (BMR) housing for the Blue Oaks subdivision, and second, to update and review the town's inclusionary housing program.

Since last year's report was completed, the Blue Oaks lots have been sold and the proceeds deposited in the town's in-lieu housing fund. The town started the process of buying the land at 900 Portola Road for housing but was unable to complete the purchase due to hazardous materials issues. The town council has appointed an ad-hoc affordable housing committee, which is looking at this issue and developing recommendations for the town council.

The housing element also calls for the town to revise the inclusionary housing program to make it more effective, given the difficulties the town has had getting the Blue Oaks BMR units built. The Planning Commission did a lot of work in 2004 looking at possible changes to the program, and some or all of those amendments may be brought back for reconsideration. Another option might be to completely replace the inclusionary housing program with a housing impact fee; consideration of such a fee is called for in Program 10 of the housing element.

Multifamily housing

The goal of the multifamily housing program during this housing element cycle is the construction of eleven new housing units at The Priory School. Four of these units should be for low income households, four for moderate income households, and three for above moderate income households. The Priory School has been focusing on other projects, but still intends to build these eleven new units. Long-term planning underway at the school could change the intended location of the units, however, which would require a change to the Priory's use permit.

Second units

The goal for this program is to increase the average number of second units constructed each year from under five to six. To do this, the housing element lists a number of actions, which have now been completed. These are summarized below:

- In January 2011, the town adopted zoning ordinance amendments to allow staff level review and approval of second units that are created by converting floor area within the first floor of an existing home.
- At the same time, the town also adopted zoning ordinance amendments to allow staff level review and approval of second units that are 400 square feet in area or smaller and that do not require a site development permit.
- In January 2012, the town's new second unit manual was posted on Portola Valley's website. In addition, a two-page flyer was created that can be handed out at the planning counter.

Once the actions described above have been fully implemented, the town is to monitor production of second units each year. If fewer than six second units on average are produced annually, the town will then consider other actions to encourage second unit production. These actions could include: holding a workshop on second units, reducing fees for second units, further streamlining the second unit permit process, developing prototype floorplans for second units, increasing the size of second units allowed in the town, or allowing two second units on parcels with 7.5 acres or more.

The table below shows the number of second units that were projected for each year in the housing element compared to the actual number of permits issued.

Year	Second Units Projected	Second Units Permitted
2008 (6 months)	2.5	1
2009	4.9	3
2010	6	8
2011	6	5
2012	6	4
TOTAL	25.4	21

The number of second units permitted has been lower than was projected, and the average per year (5.6 for the last 3 years) is also lower. However, the last five applications received for homes have all included second units, and it appears to be more common for people who are building or replacing a home to include a second unit at the same time. One second unit permit has already been issued in 2013, and there are applications for five more, which means that there are likely to be at least six second units permitted in 2013. As a result, it appears that the number of second unit permits is increasing.

Because production has been lower than anticipated, the town should consider taking additional action to encourage second units. An appropriate response could be for the commission to direct staff to find ways to better publicize the town's second unit program.

cc. Steve Padovan, Interim Planning Manager
Nick Pegueros, Town Manager
Sandy Sloan/Leigh Prince, Town Attorney
John Richards, Mayor

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction: Town of Portola Valley
Reporting Period: 1/1/2012 - 12/31/2012

Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1) units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				TOTAL UNITS	(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income	Very Low-Income	Low-Income	0		
(1) Rehabilitation Activity				0		
(2) Preservation of Units At-Risk				0		
(3) Acquisition of Units				0		
(5) Total Units by Income	0	0	0	0		

* Note: This field is voluntary

Table A3
Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate				1		1	
No. of Units Permitted for Above Moderate	2			1		3	

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation (CCR Title 25 §6202)

Jurisdiction Town of Portola Valley
Reporting Period 1/1/2012 - 12/31/2012

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.	2007		2008		2009		2010		2011		2012		2013		2014		2015		Total Units to Date (all years)	Total Remaining RHNA by Income Level	
	Income Level	RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 6	Year 7	Year 8	Year 9						
Very Low	Deed	5	NA	0	0	0	0	0	0	0	0	0							12	-7	
	Restricted Non-deed restricted		NA	1	2	4	3	2													
Low	Deed	10	NA	0	0	0	0	0	0	0	0	0							1	9	
	Restricted Non-deed restricted		NA	0	0	1	0	0	0	0	0	0									
Moderate	Deed	17	NA	0	0	0	0	0	0	0	0	0							3	14	
	Restricted Non-deed restricted		NA	0	0	1	1	1	1	1	1										
Above Moderate	Deed	26	NA	2	2	2	2	2	2	2	3	3							11	15	
	Restricted Non-deed restricted		NA	0	0	0	0	0	0	0	0	0									
Total RHNA by COG. Enter allocation number:		58	NA	3	4	8	8	6	6	6	6	6							27	31	
Total Units		▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	31	
Remaining Need for RHNA Period		▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲	▲ ▲ ▲ ▲ ▲			

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Town of Portola Valley
Reporting Period 1/1/2012 - 12/31/2012

Table C
Program Implementation Status

Program Description (By Housing Element Program Names)	Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
		Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.		
1. Inclusionary Housing Requirements		Build 8 Blue Oaks BMR units; one other BMR is expected; and revise the inclusionary housing program	Construction by 2012 or 2013; revise program in 2012	Because building eight moderate income units was not feasible at Blue Oaks, the town sold the Blue Oaks BMR lots and has been investigating alternatives.
2. Multifamily Housing		Construction of 11 new units anticipated; town will monitor annually	2014; annually	Construction is still anticipated but has been slowed by the economy. The property owner is considering options for moving forward; staff monitors progress regularly.
3. Second Units		Increase construction to an average of 6 second units/year	Starting 2010; 2011	The town amended its design review process and now allows staff level review for more units. The amendments were adopted in January 2011. The second units manual is complete and was posted on the town's webpage in February 2012.
4. Waiver of Fees		Mitigate a constraint by allowing fee waivers	2009	The zoning ordinance was amended to include a fee waiver provision in January 2011.
5. Shared Housing		Continue participation in HIP Housing	Ongoing	The town continues to participate in this program.
6. Emergency Shelters		Adopt zoning ordinance amendment to allow emergency shelters	2010	The zoning ordinance was amended to include provisions allowing emergency shelters in January 2011.
7. State-Required Density Bonus		Adopt a density bonus program	2010	After looking at this program, it was recommended that the density-bonus program be considered together with the revisions to the inclusionary housing program. This program will therefore be implemented at that time.
8. Fair Housing		Make information available about a county-wide program	Ongoing	Town staff is referring people to the county-program as necessary.
9. Removal of Constraints to Housing for People with Disabilities		Amend zoning ordinance to remove constraints and add reasonable accommodations ordinance	2010	These zoning ordinance amendments were adopted in January 2011.
10. Housing Impact Fee		Study possibility of and options for housing impact fee, and adopt if appropriate	2010 and 2011	The county-wide housing nexus study that was under discussion will not be conducted. At this point, discussion of this program will likely occur as part of preparation of the 2014-2022 housing element update.
11. Farmworker Housing Zoning Amendments		Amend zoning ordinance to comply with state law	2010	These zoning ordinance amendments were adopted in January 2011.

ANNUAL ELEMENT PROGRESS REPORT *Housing Element Implementation*

(CCR Title 25 §6202)

Jurisdiction	Town of Portola Valley		
Reporting Period	1/1/2012 -	12/31/2012	
12. Transitional and Supportive Housing Zoning Amendments	Amend zoning ordinance to comply with state law	2010	These zoning ordinance amendments were adopted in January 2011.
13. Continue Existing Energy Conservation Measures and Implement Sustainability Element	Continue existing green & energy conservation measures, and implement the Sustainability Element	Ongoing	Work on this program is ongoing. In 2010, the town adopted a mandatory Build-It-Green Program for all new buildings and remodels.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction Town of Portola Valley
Reporting Period 1/1/2012 - 12/31/2012

General Comments:

Why does the sheet enter the second units shown in Table A3 into Table A, which is just supposed to show multifamily projects? Do second units count as multifamily projects? Should we be entering the affordable second units into Table A?