

TOWN OF HILLSBOROUGH

San Mateo County

Catherine U. Mullooly, Mayor
Christine M. Krolik, Vice Mayor
Thomas M. Kasten
John J. Fannon
D. Paul Regan

1600 Floribunda Avenue
Hillsborough, CA 94010



A G E N D A

MONDAY, AUGUST 11, 2008

3:00 p.m. SITE VISIT

4:00 p.m. CLOSED SESSION

6:00 p.m. CITY COUNCIL MEETING

Hillsborough Town Hall

SITE VISIT (3:00 p.m.)

- 930 Hillsborough Boulevard
- 3000 Ralston Avenue

CLOSED SESSION (4:00 p.m.)

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: Two potential cases.

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Subdivision (a) of Section 54956.9)

Name of case: Town of Hillsborough v. Ranger Pipeline

C. CONFERENCE WITH LABOR NEGOTIATOR

Section 54957.6

Agency Negotiator: Anthony Constantouros, City Manager

Employee Organization: Unrepresented Employees

Police Chief, Police Captains, Police Lieutenant, Executive Assistant, Fire Chief, Deputy Fire Chief, Public Works Director, Chief Building Official, Director of Planning and Building, Associate Planner, Public Works Superintendent, Finance Director, Assistant City Manager, Assistant Finance Director, Human Resources Specialist and City Clerk

D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Section 54957

Title: City Manager

REGULAR CITY COUNCIL MEETING (6:00 p.m.)

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. MINUTES: July 11, 2008 and July 14, 2008

IV. CONSENT CALENDAR:

The Consent Calendar includes routine items, which do not require discussion. A Councilmember may remove an item for discussion, and any member of the audience may request a Councilmember to remove an item for discussion. The items are approved in one motion.

1. MONTHLY CLAIMS: JULY 1 THROUGH JULY 31, 2008
2. REJECTION OF CLAIM: MR. DAVID CUENLLAS, 40 SHADY LANE
3. ORDINANCE AMENDING CHAPTERS 2.12, 17.04, 17.16, 17.20, 17.24, 17.36 AND 17.56 OF THE HILLSBOROUGH MUNICIPAL CODE – INTRODUCTION
4. REQUEST FOR CONSIDERATION AND ADOPTION OF A REVISED JOINT POWERS AGREEMENT FOR THE HOUSING ENDOWMENT AND TRUST (HEAT AKA HEART)
5. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH RICHARD WOGISCH FOR PROFESSIONAL CONTRACT LANDSCAPE ARCHITECTURAL SERVICES
6. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH RICHARDSON CONSULTING FOR CONTRACT PLANNING SERVICES
7. RESOLUTION ACCEPTING AS COMPLETE THE CONTRACT WITH JMB CONSTRUCTION, INC. FOR THE EL ARROYO TANK REPLACEMENT PROJECT
8. RESOLUTION ACCEPTING AS COMPLETE THE CONTRACT WITH FERMIN SIERRA CONSTRUCTION, INC. FOR WATER MAINS AND PRESSURE REDUCING VALVES – VISTA AND FOREST VIEW ZONES
9. RESOLUTION APPROVING THE CSG WORK ORDER FOR ENGINEERING SERVICES FOR A BLACK MOUNTAIN ROAD/SKYLINE BOULEVARD INTERSECTION STUDY

V. PUBLIC HEARING:

10. APPEAL OF THE JULY 7, 2008 ARCHITECTURE AND DESIGN REVIEW BOARD (ADRB) RECOMMENDATION FOR DENIAL OF THE TEARDOWN AND CONSTRUCTION OF A NEW HOUSE AND ASSOCIATED LANDSCAPE PLAN AT 930 HILLSBOROUGH BOULEVARD
11. PROPOSED ORDINANCE AND GENERAL PLAN AMENDMENT PREZONING PORTIONS OF SKYLINE BOULEVARD, HAYNE ROAD AND BLACK MOUNTAIN ROAD TO "RESIDENCE DISTRICT" AND DESIGNATING THE AREA AS "OPEN SPACE" WITHIN THE HILLSBOROUGH GENERAL PLAN
12. CONSIDERATION OF ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PLAN AND DESIGN REVIEW APPROVAL FOR THE 3000, 3030 AND 3050 RALSTON AVENUE RESIDENTIAL PROJECT

VI. NEW BUSINESS:

13. RESOLUTION ABANDONING THE SANITARY SEWER EASEMENT AT 3030 RALSTON AVENUE
14. RESOLUTION APPROVING THE DESIGN OF THE PILOT SEWER LATERAL REPLACEMENT PROGRAM

VII. PUBLIC COMMENT:

Under Government Code 54954.3, members of the public have the right to address the City Council on any matter within the Council's jurisdiction. However, the Council may not take action on any non-agenda item (except in emergency circumstances). Before addressing the Council, speakers are requested to complete a yellow speaker's card and submit it to the City Clerk. Please come to the podium, state your name and address, limit remarks to 3 minutes, and do not repeat comments by other speakers.

VIII. CITY COUNCIL ITEMS:

This section of the agenda provides the City Council an opportunity to ask questions on any project of interest. No action can be taken on any item not on the agenda.

IX. ADJOURN

SPECIAL ACCOMMODATIONS:

If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in the City Council meeting, or if you need an agenda in an alternate form, please contact the City Clerk's Office at 375-7412 at least 24 hours before the scheduled City Council meeting.

MINUTES:

A copy of the unapproved minutes will be made available the Friday before the next regularly scheduled City Council meeting. Once minutes are approved by the City Council they will be made available the following day. City Council Agendas and approved minutes are available at the Town's website, www.hillsborough.net.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection in the City Clerk's Office located at 1600 Floribunda Avenue, Hillsborough, CA 94010, during normal business hours.

AUDIO / VISUAL ADVISORY:

Those persons who wish to use PowerPoint, CDs, DVDs, VCRs or other mediums when presenting to the City Council, will be required to submit media items to the City Clerk by 12:00 p.m. on the day of City Council meetings. Media items can be emailed to myokoyama@hillsborough.net or brought in on disc or flash drives to the City Clerk's Office located at 1600 Floribunda Avenue, Hillsborough, CA 94010.



AGENDA – REPORTS

HILLSBOROUGH CITY COUNCIL

Monday, AUGUST 11, 2008
6:00 p.m.
Hillsborough Town Hall
1600 Floribunda Avenue, Hillsborough

CONSENT CALENDAR:

1. MONTHLY CLAIMS: JULY 1 THROUGH JULY 31, 2008 (Finance Director)

Summary: The monthly claims for the month of July 2008 in the amount of \$3,564,429.63 are submitted for approval.

Recommendation: Approve the monthly claims for July 2008 as submitted.

2. REJECTION OF CLAIM: MR. DAVID CUENLLAS, 40 SHADY LANE (Assistant City Manager)

Summary: Mr. Cuenllas filed a claim against the Town for damage to his property resulting from a sewer spill. Rejection of the claim is recommended to begin the six month statutory period.

Recommendation: Reject the claim.

3. ORDINANCE AMENDING CHAPTERS 2.12, 17.04, 17.16, 17.20, 17.24, 17.36 AND 17.56 OF THE HILLSBOROUGH MUNICIPAL CODE – INTRODUCTION
(Director of Building and Planning)

Summary: In a follow-up to City Council discussion and direction at the June 9, 2008 City Council meeting, staff is proposing a draft ordinance amending a series of chapters within the Hillsborough Municipal Code (Code) relating to the following:

1. Role of ADRB – Sections 2.12.060 and 2.12.070(E):

The proposed ordinance amendment reflects the ADRB as a decision making body as well as an advisory body to the City Council.

2. Public Notification – Section 2.12.070(A):

Past practice has been that the ADRB reviews Type A projects and that the Planning Department reviews the Type B projects. The proposed ordinance amendment incorporates designated reviewing authorities for the two levels of projects.

3. Second Dwelling Units – Sections 2.12.070(A)(1)(g) and 17.16.010(A):

The proposed ordinance amendment states that all second units may be processed administratively and lists them as a permitted use.

4. Referral to ADRB – Section 2.12.070(A)(2):

The proposed ordinance amendment incorporates the Director of Building and Planning's authority to refer items to the ADRB when, in his or her opinion, the public interest would be better served by ADRB conducting a public hearing.

5. Privacy Section – Section 17.040.010(C):

The proposed ordinance amendment includes amended language to "promote" rather than "ensure" adequate light, air privacy, and open space for each dwelling.

6. California Environmental Quality Act (No existing Code reference):

The proposed ordinance amendment now adopts the California Environmental Quality Act (CEQA) timelines as required by State law.

7. Nonconforming Structures – Section 17.20.020:

The proposed ordinance amendment allows increases to nonconforming structures so long as the enlargement does not increase the degree of nonconformity (i.e. increase further into an already nonconforming setback), and requires similar findings by the City Council for both primary residences and accessory structures.

8. Increased Setbacks for Homes 8,000 Sq Ft or Greater (No existing Code reference):

The proposed ordinance amendment requires the additional setback requirements for residences 8,000 square feet and greater.

9. Fire and Building Code Requirements – Sections 17.24.010(E) and 17.36.070(A):

The proposed ordinance amendment eliminates these requirements and refers or defaults to the Building, Fire and Engineering regulations to avoid the need for multiple future amendments.

10. Landscaping Review Thresholds – Section 17.56.050(E):

The proposed ordinance amendment requires that landscaping projects exceeding \$20,000 in value be subject to Design Review. This updated figure represents the approximate equivalent of substantial front yard improvements.

11. "City Planner" Title (Throughout the Code):

The proposed ordinance amendment replaces the term "City Planner" throughout the Municipal Code with the term "Director of Building and Planning".

In further consultation with the City Attorney's office, staff is proposing to postpone an amendment to the Municipal Code to accommodate development agreements until a relevant application is received.

Recommendation:

1. Introduce and waive the first reading of the ordinance; and

2. Set September 8, 2008, as the public hearing date to consider adoption of the ordinance amending Chapters 2.12, 17.04, 17.16, 17.20, 17.24, 17.36 and 17.56 of the Hillsborough Municipal Code.

4. **REQUEST FOR CONSIDERATION AND ADOPTION OF A REVISED JOINT POWERS AGREEMENT FOR THE HOUSING ENDOWMENT AND TRUST (HEAT AKA HEART)**
(Director of Building and Planning)

Summary: The Housing Endowment and Trust (HEAT) was formed in 2003 as a Joint Powers Authority to fund affordable housing in San Mateo County. Nineteen of the twenty cities in San Mateo County pay dues as members of HEAT (with Belmont as the exception), along with the County itself. All member cities are represented on the Member Agency Committee (MAC), which meets twice a year, and ten cities have representation on the Board, along with members from the private sector, labor, shelter providers, and housing advocates. Recently, several of the member cities asked HEAT to revise the Joint Powers Agreement (JPA). As a result, Supervisor Richard Gordon and the San Mateo County Counsel's Office drafted a revised JPA.

The revised JPA was conditionally approved by the HEAT Member Agency Committee on May 28, 2008. The HEAT Board of Directors is now requesting that member cities adopt the revised JPA. The revised JPA becomes effective when it is adopted by the members. The City Attorney has reviewed and concurs with the proposed amendments.

Following are the primary changes to the JPA:

1. An amendment to the name of the JPA from the "Housing Endowment and Trust" (HEAT) to "Housing Endowment and Regional Trust" (HEART). (HEAT has been operating as HEART for many years.)
2. Clarification of HEART's role to facilitate housing programs and production and not to regulate or govern housing activities.
3. Clarification that HEART would take on debt only if it is secured by a dedicated funding source or other security, such as real property.
4. Specification that HEART has a charitable purpose, which is to develop funds for affordable housing consistent with their 501(c)(3) tax-exempt status.

Recommendation: Adopt the resolution amending the Joint Powers Agreement for the Housing Endowment and Regional Trust.

5. **RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH RICHARD WOGISCH FOR PROFESSIONAL CONTRACT LANDSCAPE ARCHITECTURAL SERVICES**
(Director of Building and Planning)

Summary: Richard Wogisch has been providing professional landscape architectural services and serving as the Town's Consulting Landscape Architect (TCLA) for approximately eight years. His responsibilities have included providing landscape architectural recommendations on administrative and Architecture and Design Review Board (ADRB) applications, which are incorporated into conditions of approval. Mr. Wogisch has extensive landscape architectural experience both with the Town of Hillsborough and throughout California. Staff is recommending that the Town continue utilizing his services and memorialize the relationship

through a contract in an amount not to exceed \$25,000 for the current fiscal year. This amount has been included in the approved budget and is recovered through the adopted fee schedule. No budget increase is associated with this request.

Recommendation: Adopt the resolution authorizing the City Manager to enter into an agreement with Richard Wogisch for professional contract landscape architectural services in an amount not to exceed \$25,000.

6. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH RICHARDSON CONSULTING FOR CONTRACT PLANNING SERVICES
(Director of Building and Planning)

Summary: Under the existing contract with Neal Martin & Associates, Cynthia Richardson has been providing professional planning services. Ms. Richardson is now proposing to provide the same professional planning services directly to the Town as Richardson Consulting at a reduced rate. The scope of services would involve supplementing the administrative residential development process and supporting Housing Element efforts. This amount has been included in the approved budget. No budget increase is associated with this request.

Staff does not propose to terminate the contract with Neal Martin & Associates, but proposes to continue the contract option with Neal Martin & Associates for supplemental work when Ms. Richardson is not available.

Recommendation: Adopt the resolution authorizing the City Manager to enter into an agreement with Richardson Consulting for contract planning services in an amount not to exceed \$30,000.

7. RESOLUTION ACCEPTING AS COMPLETE THE CONTRACT WITH JMB CONSTRUCTION, INC. FOR THE EL ARROYO TANK REPLACEMENT PROJECT (City Engineer)

Summary: This project was awarded to JMB Construction, Inc. in April of 2006. JMB Construction, Inc. installed two new half-million gallon steel water tanks, 1,280 linear feet of new 8-inch and 10-inch ductile iron water mains, twelve water valves, a hydrant, a cathodic protection system to prevent corrosion, mixing systems to prevent stagnation and stratification of the water in the tanks, and overflow piping and level indicators. In addition, the contractor performed extra work associated with changes in design due to site conditions. During the course of the project, contamination was found in the soils beneath the tanks that required remediation.

There were some delays in completion of the project by the contractor. JMB has agreed to credit the Town \$75,000 due to the late delivery of the project.

The project was awarded to JMB Construction, Inc. with a total budget of \$2,704,800, including contingencies, and was completed under budget for a final amount of \$2,697,647.

Recommendation: Adopt the resolution accepting as complete the contract with JMB Construction, Inc. for the 2007 El Arroyo Tank Replacement Project in the amount of \$2,697,647.

8. **RESOLUTION ACCEPTING AS COMPLETE THE CONTRACT WITH FERMIN SIERRA CONSTRUCTION, INC. FOR WATER MAINS AND PRESSURE REDUCING VALVES – VISTA AND FOREST VIEW ZONES** (City Engineer)

Summary: This project was awarded to Fermin Sierra Construction, Inc. in August of 2007. Per the contract, the contractor installed 2,354 linear feet of new water mains, five pressure reducing valves, twenty gate valves, and three fire hydrant assemblies to Vista and Forest View water tank site zones. Due to changes in site conditions during construction, the contractor also performed various extra work, including tree removal and realignment of water mains.

The project was awarded to Fermin Sierra Construction, Inc. with a total budget of \$706,905 including contingencies. The project has been completed under budget for a final amount of \$557,200. The difference between the award and final amount is largely due to the low tree removal costs and a portion of the pipe work that was removed from the scope of the project. This will be bid separately in the coming months.

Recommendation: Adopt the resolution accepting as complete the contract with Fermin Sierra Construction, Inc. for Water Mains and Pressure Reducing Valves – Vista and Forest View Zone in the amount of \$557,200.

9. **RESOLUTION APPROVING THE CSG WORK ORDER FOR ENGINEERING SERVICES FOR A BLACK MOUNTAIN ROAD/SKYLINE BOULEVARD INTERSECTION STUDY** (Public Works Director)

Summary: CSG has submitted a proposal for the following:

Black Mountain Road/Skyline Boulevard Intersection Study – CSG will perform a survey to create an accurate base map of the Black Mountain Road/Skyline Boulevard intersection with the boundary information. This step is necessary in order to plan the reconfiguration of the intersection, which is a goal of the General Plan.

Recommendation: Adopt the resolution approving the CSG work order for engineering services for a Black Mountain Road/Skyline Boulevard intersection study in the total amount of \$6,600 with allocation from the General Fund.

PUBLIC HEARING:

10. **APPEAL OF THE JULY 7, 2008 ARCHITECTURE AND DESIGN REVIEW BOARD (ADRB) RECOMMENDATION FOR DENIAL OF THE TEARDOWN AND CONSTRUCTION OF A NEW HOUSE AND ASSOCIATED LANDSCAPE PLAN AT 930 HILLSBOROUGH BOULEVARD** (Director of Building and Planning)

Summary:

Site and Project Description:

The project site is approximately 21,801 square feet in size and is located approximately 120 feet north of the northeast intersection of the southern portion of Country Club Drive and Hillsborough Boulevard. An existing 3,477 square foot residence exists on site along with associated hardscape and landscape. The property is located approximately 570 feet north of Ralston Avenue and 830 feet south of Floribunda Avenue.

The project applicants, Mr. and Mrs. Klein, propose to demolish an existing ranch style home and construct a new contemporary 6,159 square foot two-story home within a neighborhood of one-story ranch style homes. Following are summaries of the proposed structure, a comparison of existing versus proposed conditions and development standards compliance.

Proposed Structures	
Structure	Approx Sq Ft
Basement	515
First Floor	4,363
Second Floor	1,281
Total	6,159

Development Standards:		
	Proposed	Required
Front Setback	33' 4"	25' min
Right Side Setback	22'	20' min
Left Side Setback	20'	20' min
Rear Setback	44' 5"	20' min
FAR	24.9%	25% max
Lot Coverage	4,335.96 sq ft	4,497.6 sq ft
Height	22' 6"	32' max

Background:

1. At the time of the original project submittal, the project architect and staff agreed that the project would be a challenge within a neighborhood with such a clearly established massing and design pattern. Specifically, and as noted in the February 4, 2008, and April 2, 2008, staff memorandums to the ADRB, the proposal reaches the floor area maximum, would be quite visible due to it being substantially larger in size than the neighboring residences, and has no architectural precedence within the neighborhood.

2. The proposal went to the Board for preliminary review on February 4, 2008. At that time, the Board complimented the plans, the artful design and the use of high quality materials, but expressed concerns about project compatibility within a neighborhood of predominantly

traditional single-story, ranch style houses. The Board acknowledged the need for layered screening, particularly from the street perspective.

3. After the project was public noticed and story poles were installed, many neighbors voiced concerns, and the applicant and staff met with a group of neighbors to discuss the project. Various issues were raised, including accuracy of the public notice and story poles, architectural context, privacy, potential blocking of sun with the new landscape screening, consistency of the two-story house with Covenants, Conditions and Restrictions (CC&R's), and problems with a newly constructed retaining wall/drainage. Numerous letters from neighbors have been received and copies are included in the City Council agenda packets.

4. On April 07, 2008, the Board considered the formal application and then recommended continuation of the item to the May 5, 2008 ADRB meeting with direction to change the design of the proposed residence to reflect massing, landscaping and gates that are more conducive to the neighborhood.

5. On May 5, 2008, the Board considered the continued formal application. In response to prior ADRB direction, the applicant has reduced the height of the structure by approximately one foot, removed the gated entrance, adjusted windows to address privacy issues with 5 Country Club Drive and enhanced landscaping around the perimeter to increase screening while softening the design. Story pole netting has been adjusted accordingly to reflect the reduced height of the residence. Additional letters were received from neighboring residents expressing enduring concerns with massing, privacy, and the change in neighborhood context with a two-level home. Prior to this meeting, over 80 letters of opposition were received on this project. The Board had a tie vote (due to absences) and the applicant's attorney requested a continuance of the item to the July 7, 2008 ADRB meeting for a full Board vote.

6. On July 7, 2008, the ADRB considered the item and recommended denial in a 3-1 vote (with George Jewett voting against the motion and in favor of the two-story modern style home proposed at 930 Hillsborough Boulevard). The Board recommended denial of the proposal based on concerns with massing, design, and neighborhood compatibility.

7. On July 21, 2008, the applicant filed an appeal to the July 7, 2008, recommendation for denial by the ADRB. The appeal is primarily based on the applicants claim that the decision was not supported by adequate findings and substantial evidence, that the prior tie vote actually constituted an approval, and a variety of other points. It also includes mention of how the project is consistent with the Design Guidelines.

To date, staff has presented the applicants with a variety of strategies to move towards success, including recommending revisions to the design prior to the July 7, 2008 meeting, engaging in professional neighborhood facilitation, and obtaining feedback from two members of the ADRB. Staff has specifically recommended that the applicant revise their proposal to incorporate design features into the project, which reflect or symbolize the neighborhood architecture, while reducing massing, and recommended that the applicants work with their architect to explore ways to maintain architectural diversity while complimenting design features of the neighborhood.

Although the proposal exceeds setbacks, involves an incidental second story, uses high quality elements, and would provide architectural diversity within the neighborhood, the proposal significantly exceeds the massing in the neighborhood and has no architectural precedence within the neighborhood.

Recommendation: The City Council may accept or reject, wholly or in part, or may modify the recommendation of the ADRB. The City Council may also remand the application to the ADRB or the City Planner for further consideration with such instructions as the City Council deems appropriate.

In order to uphold the recommendation of the ADRB and deny the appeal, the City Council would need to find that the proposal is not consistent with the Town's Design Guidelines and, therefore, the Zoning Code and General Plan. In order to grant the appeal and reject the recommendation of the ADRB, the City Council would need to find that the proposal is consistent with the Town's Design Guidelines and, therefore, the Zoning Code and General Plan.

1. Open the public hearing and receive comments;
2. Close the public hearing; and
3. Adopt the resolution upholding the recommendation of the ADRB and denying the appeal. Staff has also provided an alternate resolution should the City Council be inclined to grant the appeal.

11. PROPOSED ORDINANCE AND GENERAL PLAN AMENDMENT PREZONING PORTIONS OF SKYLINE BOULEVARD, HAYNE ROAD AND BLACK MOUNTAIN ROAD TO "RESIDENCE DISTRICT" AND DESIGNATING THE AREA AS "OPEN SPACE" WITHIN THE HILLSBOROUGH GENERAL PLAN (City Engineer & Director of Building and Planning)

Summary: The Town of Hillsborough, in cooperation with the County of San Mateo and the Local Agency Formation Commission (LAFCo), is proposing to annex portions of Skyline Boulevard, Hayne Road and Black Mountain Road from unincorporated San Mateo County to the Town of Hillsborough. The purpose of this annexation is to improve the traffic flow and backup at the freeway off-ramp, improve traffic safety, and create a clear jurisdictional boundary between San Mateo County and the Town of Hillsborough. The City Council adopted resolutions initiating annexation of the subject area from San Mateo County to Hillsborough on June 9, 2008, and July 14, 2008.

The area to be annexed is approximately 12.5 acres in size and includes approximately 2,000 feet of Black Mountain Road from Hayne Road to south of Denise Drive and approximately 3,500 feet of Skyline Boulevard from Hayne Road to Chateau Drive. The proposed annexation will not result in additional development.

The proposed annexation requires a pre-zoning of the area as well as a General Plan Amendment incorporating the area into the Town's General Plan and Zoning Maps. Specifically, the City Council will need to adopt an ordinance prezoning the property to "Residence District" ("RD") and a General Plan amendment designating the area as "Open Space" within the Hillsborough General Plan. In order to implement these changes, the City Council will need to determine that the proposed amendments are consistent with the General

Plan. Since the purpose of the proposed annexation to improve traffic conditions is specifically cited in the General Plan and the ordinance would require that the area remain Open Space and undeveloped, the proposal is consistent with the General Plan. Additionally, the proposal is consistent with the purpose of the Zoning Code for the management of growth consistent with the General Plan.

Recommendation:

1. Open the public hearing and receive comments;
 2. Close the public hearing;
 3. Adopt the resolution amending the General Plan to include the subject area within the General Plan map and designating it as "Open Space";
 4. Introduce and waive the first reading of the ordinance; and
 5. Set September 8, 2008, as the public hearing date to consider adoption of the ordinance rezoning the subject area to "Residence District".
12. CONSIDERATION OF ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PLAN AND DESIGN REVIEW APPROVAL FOR THE 3000, 3030 AND 3050 RALSTON AVENUE RESIDENTIAL PROJECT
-
- (Director of Building and Planning)

Summary: The project site is approximately twelve acres (or 537,004 square feet) in size located at the northeast quadrant of the intersection of Ralston Avenue and Provident Drive, situated on east-sloping terrain. The project site is comprised of four existing lots known as 3000, 3030 and 3050 Ralston Avenue (3050 Ralston Avenue is currently comprised of two lots), which have three existing residences and accessory structures totaling approximately 22,000 square feet. The lots are primarily accessible from Ralston Avenue. Following is a description and location of each parcel:

1. 3000 Ralston Avenue is the easterly and lowest elevated lot. This lot contains a two-story primary residence and garage, a pool with a terrace, and several wooden sheds scattered throughout the lot. The primary residence sits along a ridgeline with the pool on the western edge. Most of the existing trees on this lot consist of Oaks, Pines, Acacias, and Bays. Some non-native species have been planted on this lot, including Magnolias, Italian Stone Pines, and small fruit trees.
2. 3030 Ralston Avenue is the middle lot, bounded by 3050 Ralston Avenue to the west and 3000 Ralston Avenue to the east. The primary residence sits on a relatively flat area surrounded by an auto court to the west and a pool with a terrace to the east. Most of the existing trees on this lot consist of Oaks, Redwoods, and Bays. Some non-native species have been planted on this lot, including Plums, Eucalyptus, and Italian Stone Pines.
3. 3050 Ralston Avenue (two lots) is the westerly and highest elevated lot with Provident Drive bordering the western portion of the lot. The structures on this lot consist of a two-story primary residence and garage, a cottage and garage, a pool with a pool house and cabana, an amphitheatre, and a shed. Most of the existing trees on this lot consist of Oaks, Redwoods, and Eucalyptus.

The project applicant, Ted Kruttschnitt, proposes to complete a lot line adjustment reducing the number of lots from four to two, demolish the three existing primary residences and accessory structures and 77,123 square feet of paving, walls, and pools, and construct a primary residence, guest house, garage, tennis court and pavilion with a total square footage of 19,027 and a Floor Area Ratio of 4.2%. The proposed project would result in the removal 74 trees; however, 169 new trees would be planted at the project site. Grading associated with the project would be 7,460 cubic yards of cut and 6,860 cubic yards of fill to be balanced on site with 200 cubic yards of off-haul. Prior to and during the entitlement process, the applicants have actively worked with surrounding residents to resolve issues and concerns associated with the potential noise from the tennis courts and the potential visible impacts of the new perimeter stucco wall, including the installation of netting and poles to outline the proposed wall along Ralston Avenue. Following are summaries of the proposed structures, comparison of existing versus proposed conditions and development standards compliance.

Proposed Structures	
Structure	Square Feet
Primary Residence	13,306
Guest House	3,613
Garage	809
Tennis Court Pavilion	998
Sheds/Utility Buildings	3,699
Total	22,425

Development Standards:		
Proposed Lower Parcel (Main House)		
	Proposed	Required
Front Setback	291'	25' min
Right Side Setback	116'	20' min
Left Side Setback	43' 11"	20' min
Rear Setback	802'	20' min
FAR	4.2%	25% max
Lot Coverage	17,889 sq ft	25,193 sq ft
Height	32'	32' max
Lot Size	422,636 sq ft	21,780 sq ft

Development Standards: Proposed Upper Parcel (Guest House)		
	Proposed	Required
Front Setback	116'	25' min
Right Side Setback	105'	20' min
Left Side Setback	253'	20' min
Rear Setback	99'	20' min
FAR	3.9%	25% max
Lot Coverage	4,535 sq ft	9,779 sq ft
Height	28' 6"	32' max
Lot Size	114,368 sq ft	21,780 sq ft

As required by the California Environmental Quality Act (CEQA), a draft Initial Study (IS) and Mitigated Negative Declaration (MND) have been prepared for the project to address potential environmental impacts associated with the removal of mature trees, demolition, and construction adjacent to a creek. The environmental documents conclude that potential environmental impacts associated with air quality, tree removal, cultural resources, groundwater, paleontology, geology, stormwater and noise can be mitigated to a level of insignificance. The Draft Mitigated Negative Declaration provides a summary of these potential impacts and their associated mitigation measures. As the advisory body for the Town, the ADRB considered the IS/MND, as well as provided design review of the project. The public review period for the Draft IS/MND was from June 30, 2008, through July 28, 2008. The IS and MND were distributed to the City Council on July 8, 2008. Additionally, CEQA also requires that the Town adopt a Mitigation Monitoring and Reporting Plan (MMRP) in order to insure implementation of mitigation measures presented in the MND.

On April 7, 2008, the Architecture and Design Review Board (ADRB) conducted a Preliminary Review for the project for design review purposes. The Board commented favorably on the project. On July 7, 2008, the ADRB formally considered the IS/MND and recommended approval of the project and Draft MND on the condition that consideration of the perimeter wall be continued to a future date with direction to incorporate methods for reducing the visual impact of the wall, such as increased setbacks, design details, architectural enhancements, and/or modulation. Public commentary at the July 7, 2008 ADRB meeting included project compliments, interest in additional removal of unhealthy trees, noise reduction from the proposed amphitheater, a question as to whether the Provident driveway could serve as a primary driveway if the upper lot were sold in the future, and a preferred reduction in parking strip area and the perimeter wall. Staff and the applicant have consulted with commenters and are working towards additional removal of unhealthy trees and visual mitigations for the proposed perimeter wall and parking strip area. Additionally, staff is recommending that a condition of project approval for potential noise from the amphitheater be added requiring that the applicant work with staff prior to large noise and traffic generating events to insure compliance with codes and the preservation of the quiet enjoyment of the neighborhood.

At the close of the public comment period, no additional or written comments were received regarding the environmental documents.

In order to approve the project, the City Council first needs to adopt the MND and MMRP. In order to adopt the MND, the City Council must consider the environmental documents together with any comments received during the public review process and may adopt the MND on the basis that there is no substantial evidence that the project will have a significant effect on the environment and that the MND reflects the lead agency's independent judgment and analysis. Additionally, the City Council should approve, deny or conditionally approve the design of the proposal based on the finding that the proposal is consistent with the Town's Design Guidelines and, therefore, the Zoning Code and General Plan.

Recommendation:

1. Open the public hearing and receive comments;
2. Close the public hearing;
3. Adopt the resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan and approving the design of the project at 3000, 3030 and 3050 Ralston Avenue.

NEW BUSINESS:

13. RESOLUTION ABANDONING THE SANITARY SEWER EASEMENT AT 3030 RALSTON AVENUE (City Engineer)

Summary: The owner of 3030 Ralston Avenue has requested that the Town of Hillsborough abandon a sanitary sewer (SS) easement that crosses through his property. The easement is near the location of a past landslide. The owner wishes to abandon the SS main to avoid future landslide repair and sewer overflow and has agreed to re-direct all private sewer laterals that are currently connected to the SS main in the easement to the sewer main on Ralston Avenue. The work will occur after the easement is abandoned. Staff supports the owner's plan as it will prevent damage to public facilities and will make routine maintenance easier in that area.

Per Section 8333 of the Streets and Highways Code, the legislative body of a local agency may summarily vacate a public service easement in the case where an easement has been superseded by relocation and there are no other public facilities located within the easement.

Recommendation: Adopt the resolution abandoning the sanitary sewer easement crossing through the property at 3030 Ralston Avenue.

14. RESOLUTION APPROVING THE DESIGN OF THE PILOT SEWER LATERAL REPLACEMENT PROGRAM (Public Works Director)

Summary: As proposed in the 2007/2008 budget, a pilot program for the replacement of sewer laterals has been developed by the Public Works Department. In order to measure the efficacy of the program, a discrete geographical area with 86 homes will be targeted by the program. The program will operate in two phases: the first intended to motivate residents to have their lateral video inspected, and the second to entice residents to replace their lateral if

needed. A flow monitor will be placed on a downstream sewer main to measure the baseline flow in dry weather and to monitor the flow after the replacement of laterals. If effective, the program should reduce the impact of wet weather in the Crystal Springs Trunk.

Recommendation: Adopt the resolution approving the design of the pilot sewer lateral replacement program.