

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**MONDAY, AUGUST 11, 2008**

Mayor Mullooly called the regular meeting to order at 6:00 p.m. at the Hillsborough Town Hall, 1600 Floribunda Avenue, Hillsborough, California.

**ROLL CALL:**     Present:     Fannon, Kasten, Krolik, Mullooly  
                         Absent:     Regan

Mayor Mullooly announced that during the Closed Session meeting, a settlement was reached regarding Hillsborough vs. Ranger Pipeline.

**MINUTES:** The minutes of the July 11, 2008 Special City Council meeting and the July 14, 2008 City Council meeting were approved as submitted.

**CONSENT CALENDAR:**

Item 2 was removed for further processing. On motion of Vice Mayor Krolik, seconded by Councilmember Fannon, and unanimous on voice vote, Consent Calendar items 1 and 3 through 9 were approved.

1.     MONTHLY CLAIMS: JULY 1 THROUGH JULY 31, 2008

The monthly claims for the month of July 2008 in the amount of \$3,564,429.63 were approved as submitted.

2.     REJECTION OF CLAIM: MR. DAVID CUENLLAS, 40 SHADY LANE

The agenda item for the claim filed by David Cuenllas of 40 Shady Lane was pulled by Mayor Mullooly for further processing.

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

The ordinance amending Chapters 2.12, 17.04, 17.16, 17.20, 17.24, 17.36 and 17.56 of the Hillsborough Municipal Code was introduced and the first reading of the ordinance was waived. September 8, 2008, was set as the public hearing date to consider adoption of the ordinance.

4.     REQUEST FOR CONSIDERATION AND ADOPTION OF A REVISED JOINT POWERS AGREEMENT FOR THE HOUSING ENDOWMENT AND TRUST (HEAT AKA HEART)

The resolution amending the Joint Powers Agreement for the Housing Endowment and Regional Trust was adopted.

5.     RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH RICHARD WOGISCH FOR PROFESSIONAL CONTRACT LANDSCAPE ARCHITECTURAL SERVICES

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 was adopted.

6.     RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH RICHARDSON CONSULTING FOR CONTRACT PLANNING SERVICES

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 was adopted.

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

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 was adopted.

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

The resolution accepting as complete the contract with Fermin Sierra Construction, Inc. for water mains and pressure reducing valves – Vista and Forest View Zones in the amount of \$557,200 was adopted.

9. RESOLUTION APPROVING THE CSG WORK ORDER FOR ENGINEERING SERVICES FOR A BLACK MOUNTAIN ROAD/SKYLINE BOULEVARD INTERSECTION STUDY

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 was adopted.

**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

Councilmember Kasten recused himself because he serves on the appellant's charitable foundation.

Director of Building and Planning Liz Cullinan described the project located at 930 Hillsborough Boulevard. She stated that the total project site is approximately 21,866 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. She stated that an existing 3,477 square foot residence exists on site along with associated hardscape and landscape.

Ms. Cullinan explained that the project applicants, Mr. and Mrs. Klein, propose to demolish an existing ranch style home and construct a new modern/contemporary 6,159 square foot two-story home.

Ms. Cullinan reviewed the Architecture and Design Review Board (ADRB) meetings that were held on February 4, 2008, April 7, 2008, May 5, 2008, and July 7, 2008. She stated that during the review process, the applicant incorporated revisions to the plans in response to neighbor concerns. Ms. Cullinan stated that on July 7, 2008, the ADRB considered the item and recommended denial in a 3-1 vote based on concerns with massing, design and neighborhood compatibility and that on July 21, 2008, the applicant filed an appeal to the July 7, 2008, recommendation for denial by the ADRB.

Ms. Cullinan stated that in order to uphold the recommendation of the ADRB, the City Council would need to find that their decision is consistent with the Town's General Plan, Zoning Code and Design Guidelines. Ms. Cullinan stated that the ADRB decision could be upheld for the following reasons:

- A. The proposed residence would overwhelm the neighborhood since it would be over 50% larger than other homes in the area.

- B. The proposal would not be consistent with and, therefore, not maintain the character of the existing neighborhood since it is not in scale with homes in the neighborhood and does not incorporate architectural components similar to the predominant architecture style of the neighborhood.
- C. The proposed residence would not retain the scale and character of the existing neighborhood since it would be over 50% larger than other homes in the area and since it does not incorporate architectural components similar to other residences in the neighborhood.
- D. Since the proposed residence is out of scale with surrounding homes and the proposed architecture and construction materials are substantially different from those within the neighborhood, the proposal is not compatible with the surrounding neighborhood.
- E. The massing of the proposed residence would not conform to buildings in the surrounding vicinity since it would be over 50% larger than other homes in the neighborhood.
- F. The proposal is not consistent with the Town's General Plan Policy LU-2.2, the Zoning Code Sections 2.12.020 and 17.04.010(D) and Design Guidelines page 28, as outlined in the presentation and Resolution.

Ms. Cullinan stated that 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 complementing design features of the neighborhood.

Ms. Cullinan concluded by noting that the ADRB minutes included in the City Council's packet contained a typographical error and were "approved" versus "draft".

Ms. Cullinan stated that if the City Council is inclined to reverse the recommendation of the ADRB and grant the appeal, an alternate resolution was included in the City Council agenda packet.

Mayor Mullooly thanked Ms. Cullinan and opened the public hearing.

Randy Grange of TRG Architects stated that he felt that the project was well-received by the ADRB at the preliminary review meeting in February 2008. He stated that the neighbors concerns were addressed and revisions were made, including removal of front walls and gates, lowering the second floor by one foot, and resolving privacy issues. He stated that high quality materials would be used, including copper, wood, stone and plaster. He added that the project would maintain Hillsborough's character, diversity, and foster creativity. He stated that the project would make use of green building practices such as solar-shading devices, high-efficiency window systems, solar water heating and photovoltaic panels. He then provided a virtual tour of the street with visual simulations of the completed project.

Ray Alexander, attorney for the applicants, stated that the proposed home was sensitively designed with privacy of neighbors in mind, would use quality materials, meet all setback requirements, and would be a green building design. He stated that the project would bring diversity to the neighborhood of ranch style homes. He commented that there were not eighty homes in Country Club Manor and that of the eighty letters, several were duplicates and triplicates in opposition to the project, and that there were also letters of support. He stated that if the City Council denied the project, they would be doing the wrong thing.

Hillsborough resident, Steve Hanson, stated that his home faced 930 Hillsborough Boulevard and that he believed that the proposed home was out of context with the single-story neighborhood. He noted that the ADRB had expressed concerns

regarding neighborhood context and compatibility on several occasions. He concluded that the neighborhood character should be maintained and residents should be able to enjoy their privacy.

Hillsborough resident, Jim Yamas, stated that he was the trustee for the property directly in back of 930 Hillsborough Boulevard. He stated that the Kleins original project plans for a French inspired home was more compatible with the neighborhood and that the upper level in the original plan only included two bedrooms. Mr. Yamas stated that he did not receive the revised project plan for the contemporary home and felt that the Kleins misrepresented the project. He stated that the current proposed plan was too big and incompatible with the neighborhood.

Applicant Jack Klein stated that he inherited the original project plans from the former owners of 930 Hillsborough Boulevard. He stated that he subsequently hired another architect and went another route in regards to the style of the new home. He denied that the project had been misrepresented.

Hillsborough resident, Richard Sofos, stated that he lives behind 930 Hillsborough Boulevard. He stated that the deck on the proposed property was never discussed. He added that he was against the proposed new home and felt the neighborhood should be preserved as a single-story neighborhood. He stated that no one in the neighborhood would object to a single-story home.

Hillsborough resident, Don Tateosian, stated that he opposed the construction of a two-story home in his neighborhood. He added that that most residents in Country Club Manor want the area to remain a neighborhood of one-story homes. He stated that a contemporary two-story home would not belong in the neighborhood.

Hillsborough resident, Dennis Mangano, stated that there has been much rancor by a vast majority of the residents in the Country Club Manor neighborhood. He stated that the proposed home is clearly incompatible with the neighborhood and that the two-story structure would threaten the neighbors' privacy.

Mayor Mullooly closed the public hearing.

Councilmember Fannon stated that the ADRB made it clear that there were concerns regarding massing, design, and neighborhood compatibility issues with the proposed project at 930 Hillsborough Boulevard. He added that the project had a substantially larger floor area than most homes in the neighborhood.

Vice Mayor Krolik stated that the ADRB was concerned with the project's compatibility within a neighborhood of single-story, ranch-style houses. She stated that the project was pushing the envelope as it is on a very visible site and that the neighbors do not want a large home that is not compatible with the neighborhood. She added that the City Council received comments from several neighbors and that if the house was built, the City Council would have received comments from a lot more residents. She stated that the ADRB decision must be upheld.

Mayor Mullooly emphasized the need for residents to talk to their neighbors and gather comments before starting plans for a new home.

On motion of Councilmember Fannon, seconded by Vice Mayor Krolik, and unanimous on voice vote, the resolution upholding the recommendation of the ADRB and denying the appeal for the teardown and construction of a new house and associated landscape plan at 930 Hillsborough Boulevard was adopted.

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

Director of Building and Planning Liz Cullinan stated that 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. She explained that the purpose of this annexation is to make roadway improvements to improve the traffic flow at the Black Mountain/Hayne Road I-280 freeway off-ramp, improve traffic safety, and create a clear jurisdictional boundary between San Mateo County and the Town of Hillsborough.

Ms. Cullinan stated that 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.

Ms. Cullinan stated that the proposed annexation requires rezoning of the area as well as a General Plan amendment incorporating the area into the Town's General Plan and Zoning Maps. She added that specifically, the City Council will need to adopt an ordinance rezoning the property to "Residence District" ("RD") and a General Plan amendment designating the area as "Open Space" within the Hillsborough General Plan. She explained that in order to implement these changes, the City Council will need to determine that the proposed amendments are consistent with the General Plan. She stated that 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. She added that the proposal is consistent with the purpose of the Zoning Code for the management of growth consistent with the General Plan.

Mayor Mullooly asked what the condition of the 5,500 feet of roadway that the Town would be receiving. City Engineer Cyrus Kianpour replied that the roadway would have a pavement rating of at least 70.

Mayor Mullooly opened the public hearing. There were no comments. The public hearing was closed.

On motion of Vice Mayor Krolik, seconded by Councilmember Kasten, and unanimous on voice vote, the resolution amending the General Plan to include unincorporated portions of Skyline Boulevard, Hayne Road and Black Mountain Road in the Town's General Plan and designating it as "Open Space" was adopted.

On motion of Vice Mayor Krolik, seconded by Councilmember Kasten, and unanimous on voice vote, the ordinance pursuant to Section 17.04.040 of the Hillsborough Municipal Code rezoning unincorporated portions of Skyline Boulevard, Hayne Road and Black Mountain Road to "Residence District" was introduced and the first reading of the ordinance was waived. September 8, 2008, was set as the public hearing date to consider adoption of the ordinance.

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**

City Attorney Norm Book recused himself because he stated that the homeowner of 3000, 3030 and 3050 Ralston Avenue is a client of his firm. He stated that Linda Noeske would be the attorney covering the item for the Town.

Director of Building and Planning Liz Cullinan stated that the project at 3000, 3030 and 3050 Ralston Avenue would consolidate four parcels, tear down three existing homes, and would consist of a new 13,403 square foot Spanish Colonial Revival style home with a guest house, garage, tennis court, pavilion and accessory structures, with an average floor area ratio of approximately 4%, located on approximately twelve acres at the intersection of Ralston Avenue and Provident Drive.

Ms. Cullinan reviewed the background of the project, the Architecture and Design Review Board (ADRB) meetings, the environmental documents, and environmental findings. She reviewed in detail the ADRB's key findings.

Mayor Mullooly thanked Ms. Cullinan.

Councilmember Kasten asked if the construction workers will be parking on the property. Ms. Cullinan replied that the construction workers will be parking on the property.

Vice Mayor Krolik asked if the homeowners were using sustainable practices on the project, such as solar power. Ms. Cullinan replied that the homeowners were including well-drilling as part of the project.

Mayor Mullooly asked how many truckloads will be hauled off-site. City Engineer Cyrus Kianpour stated that for 200 yards of debris approximately 20 truckloads will be used to haul debris from the site.

Andrew Skurman, architect of the project, provided an overview of the intent of the Spanish Colonial design, high quality materials proposed, and historical accuracy of the proposal.

Vice Mayor Krolik asked Mr. Skurman if energy conservation measures were being incorporated into the design of the house, such as heating and cooling and appliance use. Mr. Skurman replied that it would be the owners' option to practice energy conservation.

Tracie Meskell, landscape architect, provided detail on the landscaping plans and changes made to respond to the neighbors' privacy issues.

Vice Mayor Krolik asked if drought tolerant plants will be included in the landscaping plans. Ms. Meskell replied that the landscaping plans include drought tolerant plants, except for those near the main house.

Councilmember Kasten asked about the amphitheater noise and traffic issues. Ms. Cullinan replied that staff is proposing a condition of approval that would require the homeowners to notify the Police Department and Public Works Department to address noise and traffic concerns on the property.

Vice Mayor Krolik asked what type of impact the new home would have on the power grid. Ted Kruttschnitt, property owner, replied that he and his wife would be the only occupants of the house and that they would be living in the home only five or six months out of the year. He stated that he felt that the new home would be utilizing less energy than the three current residences. He added that the swimming pool has a good geothermal heating system and that, therefore, he would never need to heat the swimming pool.

Mayor Mullooly opened the public hearing. There were no comments. The public hearing was closed.

On motion of Councilmember Kasten, seconded by Councilmember Fannon, and with a 3-1 voice vote with Vice Mayor Krolik voting against the project, 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 was adopted.

## **NEW BUSINESS:**

13. RESOLUTION ABANDONING THE SANITARY SEWER EASEMENT AT 3030 RALSTON AVENUE

City Engineer Cyrus Kianpour stated that the owner of 3030 Ralston Avenue has requested that the Town of Hillsborough abandon a sanitary sewer easement that crosses through his property. He explained that the easement is near the location of a past landslide and that the owner wishes to abandon the main to avoid future landslide repair and potential sewer overflows, and has agreed to redirect all private sewer laterals that are currently connected to the main in the easement to the sewer main on Ralston Avenue. He stated that the work will occur after the easement is abandoned and that staff supports the owner's plan as it will prevent damage to public facilities and will make routine maintenance easier in that area.

Mayor Mullooly thanked Mr. Kianpour.

On motion of Councilmember Fannon, seconded by Councilmember Kasten, and with a unanimous voice vote, the resolution abandoning the sanitary sewer easement crossing through the property at 3030 Ralston Avenue was adopted.

14. RESOLUTION APPROVING THE DESIGN OF THE PILOT SEWER LATERAL REPLACEMENT PROGRAM

Public Works Director Martha DeBry stated that the goal of the Pilot Sewer Lateral Program would be to reduce inflow and infiltration at laterals and to eliminate sanitary sewer overflows. She explained that inflow and infiltration occurs most often at deteriorated manholes, cracked or broken pipes, faulty manhole covers or frames, faulty lateral connections, root intrusion into laterals, broken house laterals, and uncapped cleanouts. She explained that sanitary sewer overflows during dry weather are usually associated with disposable cloths and other debris in the mains and are easily cleared by maintenance crews with a volume of spill usually less than 100 gallons. She further explained that the majority of sanitary sewer overflows are wet weather events with volumes in excess of 10,000 gallons for an uncontrolled duration and containment is the response to the spill.

Ms. DeBry stated that maintenance and repair of laterals is important because roots can block an otherwise perfect main and damaged laterals flow directly into the main. She stated the objective was to establish an incentive for residents to rehabilitate their laterals and document the efficacy of rehabilitation to mitigate infiltration. She explained that residents own the lateral from the house to the sewer main. Ms. DeBry stated that in order to measure the efficacy of the program, a discrete geographical area with 86 homes will be targeted by the program. She explained that 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. She stated that the streets will include St. Francis Drive, Normandy Avenue and portions of De Sabla Road, Bridge Road, Uplands Drive, and Stonehedge Drive. She added that 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. Ms. DeBry stated that, if effective, the program should reduce the impact of wet weather in the Crystal Springs Trunk.

Ms. DeBry reviewed the timeline for the Pilot Sewer Lateral Program. She stated that the flow meter would be monitored for twelve months and that she would report back to the City Council on the efficacy of the program.

Mayor Mullooly thanked Ms. DeBry.

Councilmember Kasten asked if the program would be made available to the rest of Town. Ms. DeBry responded that, if successful, the program could be made available to the rest of Town. She stated that a lot of the laterals are in bad shape and the program would allow the Town the opportunity to evaluate the condition of the laterals and educate the residents to rehabilitate their laterals. She added that a lot of infiltration depends on the condition of the laterals.

On motion of Vice Mayor Krolik, seconded by Councilmember Fannon, and with a unanimous voice vote, the resolution approving the design of the pilot sewer lateral replacement program was adopted.

**PUBLIC COMMENT:**

There were no public comments.

**CITY COUNCIL ITEMS:**

Mayor Mullooly announced that the Community Gatepath breakfast will be held on October 10, 2008.

Mayor Mullooly announced that the Disaster Preparedness Day will be held on Saturday, September 13, 2008 from 10:00 a.m. to 2:00 p.m. at the San Mateo Event Center.

Mayor Mullooly announced that there will be no Council of Cities Dinner/Meeting for the month of August.

Mayor Mullooly announced that a Badge Pinning Ceremony was held on Monday, July 28, 2008 in celebration of Captain Jack Lindecker's promotion to Battalion Chief assigned to the Training Division, Firefighter Tom Donnelly's promotion to Captain, and Firefighter Jeff Baker's promotion to Captain.

Mayor Mullooly announced that the Central County Fire Department Jr. Fire Academy was held on July 9 – 11, 2008 with 19 local kids attending.

**ADJOURN:**

Mayor Mullooly adjourned the meeting at 8:40 p.m.