

RESOLUTION NO. 10-

RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF HILLSBOROUGH APPROVING THE DESIGN OF A NEW TWO STORY MEDITERRANEAN STYLE RESIDENCE AT 3115 RALSTON AVENUE OF APPROXIMATELY 11,816 SQUARE FEET IN FLOOR AREA (15.63% FLOOR AREA RATIO) AND ASSOCIATED LANDSCAPE PLAN INCLUDING NEW PLANTINGS, TREE REMOVAL, NEW TENNIS COURT, SWIMMING POOL AND TERRACES

WHEREAS, public outreach on the project began January 15, 2010, including mailings, a neighborhood meeting, hard copy posting on Town bulletin boards, early story pole installation, and electronic posting on the Town's website; and

WHEREAS, the proposal received Preliminary Review by the Architecture and Design Review Board (ADRB) on March 1, 2010. At that time, the Board commented favorably on the architecture and design of the project and requested that the applicant address and demonstrate the visual impacts of the proposed tennis court and retaining walls from Pinehill Road and stressed the importance of material selection specifically for the tennis court wall. The ADRB also noted the height of the proposed chimneys and detail, a discrepancy in the renderings and plans of the porte-cochère arches, and recommended incorporation of the rendering detail into the design plans; and

WHEREAS, an Initial Study (IS), Draft Mitigated Negative Declaration (MND) and Draft Mitigation Monitoring Plan (MMP) have been prepared for purposes of the proposed residential project at 3115 Ralston Avenue which indicate that with the proposed mitigation measures, the proposal would not have a significant effect on the environment; and

WHEREAS, after the project was publicly noticed and story poles were installed, several neighbors voiced concerns including inadequacy of street setbacks, privacy and visual impacts, sufficiency of landscaping, accuracy of public notices, and environmental impacts; and

WHEREAS, on May 3, 2010, the ADRB considered the formal application with focus on reviewing and hearing information relating to environmental impacts and continued full consideration of the item to their June 7, 2010 meeting; and

WHEREAS, since original submittal of the application on February 2, 2010 through early April 2010, sixteen different design changes have been made to the proposal as referenced in the "Design Changes April 5th ADRB Meeting", submitted by the applicant; and

WHEREAS, on May 27, 2010, the applicant submitted a revised proposal for construction of a residential structure with a floor area of 11,815 square feet (15.63% floor area ratio) and associated landscape plan, including new plantings, tree removal, new tennis court, swimming pool and terraces which contained 8 additional changes. Specific additional revisions include:

1. Increased setback from Ralston Avenue from approximately 55 feet to 70 feet at the closest point;
2. An "S-shaped" driveway to allow for less direct views of the proposed residence from Ralston Avenue;
3. Berming along the driveway allowing for additional screening and the elevation of screen trees;
4. Preservation of two oak trees within the front property line setback area;
5. Reduced total square footage by approximately 1,554 or 10%;
6. Reduced floor area ratio (FAR) by approximately 902 square feet;
7. Relocated the tennis court approximately 10 additional feet back from the Pinehill Road property line;
8. Due to the tennis court relocation and reduction of basement area, proposed off-haul of earth materials would be reduced by approximately 250 cubic yards.

WHEREAS, the ADRB in special session assembled on June 17, 2010, based on the evidence presented, both written and oral, including the application and supporting documentation and written and oral testimony given at hearings by the lead agency, City officials and the public, approved the construction of a new two story Mediterranean style residence of approximately 11,816 square feet in floor area (15.63% Floor Area Ratio) and associated landscape plan including new plantings, tree removal, new tennis court, swimming pool and terraces.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the Town of Hillsborough in regular session assembled on July 12, 2010, based on the evidence presented, both written and oral, including the application, and supporting documentation and written and oral testimony given at hearings by the lead agency, City officials and the public, approves the construction of a new two story Mediterranean style residence at 3115 Ralston Avenue of approximately 11,816 square feet in floor area (15.63% Floor Area Ratio) and associated landscape plan, including new plantings, tree removal, new tennis court, swimming pool and terraces based on the overall finding that the project conforms to applicable portions of the Town's General Plan, Zoning Code and Design Guidelines, including the following specific findings and reasons:

1. *The General Plan includes goals and policies to "Continue to review new development proposals to ensure that they do not overwhelm their sites or their neighborhood" and to "Maintain the character of the Town's neighborhoods."*

A neighborhood is defined as a district or area with distinctive characteristics that distinguish it from other community areas and that may include physical barriers. It is also defined as the surrounding area or vicinity. Neighborhoods can be defined by viewscape (visibility amongst properties), walkability, previously established social networks and terrain. Staff has conducted a survey of properties within a common viewscape. Additionally, at the request of concerned citizens, staff has conducted an enhanced survey of properties along Ralston Avenue. These two areas can be considered to be neighborhoods.

The proposed residence would be within a neighborhood of grand homes. The proposed residence would feature a 15.63% Floor Area Ratio (FAR), which is significantly less than the generally permitted maximum of 25%. Since the subject site is over an acre, the second acre (or area in excess of one acre) is subject to a 15% FAR limitation. Accordingly, the maximum floor area permitted under the FAR limitations for this property is 15,694.65 square feet. Thus, the proposed floor area of 11,815.62 square feet in floor area is 3,879 square feet below the maximum permitted floor area. The visible portion of the structure (the portion above ground level exclusive of the proposed basement area) features a FAR of approximately 14.48%. Additionally, the proposed residence is significantly screened through siting and vegetation.

Required setbacks for the property are 35 feet for street setbacks and 20 feet for side and rear setbacks. The street setbacks for the proposed residence are proposed at approximately 70 feet from Ralston Avenue and 153 feet from Pinehill Road, 22 feet from the right side setback and 35 feet from the rear yard setback.

The average size home within the surveyed areas is approximately 8,000 square feet or 9.5% FAR, with specific sizes ranging from approximately 2,556 square feet to 17,900 square feet and 3% FAR to 22% FAR. Additionally, the average street setback is between approximately 63 feet (within the immediate neighborhood survey) to 95 feet (within the expanded neighborhood survey), with individual properties ranging from 25 feet to 90 feet in the immediate neighborhood survey and 25 feet to 390 feet in the expanded survey. While the application exceeds the average home size, it is similar in size to a number of homes within both surveyed areas, including within close proximity. Additionally, the Pinehill Road street setback exceeds the average in both surveyed areas and the Ralston Avenue street setback exceeds the average within the immediate neighborhood survey and is within an approximate 10-foot range of the setbacks within the broader survey.

Quantitative factors, however, are but one consideration, and are not the sole factor in determining massing impacts on a neighborhood. Architecture, landscaping, siting and terrain are contributing factors to visual impacts of a project. Specifically, the proposed residence is divided into segments with staggered/varying setbacks, thereby breaking up and reducing the visual appearance and massing. The proposed residence would be generally compatible with the visual massing in the neighborhood.

Setbacks within the neighborhood vary widely and appear to be patterned in response to topography and view opportunities. Varying rather than uniform setbacks are a component of this neighborhood's character and contribute to the uniqueness of the neighborhood. The proposed residence falls within the range of established neighborhood setbacks and is constructed on the most level part of the lot with the most advantageous view point. The lack of similarity between the proposed and neighboring setbacks is consistent with the lack of similarity between other properties in the neighborhood and, therefore, the character of the neighborhood.

Due to the architecture, the massing, the landscaping and the siting of the proposed residence, the project does not overwhelm the neighborhood and maintains the character of the neighborhood.

2. *The Zoning Code states as one of its purposes to “Conserve and protect the natural resources, natural beauty and significant environmental amenities of the town.”*

As documented in the IS and MND, the proposed improvements have been designed and environmentally mitigated to facilitate the protection of environmental resources. Additionally, existing trees in poor condition will be replaced on a nearly 3:1 ratio with larger trees of more appropriate species to the site and the Town.

3. *The Town’s Design Guidelines emphasize the importance of one-by-one craftsmanship and homebuilding. Specifically, the Guidelines note that “an enviable attribute of Hillsborough is the feeling that no two homes seem to have ever been erected by the same developer” and that a key component in the success of the Town’s development pattern of adjacent homes of different styles is the rigor and discipline the architect applies to the selected style.*

There is a wide variety of housing styles and sizes within the neighborhood including Tudor, Mediterranean, and French. While the construction materials and traditional Mediterranean architectural style have similarities to other homes in the neighborhood (i.e. stucco, tile, wood windows, copper gutters), the siting and specific architecture of the project is unique to the neighborhood. Specifically, the proposal includes bermed landscaping, a motor court and a porte-cochère.

The differences of the proposed setbacks with those in the neighborhood create additional diversity in siting, enhancing the varying patterns within the neighborhood.

4. *The Town's Design Guidelines characterize Hillsborough’s image as including sophisticated design which is rural but stately and displays subtle elegance.*

While the proposal is grand, it is not overly opulent and reflects style and details appropriate to its historical architectural style.

5. *The Town’s Design Guidelines state that where feasible, buildings should be sited so as to maximize the view potential from the site while also maximizing the distance from buildings on adjacent properties.*

The proposed siting of the structures and outdoor recreation areas take opportunity of the significant views afforded the site to the west and exceeds setbacks required by the Town. Additionally, the revised plans submitted on May 27, 2010 increase the street setback from Ralston Avenue and relocate the tennis court further back from Pinehill Road, thereby locating the proposed improvements even further from the street-side neighboring properties.

6. *The Town's Design Guidelines state that building massing should generally conform to the buildings in the surrounding vicinity.*

Massing relates to the visual impact of a structure or object. The visible massing (the portion of the structure above ground level) of the proposed residence would be approximately 10,951 square feet or 14.48% FAR. The neighborhood average FAR, as surveyed by Town staff, is approximately 9.5% with homes ranging from 2,556 to 17,900 square feet in floor area and 2.83% to 22% FAR.

The proposed front elevation facing Ralston Avenue is approximately 18 feet 5 inches wide for the first story element and 71 feet wide for the second story element, while the property line is approximately 337 feet in width. The proposed left elevation facing Pinehill Road is approximately 157 feet for the first story element and 117 feet for the two story element while the property line is approximately 328 feet in width. Therefore, the proposed elevations do not dominate the view from the streets in terms of building to property line width. Since the left side setback for the residence is approximately 153 feet, generous perimeter landscaping exists at this property line and the site slopes upward from Pinehill Road, the massing of the proposed project from Pinehill Road would not be out of character with other homes in the neighborhood. Since the front setback for the residence is approximately 70 feet, the proposed driveway is curvilinear, the elevation is a small percentage of the property frontage, and generous perimeter landscaping exists at this property line and within the front setback area, the massing of the proposed project from Ralston Avenue would not be out of character with other homes in the neighborhood.

7. *The Town's Design Guidelines acknowledge the importance of historical accuracy, a commitment to the style in the design of all components of the residence, and the use of high quality craftsmanship and building materials appropriate to the design for residential projects in Hillsborough.*

The architectural style is presented as Mediterranean. The Mediterranean style of architecture includes the use of arches, courtyards, plain white wall surfaces, wrought iron window grilles, exposed massive chimneys, carved wooden doors, and red tile low pitched roofs. The proposal includes arched windows and doors, wooden doors, tile low pitched roof and high quality materials including clad wood windows, Redlands clay tile roof, copper gutters, downspouts and chimney caps, custom garage and entry doors and custom roof eave detailing. The proposal, therefore, represents a historically accurate style and includes historically accurate high quality construction materials.

8. *The Town's Design Guidelines encourage the use of natural/honest materials.*

The project's use of stone, clay and wood reflect the Town's guidelines encouraging the use of natural/honest materials.

9. *The Town's Design Guidelines state that the siting and design of projects should integrate mature and native trees and existing vegetation into the site plan and building design without a significant loss of vegetation.*

The project involves the removal of 36 mature trees. Of these trees being removed, 18 trees are twelve inches in diameter at breast height and greater. The majority of these trees are Eucalyptus, are in fair condition, and range from 12 inches to 26 inches in diameter, with the removal of one 24-inch box tree. Planting of 106 new trees ranging from 15-gallon to 48-inch box sizes is proposed. Additionally, healthy perimeter trees are proposed to be maintained.

10. *The Town's Design Guidelines state that grading should respect the natural topography of land.*

While the applicant will undergo grading, the grading is below the threshold requiring City Council approval. The project and associated grading respects the existing topography of the site by siting the proposed residence on the flatter portions of the site where the existing residence is located and balancing much of the cut and fill onsite.

11. *The Town's Design Guidelines state that landscaping should be designed to define private outdoor space connected to the residence, define the boundaries between the private outdoor space and the more public, or street facing, outdoor space, maximize views and create visual buffer zones between the property and neighboring parcels.*

The proposed landscaping defines the outdoor recreation area consisting of a swimming pool and cabana and creates a private lawn area at the front of the residence. Additionally, proposed landscaping would screen the residence from neighboring properties and public rights-of-way.

12. *Fencing and walls should be compatible with the neighborhood and the architectural style of the building.*

Simple wrought iron fencing is proposed along Ralston Avenue and black vinyl chain link fencing is proposed along Pinehill Road. Wrought iron is commonly used in Mediterranean style homes and these types of fences are commonly seen throughout the neighborhood and would be complemented by landscaping.

13. *Retaining walls should not be higher than 6 feet, except where they are located within an interior setback area, in which case they shall be no taller than 4 1/2 feet.*

The proposal includes a series of three retaining walls, one at 4 feet 6 inches high at the end of the terrace and two at 6 feet high at the tennis court area.

14. *The Town's Design Guidelines state that the design and construction of Hillsborough homes should evoke a superior level of craftsmanship and building materials.*

The ADRB and public commenters acknowledge that the proposal is of a high quality design and utilizes quality construction materials such as wood, copper and stone.

15. *The Town's Design Guidelines state that specified building materials and architectural finishes should be appropriate to the architectural style of the residence:*

The proposed design incorporates raw materials such as tile, copper, wood and stone which are common to the architectural style of this residence.

16. *The Municipal Code states that the review and consideration of the City Council shall include the project's aesthetic compatibility with the site and the neighborhood, including, without limitation, the impact of such square footage on the site and the neighborhood.*

The proposed residence would occupy roughly the same footprint of the existing two story home. Land disturbance associated with the new home would, therefore, be significantly less than if the residence was located on a different portion of the site. The existing neighborhood consists of a variety of larger homes and varying architectural styles including Tudor, Mediterranean and French. While the construction materials and traditional Mediterranean architectural style have similarities to other homes in the neighborhood (i.e. stucco, tile, wood windows, copper gutters), the siting and specific architecture of the project is unique to the neighborhood. The visual massing of the proposed home as noted above would be consistent with the quality, size and landscaping of surrounding homes. The proposed fencing type (wrought iron and black chain link) and height is also consistent with fencing in the surrounding area. Additionally, existing trees in poor condition will be replaced on a nearly 3:1 ratio with larger trees of more appropriate species to the site and the Town.

17. *The Design Guidelines state that building massing should generally conform to the buildings in the surrounding vicinity.*

While the proposed residence would be larger than the average home size within the neighborhood, it would be located within a neighborhood of grand homes. The proposed residence would feature a FAR of approximately 15.63%, which is significantly less than the generally permitted maximum, which is 25% for the first acre and 15% for each subsequent acre or portion thereof. Accordingly, the floor area permitted under the FAR limitations is 15,694.65 square feet. The proposed floor area is 11,815.62 or 3,879 square feet below the permitted floor area. The visible portion of the structure (the portion above ground level) is approximately 14.48%. The proposed residence is divided into segments with staggered/varying setbacks, thereby breaking up and reducing the visual appearance and massing. Additionally, the proposed residential structures are significantly screened through siting and vegetation. The proposed residence would, therefore, be generally compatible with the massing in the neighborhood.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the Town of Hillsborough in a regular session assembled on July 12, 2010, based on the evidence presented, both written and oral, including the application, supporting documentation, and written and oral testimony given at hearings, City officials and the public, hereby approves the construction of a new two story Mediterranean style residence at 3115 Ralston Avenue of approximately 11,815.62 square feet in floor area (15.63%

Floor Area Ratio) and associated landscape plan, including new plantings, tree removal, new tennis court, swimming pool and terraces based on the following conditions:

1. The Project Sponsor/Applicant shall comply with all mitigation and enhancement measures referenced within the Mitigated Negative Declaration and Mitigation Monitoring Plan adopted on July 12, 2010.
2. Future revisions to the project design that are substantial in nature are subject to review and approval by the ADRB in a public hearing; minor revisions will be subject to the administrative review process, unless otherwise referred to the ADRB pursuant to Section 2.12.070(A)(2) of the Hillsborough Municipal Code..
3. The applicant shall comply with the Town's Standard Conditions of Approval and the TCLA (Town's Consulting Landscape Architect) recommendations.
4. The applicant shall comply with the Town of Hillsborough Standard Conditions of Approval.
5. All construction vehicles shall be parked on site unless otherwise authorized by the Building Official.
6. All construction vehicles shall utilize the upper/southern driveway for ingress and egress unless otherwise authorized by the Building Official.
7. The project sponsor shall implement best management practices to reduce construction noise. The Project Sponsor shall incorporate the following practices into the construction documents to be implemented by the project construction contractor. These control measures, such as installation of noise control devices (e.g., mufflers), selection of quieter machinery, and other noise control measures (e.g., surrounding stationary equipment with noise barriers), would not require major equipment redesign:
 - a. Maximize the physical separation between noise generators and noise receptors. Such separation includes, but is not limited to, the following measures:
 - i. Use heavy-duty mufflers for stationary equipment and barriers around particularly noisy areas of the site or around the entire site;
 - ii. Use shields, impervious fences, or other physical sound barriers to inhibit transmission of noise to sensitive receptors;
 - iii. Locate stationary equipment to minimize noise impacts on the community; and
 - iv. Minimize backing movements of equipment.
 - b. Use quiet construction equipment whenever possible.
 - c. Impact equipment (e.g., jack hammers and pavement breakers) shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Compressed air exhaust silencers shall be used on other equipment. Other quieter procedures, such as drilling rather than using impact equipment, shall be used whenever feasible.
 - d. Prohibit unnecessary idling of internal combustion engines.
 - e. Select routes for movement of construction-related vehicles and equipment in conjunction with the Hillsborough Building Official so that noise-sensitive areas, including residences and schools, are avoided as much as possible.
 - f. The construction contractor shall send advance notice to neighborhood residents within 50 feet of the project site regarding the construction schedule and including the telephone number for the disturbance coordinator at the construction site.

8. The entry gate and mailbox shall be subject to Administrative Review.
9. The four strawberry trees behind the Magnolia trees along Pinehill Road shall be 48-inch box specimen trees.
10. To the full extent permitted by law, the applicant shall indemnify, defend, release and hold Town, its Councilmembers, officers, agents and employees from and against any claims, suits, liabilities, actions, damages, penalties or causes of action by any person, including applicant, (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend or annul any actions of Town, its agents, officers and employees, from any cause whatsoever in whole or in part arising out of or in connection with (1) the processing, conditioning or approval of the subject property; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation or operation of project improvements, regardless of whether the actions or omissions are alleged to be caused by Town or applicant, so long as Town promptly notifies applicant of any such claim or action and the Town cooperates in the defense of same.

Mayor of the Town of Hillsborough

Attest: City Clerk

This resolution was adopted by the City Council of the Town of Hillsborough at its regular meeting held on the 12th day of July 2010, by the following vote of the members thereof:

AYES: Councilmembers _____

NOES: Councilmembers _____

ABSENT: Councilmembers _____

ABSTAIN: Councilmembers _____