

RESOLUTION NO. 10-

RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF HILLSBOROUGH ADOPTING THE MITIGATED NEGATIVE DECLARATION (MND) AND MITIGATION MONITORING PLAN (MMP) FOR A SINGLE FAMILY RESIDENTIAL PROJECT AT 3115 RALSTON AVENUE

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, public outreach on the project began January 15, 2010, including mailings, hard copy posting on Town bulletin boards and electronic posting on the Town's website; and

WHEREAS, the Architecture and Design Review Board (ADRB) conducted a preliminary review of the design of the residential project at 3115 Ralston Avenue at their regularly scheduled March 1, 2010 meeting; and

WHEREAS, the public review period for this IS/MND was from March 12, 2010, through March 31, 2010; and

WHEREAS, the IS/MND was re-circulated due to changes in the grading and floor area of the project. The public review period for the subsequent IS and MND was from April 7, 2010, through April 26, 2010; and

WHEREAS, the ADRB has reviewed and considered the draft IS, MND and MMP for the residential project at 3115 Ralston Avenue at a public hearing at their regularly scheduled May 3, 2010 meeting; and

WHEREAS, since publication of the most recent IS and MND, on May 27, 2010 the applicant has submitted the following changes to the project plans:

1. Increased the setback from Ralston Avenue from approximately 55 feet to 70 feet at the closest point;
2. Created an "S-shaped" driveway to allow for less direct views of the proposed residence from Ralston Avenue;
3. Created berming along the driveway allowing for the additional screening and the elevation of screen trees;
4. Preserved two oak trees within the front property line setback area;
5. Reduced the total square footage by 1,554 or 10% of its original square footage;
6. Reduced the floor area by 902 square feet, resulting in an floor area ratio (FAR) of 15.63%;
7. Relocated the tennis court back approximately 10 additional feet from the Pinehill Road property line;

8. Reduced proposed off-haul of earth materials by approximately 250 cubic yards, due to the tennis court relocation and reduction of basement area; and

WHEREAS, since the original publication of the Draft IS/MND, the following enhancements have been added to the final IS, MND and MMP:

1. Mitigation measure Number 5 requiring a construction phasing plan and traffic management plan includes additional detail regarding educating construction workers about the speed limit and permitted hours of construction and grading;
2. Updated references to square footage as well as floor area ratio statistics;
3. Requirements for a tree protection and replacement plan;
4. Enhanced Transportation and Traffic mitigation measure and analysis of impacts to outline Construction Management Plan parameters;
5. Transportation and Traffic enhancement measures requiring compliance with the Town of Hillsborough Standard Conditions of Approval, a requirement for the parking of construction vehicles on-site, and use of the upper/southern driveway as the primary ingress and egress by construction vehicles;
6. Construction vehicle noise enhancement measures;
7. Enhanced evaluation of aesthetic impacts including visual depictions.
8. Reformatted sections within the Initial Study to include explanation of impacts and sources with each checklist section;
9. Further clarified sources;
10. Enhanced explanation of air quality impacts;
11. Cited the General Plan policy encouraging the removal of non-native species such as eucalyptus and acacia trees;
12. Enhanced explanation of noise impacts;
13. Memoranda from the Town Consulting Landscape Architect noting sufficiency of landscaping;
14. Memorandum from the Town's City Engineer, Building Official and Police Captain acknowledging traffic, parking and geology as less than significant impacts; and

WHEREAS, on June 7, 2010, the ADRB continued consideration of the IS, MND and MMP to a special meeting on June 17, 2010, at 3:00 p.m.

WHEREAS, as Town staff has considered and responded to all information, technical studies, correspondence and testimony claiming that there are potentially significant effects from the project in the areas of geotechnical, aesthetic, noise and traffic impacts submitted and, where appropriate, has obtained additional studies and confirmed that there are no new potentially significant effects which were not originally identified in the MND; and

WHEREAS, the ADRB of the Town of Hillsborough in special session assembled on June 17, 2010, based on the evidence presented, both written and oral, including the Initial Study and Draft Mitigated Negative Declaration circulated April 7, 2010 through April 26, 2010 and the Mitigation Monitoring Plan, as well as subsequent revisions to each, the application and supporting documentation, and written and oral testimony given at

hearings by the lead agency, City officials and the public, adopted the MND and MMP and approved the project to demolish an existing residence and construct a new two story Mediterranean style residence and associated landscape plan including new plantings, tree removal, new tennis court, swimming pool and terraces. The project also includes on-site grading of approximately 3,595 cubic yards of cut and 2,660 cubic yards of fill earth material with approximately 685 cubic yards of exported earth materials.

WHEREAS, the City Council of the Town of Hillsborough has reviewed and considered the draft IS, MND and MMP and the project application, including the above-noted changes, as well as comments received from the public, for the residential project at 3115 Ralston Avenue at the July 12, 2010 regularly scheduled meeting.

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 IS and Draft MND circulated April 7, 2010, through April 26, 2010 and the MMP, as well as subsequent revisions to each, the Final Initial Study and Mitigated Negative Declaration and Mitigation Monitoring Plan adopted by the ADRB on June 17, 2010, the application and supporting documentation, and written and oral testimony given at hearings by the lead agency, City officials and the public, hereby adopts the MND and MMP and approves the project to demolish an existing residence and construct a new two story Mediterranean style residence and associated landscape plan including new plantings, tree removal, new tennis court, swimming pool and terraces. The project also includes on-site grading of approximately 3,595 cubic yards of cut and 2,660 cubic yards of fill earth material with approximately 685 cubic yards of exported earth materials. This determination is based on the following findings and for the following reasons:

1. *Based on the entire record, the City Council finds that there is no substantial evidence in the record that the proposed project will result in a significant adverse effect to the environment.*

The IS and MND identify any potentially significant environmental impacts associated with the project and propose mitigation measures to ensure that no significant impacts result from the project. On the basis and for the reasons stated in the staff report, the City Council finds that none of the comments and reports submitted constitute substantial evidence to support a fair argument of a significant impact on the environment. The MMP insures that the project will not harm the environment.

2. *The environmental assessment reflects the independent judgment and analysis of the lead agency.*

Based on review of the reports and information provided to the City Council by the Engineering Department, the Building and Planning Department and the

Police Department, the City Council has made an informed and independent determination that any environmental impacts associated with the proposal can be mitigated to a less than significant level with the MMP, conditions of approval and applicable regulations.

3. *The Mitigation Monitoring Plan represents changes or alterations required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects to the maximum extent feasible.*

Compliance with the MMP is a condition of project approval. MMP measures result in potentially significant environmental impacts being mitigated to a less than significant level.

4. *The revisions to the MND do not constitute a "substantial revision" within the meaning of the CEQA Guidelines (14 CCR §15073.5(b)).*

The additional information and enhanced mitigation measures contained in the revised MND do not create a new significant environmental effect and are not necessary to mitigate a significant environmental effect.

5. *The custodian of the records for this matter is the Hillsborough City Clerk, Town Hall, 1600 Floribunda Avenue, Hillsborough 94010.*

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 _____