

Town of Hillsborough
Planning Department

Staff Report

Date: June 30, 2010

To: City Council

From: Elizabeth S.R. Cullinan, Director of Building and Planning

Subject: **3115 Ralston Avenue – Brewer Development LLC (Habitat Architecture / Michael Callan Landscape)**

On June 17, 2010 the ADRB unanimously approved a new two-story Mediterranean style residence of 11,815.62 square feet in floor area (15.63% Floor Area Ratio) along with an associated landscape plan, including new plantings, tree removal, new tennis court, swimming pool and terraces, by means of a 4:0 vote (Boardmember Ho was excused), based on the findings and the conditions outlined in the attached Resolutions. The project also included on-site grading of approximately 3595 cubic yards of cut and 2660 cubic yards of fill earth material with approximately 685 cubic yards of exported earth matter. The ADRB specifically added conditions requiring the replacement of the proposed trees with 48" box specimen trees along Pinehill Road and Staff review of the entry gate and mailbox. Following is a summary of background on the project.

- ❖ 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 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-cochere arches, and recommended incorporation of the rendering detail into the design plans.
- ❖ On May 3, 2010 the ADRB received presentations from Staff, the applicant and the public regarding the environmental and design aspects of the proposal to demolish an existing two story residence and construct a new two story Mediterranean style residence of approximately 12,717 square feet in floor area (16.82% Floor Area Ratio) and associated landscape plan including new plantings, tree removal, new tennis court, swimming pool and terraces. The project also included on site grading of approximately 3595 cubic yards of cut and 2660 cubic yards of fill earth material with approximately 935 cubic yards of exported earth materials.

- ❖ On May 3, 2010 the ADRB considered the Initial Study, Draft Mitigated Negative Declaration and Mitigation Monitoring Plan and continued consideration of the environmental determination and design to their June 7, 2010 meeting.
- ❖ As a result of continuing mediation efforts by Staff on behalf of interested parties, on May 27, 2010 the applicant submitted revised plans including the following substantial changes:
 - ✓ Increased the setback from Ralston Avenue from approximately 55' to 70' at the closest point;
 - ✓ Created an "s-shaped" driveway to allow for less direct views of the proposed residence from Ralston Avenue;
 - ✓ Created berming along the driveway allowing for the additional screening and the elevation of screen trees;
 - ✓ Preserved two oak trees within the front property line setback area;
 - ✓ Reduced the total square footage by approximately 1491 or 10% of its original square footage;
 - ✓ Reduced the floor area by 902 square feet, resulting in an floor area ratio (FAR) of 15.63%;
 - ✓ Relocated the tennis court back approximately 10' additional feet from the Pinehill Road property line.
 - ✓ Reduced proposed off-haul of earth materials by approximately 250 cubic yards, due to the tennis court relocation and reduction of basement area.

The resulting revised project description is as follows:

Demolition of an existing residence and construction of a new two story Mediterranean style residence of 11,815.62 square feet in floor area (15.63% Floor Area Ratio) or 12,941.52 square feet in total 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 3595 cubic yards of cut and 2660 cubic yards of fill earth material with approximately 685 cubic yards of exported earth materials. The design of the proposal is a Mediterranean architectural style with a palette of high quality materials including clad wood windows, Redlands clay tile roof, copper gutters, downspouts and chimney caps, custom garage & entry doors and custom roof eave detailing.

- ❖ On June 7, 2010 the ADRB continued consideration of the project to a special meeting on June 17, 2010 for purposes of further addressing environmental issues.
- ❖ On June 17, 2010 the ADRB held a special meeting for continued consideration of the Initial Study, Draft Mitigated Negative Declaration, Mitigation Monitoring Plan, project design and all public comment submitted. The ADRB received presentations from Planning Staff, Mark Sinclair (applicant), Alex Mortazavi (project architect), Bart Hechtman (Attorney representing Mark Sinclair), John and Leslie Wilson of 3080 Ralston Avenue, Steve Mattas (Attorney representing John and Leslie Wilson, Terri and Katrina Garnett and the Hillsborough Neighborhood Preservation Association) and members of the public regarding

the environmental and design aspects of the proposal. The ADRB collectively thanked the applicant and members of the public for their participation in the public hearing process, acknowledged the applicant's efforts in responding to neighborhood comments through design revisions, noted the project's consistency with the Residential Design Guidelines and Hillsborough Municipal Code requirements, and determined the adequacy of the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Plan. The ADRB voted unanimously 4:0 (Lin Ho excused) to approve the project based on the findings and the conditions outlined in the resolutions. The ADRB incorporated additional conditions into the approval requiring the trees between the magnolias and tennis court along Pinehill be increased in size (from 36-inch boxes to 48-inch boxes) and the design of the entry gate and mailbox be subject to staff review.

ENVIRONMENTAL REVIEW ISSUES

A Draft Initial Study (IS) and Mitigated Negative Declaration (MND) have been prepared for the project to address potential environmental impacts associated with grading on slopes exceeding 10%. The ADRB is required to consider the IS/MND as well as provide design review of the project. The IS/MND were delivered to the ADRB and the City Council on Monday, April 5th, 2010. Notification of the IS and MND were mailed to property owners within a 500' radius on April 1, 2010. The public review period for the Draft IS/MND was from April 7, 2010 through April 26, 2010. The environmental documents conclude that any potential environmental impacts associated with aesthetics, biological resources, hazards and dangerous materials, utilities/services systems, cultural resources, hydrology/water quality, noise, air quality, geology/soils and transportation/traffic 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.

The California Environmental Quality Act (CEQA) also requires that the Town adopt a Mitigation Monitoring Plan (MMP) in order to insure implementation of mitigation measures presented in the MND.

The Town has reviewed in detail the public comments received regarding the environmental documents. These comments have raised concerns in the following areas: aesthetics, air quality, biological resources, landscaping, transportation and traffic, noise, soils and geology. Staff has carefully considered the issues raised. Certain comments, addressed specifically below, asserted that there were potentially significant impacts that were either not addressed or not adequately mitigated in the MND, while other comments sought additional information or suggested potential changes to the project. While the conclusions remain that the project will not have a significant environmental impact with proposed mitigations and the previously considered IS and MND sufficiently cover the potential environmental issues associated with this single family residential project, the Town has enhanced the documents from what was initially issued through incorporation of the following: :

- ✓ Updated references to square footage as well as floor area ratio statistics.
- ✓ Requirements for a tree protection and replacement plan.

- ✓ Enhanced Transportation and Traffic mitigation measure and analysis of impacts to outline Construction Management Plan parameters.
- ✓ 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.
- ✓ Enhanced measures regarding construction vehicle noise.
- ✓ Additional evaluation of aesthetic impacts including visual depictions.
- ✓ Reformatted sections within the Initial Study to include explanation of impacts and sources with each checklist section.
- ✓ Further clarification of sources.
- ✓ Enhanced explanation of air quality impacts.
- ✓ Cited the General Plan policy encouraging the removal of non-native species such as eucalyptus and acacia trees.
- ✓ Enhanced explanation of noise impacts.
- ✓ Memoranda from the Town Consulting Landscape Architect noting sufficiency of landscaping.
- ✓ Memorandum from the Town's City Engineer, Building Official and Police Captain acknowledging traffic, parking and geology as less than significant impacts.

With regard to the comments suggesting that the project may cause potentially significant environmental impacts in a variety of areas, staff has the following responses:

Aesthetics

The April 22, 2010 letter from Bexton Associates, attached to the April 26, 2010 letter from attorney Steve Mattas, raises issues concerning the aesthetic impacts of the project and suggests that several mitigating measures need to be taken for the project to "have a minimal impact" on the neighborhood. These steps included reducing the size of the house, enlarging setbacks and reducing coverage, as well as addressing the fact that the tennis court is located close to the street, and relocating the driveway on Ralston to provide additional screening from trees. Although these impacts were not found significant in the MND, since this comment was received, the size of the house has been reduced, the setbacks have been increased and the lot coverage lessened. Although sound attenuation has not been added to the tennis court (see Noise discussion below), the tennis court has been moved back from the street and larger trees have been added as required by the ADRB. In addition, with the elimination of the exercise room, additional space has been created for the driveway, allowing for additional tree screening from Ralston Avenue.

Noise

Comments submitted by attorney Steve Mattas, on behalf of several parties, suggested that the project would result in significant noise impacts. A report by Dowling Associates, Inc. raises concerns about noise impacts, but concludes that if the noise thresholds of the Hillsborough Municipal Code are enforced, "there should be no potential increase in noise beyond that normally associated with single family residential land use," which would render such impacts less than significant. A subsequent report submitted by Mr. Mattas, from Charles M. Salter Associates, Inc., finds the provisions of the Town's

noise ordinance to be "extremely lenient" and notes that expected construction noise would exceed the standards of the "California Model Noise Ordinance." The Town of Hillsborough, however, has not adopted the California Model Noise Ordinance standards and instead has adopted specific community thresholds which serve as a benchmark for determining a potentially significant noise impact under the California Environmental Quality Act. Compliance with the local noise ordinance establishes that such noise impacts are not a significant environmental impact. Comments regarding noise that does not exceed the Hillsborough noise standards constitute opinion and are appropriately addressed through enhancement measures.

Comments also raised concerns regarding the noise from the tennis court. Studies and readings from Charles M. Salter Associates, Inc., as well as Edward L. Pack Associates and the Hillsborough Police Department, indicate that day time tennis court noise will be within acceptable single family residential decibel levels as established by the Hillsborough Municipal Code. The Charles M. Salter Associates Inc. noise study indicates that, under the standards of the California Model Noise Ordinance, tennis court noise levels would not be acceptable during dusk and evening hours. However, even if such standards were applicable, they are not relevant because the Town does not allow lighting for tennis courts. Therefore, night and evening tennis court noise does not present a significant or potentially significant environmental impact that requires mitigation.

In his letter submitted on June 17, 2020, Mr. Mattas emphasized statements in the Salter report to the effect that, despite compliance with the Hillsborough Noise Ordinance, the construction of the proposed project would increase noise by some 40 dB. Mr. Mattas asserts that such an increase would be "significant" and claims that by providing the Salter report his client has raised a fair argument, based on substantial evidence, that the project would have a significant effect on the environment. Mr. Mattas asks the Town to "explain the factual and policy basis" for its determination that this increase would be less than significant. The Town has previously noted that, in adopting its noise ordinance, the Town has determined what levels of noise, including construction noise, are permissible. In addition, the Town notes that the Salter report makes no assertion that the construction of 3115 Ralston will differ, in terms of the type of work or the amount of noise generated, from other projects involving construction of single family residences. Thus, following the logic of Mr. Mattas' assertion and the findings of the Salter report, virtually any residential construction project in the Town, including additions and renovations, could be viewed as causing significant noise impacts. This would potentially require that any residential construction project undertake the preparation of an environmental impact report to study "potentially significant" construction noise impacts. The Town takes cognizance of the established categorical exemptions from CEQA that apply to single family homes, reflecting a state-wide policy determination that such projects do not result in significant impacts on the environment in any of the specified categories, including noise. Again, no showing has been made that the noise produced by this project would differ in any significant way from that of similar residential construction.

Geotechnical Impacts

In his June 2nd letter, and in a previous letter dated April 26th, Mr. Mattas provided reports from Berlogal Geotechnical Consultants, which challenged the applicant's first geotechnical report and suggested that a potential landslide was located on the property. The applicant has since provided a report from Earth Investigation Consultants which includes records of borings and finds that the property is underlain by stable bedrock beneath "native colluvial soil and undocumented fill prisms." In particular, the study notes "[t]here was no evidence detected in this investigation of landslides affecting the site." The report concludes that the proposed residence is feasible from a geotechnical standpoint. The Berlogal report relies on the analysis of old aerial photographs and does not reflect an in-depth physical inspection of the property and is therefore not found to be credible.

At the June 7th meeting of the ADRB, oral testimony was received from Frank Berlogar of Berlogar Geotechnical Consultants and Ted Sayre of Cotton Shires & Associates, Inc. questioning the procedures used by Earth Investigations Consultants in conducting borings on the site and whether the analysis of that firm is necessarily conclusive as to the non-existence of a land slide. The Town Engineer and the Town's Peer Review Engineer, C. Barry Butler of Cornerstone Earth Group, both responded orally that the physical testing results provide sound evidence that there is no evidence of a slide on the project site and that any other concerns as to stability will be addressed during subsequent plan preparations and geotechnical observations during construction.

A June 2nd letter from Steve Mattas attached a letter from Dennis Rinehart of CSW/ST2 raising concerns regarding discharge of stormwater, drainage and erosion control. These concerns were subsequently addressed at the hearing with oral responses from the Town Engineer and the Peer Review Engineer. Their follow up written reports respond to these issues in more detail and conclude that (1) the issues raised do not pose significant environmental effects and (2) these issues typically are addressed in all projects at the stage of the final design following the grant of project approvals. A copy of these reports dated June 15, 2010 and June 04, 2010, respectively, are attached hereto.

Traffic Impacts

The letter from Dowling Associates, Inc. discussed a variety of concerns relating to traffic, transportation and parking, many of which have been addressed through changes in the project, additional conditions of approval and other enhancements. It is significant to note that the Dowling letter concludes that only one impact that it discusses (noise, which is addressed above) is potentially significant.

The June 2nd letter from Mr. Mattas expresses a concern about cumulative impacts from construction traffic. The incremental effects of an individual project may be significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future

projects. The Town has reviewed its project files and has specifically checked the files for the two properties referenced in Mr. Mattas' June 2, 2010 letter (145 Pinehill Road and 601 Provident), in which he asserts that construction at the specified sites will cause traffic impacts that will be cumulatively considerable when combined with traffic from the project. The project at 601 Provident has reached the framing stage and thus the higher level of construction traffic associated with demolition and grading phases of construction no longer exists. The Town is not aware of any foreseeable construction at 145 Pinehill Road, or any other specific projects in the vicinity that may be under construction at the same time as the proposed project. Therefore, any analysis of cumulative impacts would be speculative. The California Environmental Quality Act (CEQA) does not require speculation or a cumulative analysis of projects that are not reasonably foreseeable.

Landscaping

Although the June 2 letter from Mr. Mattas includes comments from an arborist that suggests potential additional landscaping measures, there is no indication that, absent such measures, the project will have a significant impact on the environment. The Town Landscape Architect has reviewed the landscaping plan and determined that it is acceptable.

In summary, the MND found that the project would not result in any significant impacts on the environment once the specified mitigation measures were implemented. Although many issues have been raised in the public comment process, during and after the circulation periods for the MND, none have demonstrated a new potentially significant impact that would mandate additional mitigation. Nevertheless, all of these comments have been considered or addressed in some manner, through the inclusion of additional information in the MND provided to the ADRB or through enhancements to the project. Accordingly, the May 27, 2010 revisions to the project (which reduced its size and scope) and the enhancements to the MND and related documents do not represent a "substantial revision" to the document previously circulated for public review, as that term is defined under CEQA, and no further recirculation is required.

In order to approve the project, the City Council first needs to adopt the MND and MMP. In order to adopt the MND and MMP, the Council must consider the environmental documents together with any comments received during the public review process and may adopt the MND and MMP for the reasons outlined in the attached Resolution. If the Council approves the Resolution adopting the MND and MMP, the Council may then consider action on the Resolution approving the design.

DESIGN ISSUES

The key elements for design approval are consistency with the Town's General Plan, Zoning Code and Design Guidelines. These documents require that a project be compatible with its neighborhood, consistent with quantitative development standards set forth in the Municipal Code (i.e. height, setbacks, size), be sensitive to the environment, the topography of the site and surrounding buildings, be of high quality, unique, and historically accurate architecturally. The project appears to meet the requirements and guidelines of these documents for the following reasons:

Neighborhood Compatibility

- ✓ 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.
- ✓ The proposed residence would be within a neighborhood of grand homes. The visible portion of the structure (the portion above ground level) features an FAR of approximately 14.48%. Additionally, the proposed residence is significantly screened through siting and vegetation.
- ✓ The original neighborhood surveys conducted by Staff utilized Geographic Information Systems (GIS) and San Mateo County Assessor's information to provide general guidance to the ADRB. In light of the heightened interest in quantitative neighborhood development standards, Staff has refined the original survey to incorporate approved plans where available. The refined survey shows the following:

The average size home within the viewscape survey is approximately 8,814 square feet or 9.7% FAR with specific sizes ranging from 2,556 to 13,938 square feet and 2.93 to 15.0% FAR. The average size home within the expanded survey is approximately 7,417 square feet or 9.3% FAR with specific sizes ranging from 2,556 to 17,900 and 2.83 to 22% FAR. Additionally, the average street setback is approximately 63' within the viewscape neighborhood survey and 95' within the expanded neighborhood survey. Individual property setbacks range from 25' to 90' in the viewscape neighborhood survey and 25' to 390' in the expanded neighborhood 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 surveyed areas within the viewscape neighborhood and is within an approximate 26% range of the setbacks within the extended survey.
- ✓ 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 add 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.

- ✓ 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. The proposed residence is divided into segments with staggered/varying setbacks, thereby breaking up and reducing the visual appearance and massing.
- ✓ The proposed front elevation facing Ralston Avenue is approximately 18 '5" wide for the first story element and 71' wide for the second story element, while the property line is approximately 337' in width. The proposed left elevation facing Pinehill Road is approximately 157' for the first story element and 117' for the two story element while the property line is approximately 328' 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', generous perimeter landscaping exists at this property line and the site slopes upward from Pinehill Road, the visual 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', 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.

The proposed residence would, therefore, represent a less than significant increase in size and massing and be generally compatible with the massing in the neighborhood. Additionally, 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.

Consistency with Quantitative Development Standards:

- ✓ Required setbacks for the property are 35' for street setbacks and 20' for side and rear setbacks. The street setbacks for the proposed residence are proposed at approximately 70' from Ralston Avenue and 153' from Pinehill Road, 22' from the right side setback and 35' from the rear yard setback.
- ✓ The proposed residence would feature a 15.63% FAR, which is significantly less than the generally permitted maximum of 25%. Since the subject site is over an acre, the second acre is subject to a 15% FAR limitation. Accordingly, the maximum floor area permitted under the FAR limitations is 15,694.65 square feet. Thus, the proposed floor area of 11,815.62 is 3,879 square feet below the maximum permitted floor area.
- ✓ The proposed height, coverages and other development standards are consistent with the Hillsborough Municipal Code.

Sensitive to the environment, the topography of the site and surrounding buildings:

- ✓ 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" to 26" in diameter, with the removal of one 24" box tree. New planting of 106 new trees ranging from 15 gallon to 48" box sizes is proposed. Additionally, healthy perimeter trees are proposed to be maintained.
- ✓ 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 home styles. 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.
- ✓ 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.
- ✓ As documented in the IS and MND, the proposed improvements have been designed and environmentally mitigated to facilitate the protection of environmental resources.

High quality:

- ✓ The ADRB and public commentators acknowledged that the proposal is of a high quality design and utilizes quality construction materials such as wood, copper and stone.
- ✓ While the proposal is grand, it is not overly opulent and reflects style and details appropriate to its historical architectural style.

Historically accurate architecturally:

- ✓ 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 & entry doors and custom roof eave detailing. The proposal, therefore, represents an historically accurate style and includes historically accurate high quality construction materials.

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

Unique:

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