

TOWN OF HILLSBOROUGH

San Mateo County

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Architecture and Design Review Board

SPECIAL MEETING Approved Minutes

Thursday, June 17, 2010 at 3:00 pm
Town Hall, 1600 Floribunda Avenue – Community Room

CALL TO ORDER – 3:05 pm

Boardmembers Present: Mark Heine, Chair; George Jewett; Carl Goldstone; Eric Nyhus

Boardmembers Absent: Lin Ho (Excused)

Staff Present: Elizabeth Cullinan, Director of Building and Planning; John Mullins, Building Official; Serena Ponzo, Associate Planner; Cyrus Kianpour, Town Engineer; Mark O'Connor, Police Captain; Joan Cassman, Special Counsel

Others: Mayor Christine Krolik; Vice Mayor Tom Kasten; Councilmember Fannon; Barry Butler, Cornerstone Earth Group (Geotechnical Peer Review); Stenographer hired by Mr. Wilson

WRITTEN/ORAL COMMUNICATIONS – None

PUBLIC HEARING ITEMS

Regular Items:

New Houses

1. **3115 Ralston - Brewer Development LLC (Habitat Architecture / Michael Callan Landscape).** 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) 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. The application also includes consideration of Adoption of Mitigated Negative Declaration and Mitigation Monitoring Plan and Design Review. *(Continued from the June 07, 2010 ADRB Meeting)*

Chair Heine introduced the project at 3115 Ralston Avenue and stated that due to the high level of interest in the item, the ADRB would depart from the regular procedures for this portion of the agenda to ensure that all points of view were heard. He stated that staff would first make a brief presentation on the components and parameters of the project and the applicant would then make a presentation. He added that after the applicant's presentation, John and

Leslie Wilson of 3080 Ralston Avenue, the Garnett's and the Hillsborough Neighborhood Preservation Association and their agents would be allowed a combined total of fifteen minutes for a presentation of their position on the project. Thereafter, other interested members of the public would be invited to speak on the project with a time limit of three minutes each. After all members of the public had spoken, the applicant would be allowed the opportunity to respond to any of the comments or to provide any additional information on the project. He asked that public speakers fill out a public speaking card and that speakers refrain from repeating similar comments. He thanked the audience for their respect and participation in the process. He then asked staff to begin the project presentation.

Elizabeth Cullinan, Director of Building & Planning, made a presentation to the ADRB, outlining the components and parameters of the project as follows:

- An overview of the project description which included the proposed architectural style, 11,815 square feet of floor area proposed, landscaping details and grading details.
- An overview of key project points, which included the actual square footage proposed of 12,941 square feet, 2,000 square feet of below grade improvements (basement) and setbacks which exceed the minimum required, highlighting the proposed setbacks of 70-feet from Ralston Avenue, 153-feet from Pinehill Road, 22-feet at the right side and 35-feet at the rear.
- An overview of key project landscape points, which included details on the thirty-six (36) trees proposed to be removed, eighteen (18) of which are greater than twelve inches in diameter at breast height and majority of which were eucalyptus trees in fair condition and ranged from 12-inches in diameter to 26-inches in diameter with one 24-inch box proposed to be removed. She added that 106 new trees ranging from 15-gallon to 48-inch box sizes were proposed to be planted and a series of three retaining walls were proposed. She confirmed the dimensions of the tennis court as 111-feet by 58-feet.
- An overview of the decision making components which included an initial study, for review and consideration, Mitigated Negative Declaration and Mitigation Monitoring Plan (Adopted by Resolution/Attachment A) and Design Review (Adopted by Resolution/Attachment B).
- She noted two housekeeping items; the first being refined surveys completed by staff and typographical errors corrected in the staff report and resolutions and the second noting that public comment received after the June 17th packet preparation had been provided to the ADRB and copies placed at the back of the meeting room for the public.
- An overview and summary of public outreach completed by the applicant and Town to the twenty six properties included in the 500-foot notification radius. She added that four public notices had been sent since January 15, 2010, a neighborhood meeting was held by the applicant on January 28, 2010, story poles were erected on February 8, 2010 and public notices were posted at three Town bulletins beginning March 08, 2010. She presented the public notification list and affidavit of mailing.
- An overview of the scope of tree removal presented to the Town in an arborist report prepared by Timberline Tree Service.
- An overview of enhancements made to the environmental documents based on thirty five points submitted in public comment.
- An overview of the noise studies conducted by Charles Salter Associates, Edward L. Pack Associates and the Hillsborough Police Department, all of which concluded that daytime tennis noise is within acceptable single family residential decibel levels and noting that night lighting for tennis courts is prohibited by the Hillsborough Municipal Code.
- An overview of construction noise impacts, noting that the Charles M. Salter Associates, Inc. (representing The Wilson's, Garnett's and Hillsborough Neighborhood Preservation Association,) noise report indicated that construction noise would exceed the California Model Ordinance standards, that the Town of Hillsborough had not adopted the California Model Ordinance standards, and that the Town had adopted specific community thresholds which served as a benchmark for determining a potentially significant noise impact under the California Environmental Quality Act. She added that compliance with the local noise ordinances established that such noise impacts are not a significant environmental impact and comments regarding noise that does not exceed the Hillsborough noise standards constitute opinion and are appropriately addressed through enhancement measures.
- An overview of aesthetics, noting the April 22, 2010 letter from Bexton Associates with recommendations to minimize impacts to the neighborhood and specifically noting that aesthetics were not found significant in the MND.
- An overview of cumulative impacts, noting that incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of

probable future projects and that the Town was not aware of specific future projects that may be under construction at the same time within the same vicinity as the proposed project. She added that the California Environmental Quality Act (CEQA) does not require speculation or a cumulative analysis of projects that are not reasonably foreseeable.

- An overview of drainage and erosion control, noting that interim and permanent erosion control measures were required in the proposed mitigation measures; the project is required to manage the volume and quality of drainage run-off; the project is required to detain any excess run-off from the site to pre-development levels and referred to the memorandum from City Engineer, CBO and Police Captain Dated June 1, 2010.
- An overview of geology, noting that on June 10, 2010 a Geotechnical Investigation by Earth Investigations Consultants was completed and determined that the project was feasible from a geotechnical standpoint, there was no evidence of landslides, the site was underlain by stable bedrock, groundwater was not encountered and the report was reviewed by the City Engineer who confirmed that the geotechnical reports provided adequate information for the project. She added that the peer review conducted by Cornerstone Earth Group dated June 15, 2010 and June 4, 2010 supported the conclusions of June 10, 2010 and J. Yang and Engineers studies.
- She explained that in order to approve the project, the ADRB first needed to adopt the MND and MMP on the finding that on the basis of the whole record there is no substantial evidence that the project would have a significant effect on the environment and the MND reflected the lead agency's independent judgment and analysis and confirmed that the IS, MND and MMP had not changed since the June 7, 2010 meeting. She added that the additional information and enhanced mitigation measures contained in the revised MND did not create a new significant environmental effect and were not necessary to mitigate a significant environmental effect
- An overview of the key elements for design, which included consistency with the Town's General Plan, Zoning Code, Design Guidelines, noting that these documents require that a project be compatible with its neighborhood. She added that the proposal was consistent with quantitative development standards set forth in the Municipal Code (i.e. height, setbacks, size), was sensitive to the environment, the topography of the site and surrounding buildings, of high quality, unique and historically accurate architecturally
- An overview of the development standards compliance and highlighted that the proposal was below the permitted floor area, exceeded the required setbacks and retained design and construction materials of high quality. (Chart was displayed on screen)
- An overview of the General Plan policies and Design Guidelines as they relate to neighborhood compatibility and the proposals compatibility as it related to siting, topography, architecture, setbacks, massing and floor area, noting that the varying setbacks in the area were a key component of neighborhood character.
- An overview of the quantitative development standards survey completed by Staff as a result of requests from interested parties and the applicant. She added that as a result of heightened interest, Staff refined two surveys: viewscape and expanded of various properties in the area utilizing microfiche plans and county data. Charts of the survey results were displayed
- An overview of the public comment received, all of which was provided to the ADRB members in their packets and additional comments received after packet distribution were placed at each desk. She stated that the primary public comments related to environmental issues included aesthetic, construction, geologic, biological, and geology/soils impacts.

She then provided a recommendation to the ADRB to open the continued public hearing and receive final comments on the environmental and design documents and adopt the two resolutions approving the MND, MMP and design of the project.

Mark Sinclair, applicant, first introduced Alex Mortzavi, project architect and Bart Hechtman, representing attorney and then expressed his thanks to the ADRB for the special meeting to consider the project. He then turned over the podium to Bart Hechtman, attorney, who would be presenting first.

Bart Hechtman, representing attorney for 3115 Ralston Avenue, stated that his presentation would be limited to CEQA (California Environmental Quality Act) issues. He stated that Town Staff had done a thorough job on the Mitigated Negative Declaration and Staff Report and the few issues raised had been reduced to a level of less than significant. He continued that in the big picture, this was review of a single family dwelling and questioned why lawyers were present. He stated that the Wilsons of 3080 Ralston Avenue did not like specific aspects of the house which were design issues and were tried to make these into environmental issues. He stated that this was an abuse of CEQA and that single family dwellings are exempt from environmental review unless there is an unusual aspect of

the project triggering environmental review. He added that Town Staff had taken an ultra conservative approach to the project by using the grading on a slope of 10% or greater as a CEQA trigger and noted that the grading was the only issue that had not been raised. He concluded by asking the Board for a reserved amount of time at the end of the public hearing for rebuttal and introduced Mark Sinclair, applicant, as the next speaker for 3115 Ralston Avenue.

Mark Sinclair, project applicant, explained that he wanted to take the opportunity to present and explain all facts for the project. He made a PowerPoint presentation which addressed the following:

- Design comments complimenting the architectural style from interested parties opposed to the proposal
- Preliminary review comments from the ADRB expressing support for the proposal
- The aesthetic value the proposed new residence would bring as opposed to the existing 1950's residence, specifically noting the grandeur and luxury of a 1920's style home.
- He provided an overview of the evolution of the neighborhood, specifically noting the expansions proposed and approved at 3080 Ralston Avenue as well as tree removal
- Precedent as it relates to setbacks, Floor Area, FAR, tennis courts and other architectural features unique in nature, such as amphitheatres and water slides, all of which have set a precedent in the neighborhood and aided in the neighborhood's evolution
- An overview of the previous sixteen design changes made to address neighbor comments and concerns, noting there were originally three concerns
- He provided an overview of the Town's Consulting Landscape Architect comments which indicated that the landscaping proposed was adequate for the proposal and offered ample screening
- He presented his analyses for precedent, compatibility and averaging through the display of charts inclusive of square footages for a variety of residences along Ralston and in the immediate area
- He explained how averaging would not work in Hillsborough due to the unique lot sizes and diverse topography of the area
- He continued with an overview of compatibility as it relates to setbacks, tennis courts, landscape screening and the development standards (FAR, floor area and building height)

He concluded by informing the ADRB and members of the public that a total of twenty four changes had been made in hopes of compromising with the neighbors although all seemed to appreciate the architectural design and style.

Steve Mattas, attorney for the Wilson's, Garnett's and Hillsborough Neighborhood Preservation Association, requested twenty minutes for presentation time and expressed his appreciation to the ADRB for the time spent on the project. He introduced John Wilson of 3080 Ralston Avenue as the first speaker.

John Wilson, 3080 Ralston Avenue, introduced himself to the ADRB and provided background information on the events that had occurred related to the project. He stated that he is not opposed to large houses that are compatible with the neighborhood. He stated that since March, the plans had not changed and numerous compromises had been made, noting that he and the applicants were very close to attaining a resolution. He stated that the size and setbacks of the home were a continued issue. He explained the location of his own tennis court and the reasons why it was located twenty feet from the property line. He added that the proposal at 3115 Ralston Avenue has too much stuff on a lot too small. He reviewed the hardscape coverage proposed at 3115 Ralston Avenue, noted that the Ralston Hills hardscape average, based on his own research, was calculated to be 23% and the proposal included a 41% hardscape coverage. He added that the larger lots, unlike 3115 Ralston, allow for a higher hardscape calculation. He reviewed the Town's maximum hardscape allowance as it related to lot size, specifically noting the properties at 555 Chateau, 3045 Ralston Avenue and 601 Provident, which are adjacent properties. He stated that based on the current Town standards, 601 Provident could build the entire Hearst Castle. He mentioned homes greater than 8000 square feet and specifically noted that the Town's guidelines reference norms in neighborhoods for compatibility purposes. He then provided an overview of the history of the Ralston Hills area and the two acre minimum properties. He reviewed the gross FAR (Floor Area Ratio) and setback norms of the Ralston Hills area. He stated that the neighborhood petition, which contained over seventy signatures, requested three changes including a reduction of the floor area to no more than 10,000 square feet, increase in setbacks from 56-feet to 80-feet and larger trees in 48-inch to 60-inch boxes. He added that most of the homeowners purchased in the two acre minimum area for its charm. He presented a chart of the neighborhood and noted that 71% of the neighborhood agrees to a maximum gross floor area of 12% for the proposal at 3115 Ralston Avenue and compromises had been offered to support the project with an agreement to freeze any additions to the home for two years, a reduction of the square

footage and larger tree screening. He added that the proposal included over 10,000 square feet on the first two floors on a 1.7 acre lot, with a 14.9% gross floor area ratio, making the proposal the highest gross or city floor area ratio of any house in the entire area. He concluded that the norms of the area should be maintained.

Harold Bexton, architect to John Wilson, stated that by consensus, the neighborhood should be able to maintain its own standards and that based on current standards, small lots would be able to have large homes on them. He added that staff had done a thorough job in the review. He displayed a chart outlining the floor area calculations of homes in the Ralston Avenue area and noted that 79% of the homes approved by the ADRB in 2009 were not in the Ralston Hills area. He added that the 70-foot setback is far below the average in the neighborhood and inconsistent with the area character and continued that the last five homes listed in staff's floor area evaluation with a 14.6% FAR (Floor Area Ratio) or greater were not in the neighborhood and were on lots less than one acre in size. He stated that the Ralston Hills area featured an average of 25% hardscape calculation and continued to recommend that additional screening and a sound wall be incorporated into the design, noting that a 4 ½ foot sound wall would reduce the noise of the tennis court in half. He noted that the landscape plan indicated the existing native groundcover to remain; however, there is only exposed dirt at the site and no native groundcover present. He recommended that additional trees be included in the landscape plan to infill between the Magnolia trees. He displayed a slide illustrating the difference an 80-foot setback would make in terms of allotting more space for enhanced landscape screening and increased tree sizes. He explained the efforts made to compromise with the applicant and acknowledged that the rendering is more accurate in illustrating the reconfigured driveway. He stated the space in front of the residence along Ralston Avenue was inadequate for the trees proposed and noted that the canopies for the proposed trees were shown incorrectly. He added that the 41% hardscape coverage would overwhelm the site, reiterated that the increase of setback to 80-feet would allow the landscape to work and closed by stating the neighbors had offered to share the cost of enhanced landscaping (trees) and the neighborly thing to do would be to include a sound wall in the tennis court design.

Chair Heine asked if there was a chart of all eighty homes.

John Wilson, 3080 Ralston Avenue, responded that the Town would not provide any more data for the eighty homes.

Steve Mattas, representing attorney for John and Leslie Wilson, Terry and Katrina Garnett and the neighborhood association, made a presentation to the ADRB, noting the difficulty of the project and acknowledging the amount of information presented to the Board. He acknowledged the Board's charge, responsibility and authority to make changes to the plans and noted the purpose of the ADRB as a design review committee. He cited the Town's general plan policies regarding development, specifically noting the policies relating to not overwhelming a site and maintaining the character of the Town's neighborhoods. He added that the proposal would be the highest Floor Area Ratio in the area and stated that developers acquire properties and increase the density. He asked that the ADRB consider the impacts of the proposal to the neighborhood. He noted the differences in should versus shall as it relates to the Hillsborough Municipal Code and Residential Design Guidelines and noted that the proposal has a street setback less than the average 98-feet and should be increased to 80-feet. He added that the landscape treatments should be modified to address neighbor concerns. He provided an overview of the recommendations made including a reduction in Floor Area Ratio, a two year freeze on further development of the site (additions to residence), an increase in street screening and elimination of the tennis court or inclusion of a four foot sound wall and increase of setback to 80-feet from the street. He touched on the soils and geotechnical issues and stated that proper geotechnical investigation needed to be done.

Chair Heine asked the ADRB if they had any questions and seeing none, opened the public hearing.

Frank Berlogar, Berlogar Geotechnical Consultants representing The Wilson's, Garnett's and Hillsborough Neighborhood Preservation Association, explained that most of the soil samples obtained would be missed with the type of auger and drilling procedure used by the applicant's soils engineer. He provided an overview of best practices for obtaining soil samples and stated that the aerial photos of the site indicated that landslides are common in the area. He mentioned the previous landslide in the Ralston Court area. He referenced the 1937 aerial photos and noted that the tennis court area was a possible area for landslides. He provided a cross section slide of the tennis court area, grading area and noted the potential for a landslide in this specific area.

Chair Heine asked if he was suggesting that the landslide goes across the street (Pinehill).

Frank Berlogar, Berlogar Geotechnical Consultants, responded and noted that if the area of disturbance was greater than one acre, permits from the Regional Water Quality Control Board would be required.

Boardmember Nyhus asked how the tennis court area was determined to be a possible landslide area.

Frank Berlogar, Berlogar Geotechnical Consultants, responded that the concave areas visible in the photos are suspicious areas and indicate landslide potential.

Chair Heine asked if any investigation had been completed on the other side of Pinehill.

Frank Berlogar, Berlogar Geotechnical Consultants, responded that no further investigation had been done on the other side of Pinehill.

John Wilson, 3080 Ralston Avenue, noted that the neighbors were present who could provide history and background of landslides in the area.

Sue Woy, 165 Pinehill Road, provided history and background of the landslide which occurred at 145 Pinehill Road which infringed on her property at 165 Pinehill Road. She stated that after the El Nino storms, many retaining walls were constructed and in 2000-2001, there was another landslide at 240 Pinehill Road, which a concrete barrier was installed as a result. She expressed her concerns with the hardscape proposed, drainage and high probability of another landslide due to the history of landslides in the area.

Katrina Garnett, 3085 Ralston Avenue, noted that this was not personal and expressed her concerns with the direction the comments were going in terms of making these issues personal. She continued with her concerns as follows:

- the proposed tennis court, privacy, noise and visual/aesthetic impacts to the area;
- the proposed landscape screening, noting that the plans indicate existing groundcover to remain; however, there is nothing existing except for the thin layer of magnolia trees planted;
- the setbacks noted in the presentation by the applicant to her house and resented the fact that the setback was described as 153-feet to her house;
- the landslide issues and the fact that only two borings at five foot intervals were drilled at the tennis court area and requested that additional investigation be done;
- the hardscape issue, noting her concerns especially as a downhill neighbor;
- C.3 requirements for projects exceeding one acre of disturbance and stated she wanted the project to have compliance with all C.3 requirements.

She closed by expressing her concerns with the landslide potential and the property sliding down the hill across Pinehill and onto her property, noted this was nothing personal to the applicant and responded to the public comment submitted by Ms. Bailey Meyer, specifically noting the second to last paragraph of her own public comment letter with respect to mutual privacy and referencing attachments two and three.

Ted Sayre, Cotton, Shires & Associates representing The Wilson's, Garnett's and Hillsborough Neighborhood Preservation Association,, noted his inspection of the site from the perimeter and provided background on his experience in conducting peer reviews for twelve neighboring communities, including Millbrae and Portola Valley. He distributed a report of landslides, specifically mentioning 165 and 145 Pinehill, which experienced landslides in 1998. He added that the depth for drilling should be at 12 feet or more and noted that only two borings at the tennis court area would not provide accurate results. He added that the 1937 photos of the property were quite striking, noting that oval shapes typically indicate landslide area features. He continued that suspicious forms and undulations were present in the photos by the area of the proposed tennis court and noted that typically, a City Engineer would not review air photos. He stated his concerns with the characteristics of the site and displayed a geologic cross section, explaining his interpretation of the grading and fill proposed. He closed by posing the question as to what could be done to insure a landslide did not occur.

Boardmember Nyhus asked if the dashed line on the slide shown assumed areas of proposed fill.

Ted Sayre, Cotton, Shires and Associates, responded that the dashed line indicated the presumed top of the landslide. He confirmed that the suspected site conditions and conclusions were based on site inspections from the perimeter of the property at 3115 Ralston Avenue.

Dick Peterson, 260 Robin Road, explained that Robin Road had been closed two times. He specifically mentioned 110 Robin Road, which had surface runoff issues in which the culvert filled up and overflow occurred. He expressed his concern with the increase in hardscape to 41% at the project site. He explained that at the other end of Robin Road, the road was closed due to landslides, which cost a good amount of money to have the dirt excavated and stockpiled.

Terry Garnett, 3085 Ralston Avenue, dedicated his speaking time to a consultant.

Chair Heine noted that he preferred to get through general public comment and hold the consultant testimony until the end.

Leslie Wilson, 3080 Ralston Avenue, stated she was passionate about the neighborhood she resides in and the projects in the surrounding area, noting that she intended to raise her family in a quiet neighborhood and mentioned her volunteer work for the Hillsborough Beautification Foundation. She stated that the applicant builds spec houses and leaves, noting that the project is all about profit. She expressed her concerns and disturbance with the fact that people had been calling neighbors and informing them they would be sued. She expressed her hopes that the issues and situation could be resolved in a respectful manner.

Sarah Chung, 415 Pinehill Road, deferred her comments to her husband, David Chung.

David Chung, 415 Pinehill Road, spoke for his wife, Sarah Chung and stated that eight years ago, they moved to Hillsborough and had looked at over sixty homes, finally choosing a home in the Ralston Hills area because of its enclave of beauty and asked the ADRB to carefully consider the long term impacts of development in the area.

David Chung, 415 Pinehill Road, began with stating his respect for developers and incorporation of neighbor comments early in the process, which the Planning Department has listed as the Golden Rule on the Town website. He added that it was not only John Wilson opposed to the development at 3115 Ralston. He reiterated the recommendations for two years of no further development of 3115 Ralston Avenue and expressed his preference for the proposal to have compliance with neighboring properties, noting that the current guidelines are too general for the Ralston Hills area. He mentioned the proposed development at 425 Pinehill Road and his opposition to their proposed 19% floor area ratio. He closed by noting the Ralston Hills area was created over one hundred years ago and it was important that the quiet charm and characteristics of the Ralston Hills area be maintained.

Chair Heine called for the following speakers:

- Heather Weir, 650 Hillsborough Blvd, was not present to speak;
- Melissa Duncan, 2472 A Greenwich St., San Francisco, declined to speak.

Scheherezade Sharabianlou, 2915 Ralston Avenue, dedicated her speaking time to the consultants.

Stephen Wong, 3045 Ralston Avenue, dedicated his speaking time to the consultants.

Nelson Wong, 3045 Ralston Avenue, dedicated his speaking time to the consultants.

Dennis Rinehart, CSW Struber-Stroeh Engineering representing The Wilson's, Garnett's and Hillsborough Neighborhood Preservation Association,, spoke on the drainage and grading issues and encouraged the standard of care with the 100 year storm requirements of FEMA be utilized for reviewing the proposal. He stated that all drainage flows into the catch basin above 145 Pinehill Road and any blockage, damage or compromise of the catch basin would result in a blow out and flow of run-off into the garage of 145 Pinehill Road. He touched on the requirements for disturbance of over one acre of land and noted that the Town's stormwater ordinance would require the proposal to comply with C.3 requirements. He mentioned rain gardens, bioswales and other methods which could be utilized to keep water onsite and noted that the plans did not include an adequate amount of these features. He added that the utility plans indicate 25-50 year storm implementation measures which could exacerbate any flows

in the area. He noted the lack of vegetation in the area and encouraged the Town to require mature landscaping, erosion control blanketing and fiber rolls.

Boardmember Jewett stated that there was a large amount of drainage information to digest, noting that the project was at the Planning stages only and asked if the assumption was correct that the proposal would be subject to a process with engineering and soils reports. He noted his own experience with projects that included large amounts of grading and stated that these issues were addressed during the plan check process.

Elizabeth Cullinan, Director of Building & Planning, confirmed that the proposal would be subject to the building permit process, which included review of the soils reports and engineering. She requested, through the Chair, a ten minute recess after public comment had ended.

Eric Yee, Charles Salter Associates representing The Wilson's, Garnett's and Hillsborough Neighborhood Preservation Association,, explained the types of noise levels present in residential areas (average and singular noise events) and noted construction noise at 100-feet ranged from 70-90 decibels. He stated that this range of noise was equivalent to BART or freight cars. He added that the Town's noise ordinance allows for noise up to 100 decibels, which is equivalent to a train at ten feet away. He recommended that the State's model noise ordinance be utilized, which would allow for noise equivalent to that of a vacuum cleaner at three feet away. He stated that several noise mitigations had been included in the mitigated negative declaration and applauded the Town for these measures; however, he noted that the noise could be further reduced by approximately 10 decibels. He addressed tennis court noise and noted it is typically measured at 59 decibels at fifty feet away. He concluded by stating that a four foot acoustic barrier could reduce noise from the tennis court.

Boardmember Nyhus asked where the wall would go.

Eric Yee, Charles Salter Associates, stated that the wall would be placed along Pinehill Road.

Bob Waterman, 100 Robin Road, stated that although he was opposed to McMansions, he felt there had been enough give and take with the proposal. He stated that his question remained on the landslide issue and provided background on his own experiences with an overflowing culvert which runs below his residence which resulted in a lake in his house. He stated that the runoff and landslide issues were very big issues and was not sure where these issues get resolved.

Bart Hechtman, representing attorney for Mark Sinclair, stated he had just received the petition submitted and didn't know how many signatures were actually on the petition. He added that sixty of the signatures were based on an earlier version of the plans. He noted that Hillsborough and the Ralston area residents tend to be well-mannered and acknowledged that no one had studied the plans, specifically the landscaping at Pinehill Road. He expressed his concerns with the macro sense and noted that the ADRB decides on projects on a case by case basis, dependent on topography and if averages were a considering factor for review, the Wilsons' home at 3080 Ralston Avenue would not have been permitted to be built. He acknowledged the neighbors' concerns with the existing regulations and stated that the existing regulations should be applied to the proposal at 3115 Ralston and should not be changed for one project. He noted that many documents were submitted late and could have been submitted during the public comment period as required for the environmental review. He added that the collaboration with Town staff and engineering concluded that there is no landslide at the property. He stated that this was not a battle of opinions and Staff's opinion was based on soil samples, which is the superior science. He addressed the request for a two year freeze of development on the property, stating that this would not be applied to the whole neighborhood and should not be applied to only one property. He addressed the noise information presented by Mr. Yee of Charles Salter Associates and noted that the proposal is in compliance with Town noise standards and the proposal was not required to mitigate beyond what was required. He added that no one had spoken about the Wilson's residence, the towers or its visibility because it is beautiful and adds to the character of the neighborhood. He closed by stating the proposed residence had been designed to fit within the fabric of the regulations and guidelines and met all categories. He then asked the ADRB for their approval based on these facts.

Alex Mortazavi, project architect, thanked the ADRB for holding the special meeting to consider the project and commented that he was unaware of the fact that the mountain was moving and now in a flood zone. He commented that the proposal included a ten foot deep basement and the remainder of the residence would be dug four feet

down. He noted that two additional borings were drilled at the tennis court area and stated that the pipes at the swimming pool area were manmade and were being emptied, which explained the water draining at present time. He stated he would confirm this with the project engineer. He commented on the recommendation for a two year freeze and noted that it was his understanding that any changes to the proposal would require review by the ADRB. He stated that the petition was signed by neighbors with incorrect project information and that zillow and county data did not accurately reflect floor area ratio calculations in the sense that high ceiling areas, basement areas and illegal addition areas are not included. He stated he felt the proposed landscaping was adequate and thanked the ADRB again for their time.

Chair Heine closed the public hearing and granted a ten minute recess and directed the meeting to reconvene at 6:02 pm.

Elizabeth Cullinan, Director of Building & Planning, took the opportunity to address and clarify the following:

- The development standards required for the proposal, including hardscape calculations and landscaping proposed;
- The residential design guidelines, which were the most important set of guidelines for the ADRB to base their decision on;
- She confirmed that the maximum floor area for the first acre is 25% of the net lot area and 15% for area in excess of an acre;
- The surveys completed and displayed by the applicant during the public comment section may have been different as they may not have included six of the newer homes;
- She confirmed that there is no active application in the Planning Department for 425 Pinehill Road;
- She confirmed that the proposed landscape plan included new trees along Pinehill Road with layered landscaping;
- She clarified the square footage of actual versus floor area and the differences;
- She noted that there is no set definition for neighborhood;
- Night lighting for tennis courts is prohibited by the Hillsborough Municipal Code;
- She noted that civil action cannot be initiated by the Town;
- Smaller size of home does not necessarily mean less construction noise;
- Changes to the existing development standards are a more global issue and changes should not be made or applied to one project only;
- The existing code requires review by the ADRB for substantial changes to projects and administrative review for minor revisions. She added that second floor additions and ground floor additions greater than 500 square feet all require ADRB review as well as additions to homes greater than 8,000 square feet.

Cyrus Kianpour, Town Engineer, provided an general overview of the review process including CEQA (California Environmental Quality Act) requirements for grading on a slope greater than 10%. He stated that the Town requires design to a 25-year storm and requirements cannot be changed midstream. He addressed how the Town's requirements deal with runoff associated with projects, noting that proposals must include details to retain water onsite. He added that C.3 requirements would absolutely need to be met, specifically noting if disturbance exceeded one acre or more. He addressed erosion control comments and stated that all erosion control measures must be installed by October 15, 2010 and would be inspected by the Town. He added that quality standards would need to be met and BMP's (Best Management Practices) implemented to control the volume of runoff. He stated that there have been several landslides in Hillsborough as early as four years ago and stated that he is keenly aware of the landslide situation, noting that activity is looked at specific to each site. He stated that the geotechnical reports all conclude that there is no indication of landslide onsite and noted that nine holes were drilled onsite, two of which were located in the tennis court area and all of which hit bedrock. He stated that there is a four inch pipe that discharges water onsite.

Barry Butler, Cornerstone Earth Group representing the Town of Hillsborough, introduced himself to the ADRB and noted he had been retained by the Town to provide a third party review of the geotechnical and geologic issues brought up and since there had been two geotechnical reports prepared and opinions provided by another geotechnical firm. He stated that there were two significant issues raised, and the points of disagreement were: 1) the identification of "landslide topography" and, 2) the potential for a geologic contact, mapped downslope of the property on one of the published geologic maps for the area, to cross the site. He stated that the scope of work

consisted of evaluating pre- and post-development aerial photos, geologic site reconnaissance, review of published geologic information for the area, review of the previous geotechnical and geologic investigations, and review of geotechnical and geologic review comments provide by others, more specifically, Berlogar. He stated that based on their review, they found the presence of "landslide topography" to be inconclusive. Landslide topography or anomalies can be created on aerial photos by many causes, including fills and differential erosion. He added that they found no other evidence to substantiate the presence of a landslide, especially considering the lack of any further evidence in pre- or post-development aerial photographic evidence, the lack of evidence in published mapping of the area, the lack of any observed evidence of landsliding during the geologic site reconnaissance, and the confirmation of siltstone/sandstone in the exploratory borings in the tennis court area. He stated that there have been several different understandings of the number of borings performed and they understood that there have been nine explorations performed to date, not the previously mentioned 2. In addition, in their opinion, they found the number of borings, the sampling technique, and the geologic review to be adequate for the proposed development. He acknowledged that one of the most significant concerns mentioned is that of landsliding and pointed out that the techniques used during construction will likely improve the stability of the hillside. He added that the soil will be removed from the surface over the bedrock, benches will be constructed in the underlying bedrock, and engineered fill constructed. Additionally, subsurface drainage would also be constructed within the slope fills. He concluded that geotechnical and geologic review during construction allows an opportunity to identify anomalies that may be present within the grading area during construction, and mitigation to be performed, if necessary.

Chair Heine asked that the ADRB members and Staff make any disclosures of contact or conversations that had been made with either the applicant or interested parties prior to the ADRB meeting.

Boardmember Goldstone responded that he had none to report.

Boardmember Jewett responded that he had been contacted by John Wilson, 3080 Ralston Avenue, and had informed Elizabeth Cullinan, Director of Building and Planning. He stated that he discussed in general terms, the ADRB process and working within the Town's residential design guidelines and acknowledged the interest expressed in changing these guidelines for future projects by Mr. Wilson.

Elizabeth Cullinan, Director of Building and Planning, disclosed that Associate Planner, Serena Ponzo, on Wednesday, May 12, 2010, received an invitation from to attend a San Francisco Giants game that evening. She accepted the invitation and after being seated learned that the tickets were received from Debbie Rogers, personal assistant to Mr. John Wilson. The Fire Fighters Association frequently receives donations of tickets for sporting events throughout the year. These tickets are offered to all members of the Fire Fighters Association on a first come first serve basis. Although this situation in no way affects her ability to analyze and work on the 3115 Ralston project, the unexpected situation needed to be disclosed. Since the value of the ticket was \$66.00 as shown on its face, she will report this ticket on her Form 700 to be filed in March of 2011 covering calendar year 2010.

John Wilson, 3080 Ralston Avenue, clarified that he was unaware that the tickets donated to the Fire Department were used by Serena Ponzo, Associate Planner and stated that he regularly donates tickets to both the Police and Fire Departments if the tickets are not going to be used.

Elizabeth Cullinan, Director of Building and Planning, stated that neither Mr. Wilson nor Ms. Ponzo were aware of the ticket use at the time of the distribution or start of the game.

Boardmember Goldstone stated that he had heard a lot of testimony and he relies on Town staff and independent consultants to address technical issues that may arise. He added that the ADRB's job is to apply the Town's Guidelines to projects. He stated that compatibility is the most important factor and that the Floor Area Ratio (FAR) is but one guideline and you may see lower percentage FAR's that are not compatible. He stated that overall, the proposal is compatible with the area and as for construction noise, he questioned what makes this project any different than any other project reviewed. He added that the geotechnical issues should go before staff for review and stated that the Town is very aware of neighbor concerns. He added that he was glad to hear that compromise was close on the design and both sides would be happy and disappointed. He stated he had no further comments on the design and that the landscaping was missing details for the gates and the mailbox. He noted one correction to be made in the design resolution which should note one four and a half foot retaining wall and two six foot walls. He added that the landscape plans indicate existing groundcover to be retained along Pinehill Road and currently there

is no existing groundcover, noting this as a typo on the plans.

Boardmember Nyhus stated that the ADRB reviews projects on a case by case basis and by the site conditions. He acknowledged this was a tough situation for both parties but stated he was not getting into the politics of it all. He commented that the west half of the residence would be invisible and noted that the applicant had made great strides to meet the requests of the neighbors. He touched on the concerns with loss of value and view corridor and stated this would be mitigated through the landscaping proposed as you cannot see through a tree trunk. He noted that the southeast corner of the tennis court would be the highest but landscaping would mitigate much of the view. He stated he wanted to be fair to the expectations of a land developer to develop a property within the regulations of the Town while allowing everyone to come together to voice their concerns. He added that the design was beautiful and the expectation to develop within the regulations cannot be taken away. He reiterated that each project is reviewed on a case by case basis and sitting at the top of the hill, the proposal will be an asset to the Ralston Hills area, again noting the design as beautiful.

Boardmember Jewett expressed his thanks to Staff for the time spent on the project and expressed his emphatic understanding to the neighbors, noting he had not seen a process or situation such as this in his eight years of serving as an ADRB member. He stated that the process works and makes for an improved project. He noted there had been a lot of pushback and give and take on both sides and added that there would be approximately 10,950 square feet of the house above grade and 1,000 square feet of that is garage area. He added that the proposal was not inappropriate for the site and that the proposal fit in terms of neighborhood compatibility, noting that the house was absolutely beautiful. He stated his hope that neighbors would find it more compatible once it was completed.

Chair Heine stated that the concerns with the proposal were initially size, setbacks, views and privacy and then grew to include sound, tree sizes, etc., resulting in the production of voluminous documents, which the ADRB has read every page of. He noted the concessions made by the applicant as huge and the design as beautiful. He added that the ADRB had received a lot of information. He stated he had been building in the area for thirty years and that the geotechnical reports are common reports, noting he was comfortable with the information provided and the findings made him comfortable moving along. He clarified that the ADRB worries about setting precedent and they try to be consistent in not setting negative precedent. He added that he was comfortable with the information provided by Town Staff and felt they had done their job adequately and gave his respect to the neighbors. He stated he was not comfortable singling out an area of Hillsborough, noting that the Town is a community and one hundred years of community was just celebrated. He added that creating new standards for one house was inappropriate and in his thirty years of building he was not always happy with the rules. He stated that no one who had signed the petition had the stack of documents the ADRB had and he was not certain if the petition was accurate. He complimented Staff for their work done on the project. He complimented the architectural style and design, noting his preference for the previous front design but understood why the changes were made and was satisfied with the proposed landscaping and changing of the FAR. He stated the proposal was unique, well presented and the siting and massing were appropriate to the neighborhood. He agreed that landscaping should be upsized along Pinehill Road, which could be subject to staff review and stated that the tennis court noise should be worked out.

Joan Cassman, special counsel, thanked the ADRB for their time on this project, noting they had expressed a great deal of passion for the community and professionalism throughout the process. She added that the ADRB had reached a point to consider action on the item and although most single family homes are viewed as categorically exempt from CEQA based on the grading on a total slope of over 10%, the Town decided to prepare a Mitigated Negative Declaration (MND) for this project. The MND examined any potentially significant environmental impacts associated with the project and proposed mitigation measures to ensure that no significant impacts result from the project, after such mitigations were imposed. She noted that the ADRB had heard a significant amount of testimony and, over many weeks, had received a significant amount of correspondence regarding the environmental review of this project. The Town's staff and the project proponent had responded to these many comments by conducting additional studies and providing additional information, which countered the comments submitted on the project claiming that significant impacts remained following the required mitigations. She continued that as to the new technical information raised at the meeting regarding the geological conditions, stormwater and drainage issues, the Town's Engineer and Peer Review Engineer had responded to those issues on the record at the meeting and during their presentations. The standard is whether any of the information presented substantial evidence to support a fair argument of a significant adverse effect on the environment. According to the Town Engineer and the Peer Review Engineer, none of the consultants that offered testimony today satisfied this standard. Based on the entire record,

the ADRB may now find that none of the comments and reports submitted constituted substantial evidence to support a fair argument of a significant impact on the environment and that there is no substantial evidence in the record that the proposed project would result in a significant adverse effect to the environment. She added that the ADRB may also conclude that 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. As a result, there is no need to further continue and circulate, once again, the MND for this project for additional public review.

A motion (Nyhus / Goldstone) to adopt the Resolution adopting the Mitigated Negative Declaration (MND) and Mitigation Monitoring Plan (MMP) for a single family residential project at 3115 Ralston Avenue based on the findings and reasons incorporated in the resolution passed 4:0.

A motion (Jewett / Nyhus) to adopt the Resolution approving the design 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 with the conditions that 1) tree sizes for the trees between the tennis court and Magnolia trees along Pinehill Road be enhanced to 48-inch box sizes and 2) the gate and mailbox design be subject to the administrative review procedures based on the findings and reasons incorporated in the resolution passed 4:0.

Elizabeth Cullinan, Director of Building and Planning, announced to the ADRB that the July 06, 2010 ADRB meeting would be cancelled due to lack of items for review.

DISCUSSION ITEM(S) – None.

ADJOURNMENT – 7:15pm

Minutes prepared by:
Serena Ponzio, Associate Planner

