

RESOLUTION 2010-01

RESOLUTION OF THE ARCHITECTURE AND DESIGN REVIEW BOARD (ADRB) 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, 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, 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, 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. 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:

- ✓ 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 1,554 or 10% of its original square footage;
- ✓ Reduced the floor area by 902 square feet, resulting in a 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; and

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

- ✓ 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.
- ✓ 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.
- ✓ Construction vehicle noise enhancement measures.
- ✓ Enhanced the 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 clarified 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; 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 noted in the staff report, the contents of which are incorporated herein by reference, interested parties have submitted correspondence, technical studies and testimony claiming that there are potentially significant effects from the project, including in the areas of geotechnical, aesthetic, noise and traffic impacts. As discussed in the staff report, Town staff has considered the information that was 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 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 a June 17, 2010 special meeting.

NOW, THEREFORE, BE IT RESOLVED that 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 and 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, 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 3595 cubic yards of cut and 2660 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 ADRB 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 bases and for the reasons stated in the staff report, the ADRB 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.*

In consultation with the Engineering Department, the Building and Planning Department and the Police Department, the ADRB 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.*



ADRB Chair, Mark Heine



Attest: Director of Building and Planning

This resolution was adopted by the ADRB of the Town of Hillsborough at its regular meeting held on the 17th day of June, 2010, by the following vote of the members thereof:

AYES:	ADRB members	<u>Heine, Jewett, Nyhus, Goldstone</u>
NOES:	ADRB members	<u>None</u>
ABSENT:	ADRB members	<u>Ho</u>
ABSTAIN:	ADRB members	<u>None</u>

RESOLUTION 2010-02

RESOLUTION OF THE ARCHITECTURE AND DESIGN REVIEW BOARD (ADRB) OF THE TOWN OF HILLSBOROUGH 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

- WHEREAS**, the proposal received Preliminary Review by the Architecture and Design Review Board (ADRB) on March 1, 2010. At that time, the Board commented favorably on the architecture and design of the project and requested that the applicant address and demonstrate the visual impacts of the proposed tennis court and retaining walls from Pinehill Road and stressed the importance of material selection specifically for the tennis court wall. The ADRB also noted the height of the proposed chimneys and detail, a discrepancy in the renderings and plans of the porte-cochere arches, and recommended incorporation of the rendering detail into the design plans.
- WHEREAS**, public outreach on the project began January 15, 2010, including mailings, a neighborhood meeting, hard copy posting on Town bulletin boards, early story pole installation, and electronic posting on the Town's website; and
- WHEREAS**, 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.
- WHEREAS**, after the project was publicly noticed and story poles were installed, several neighbors voiced concerns including inadequacy of street setbacks, privacy and visual impacts, sufficiency of landscaping, accuracy of public notices, and environmental impacts.
- WHEREAS**, on May 3, 2010, the ADRB considered the formal application with focus on reviewing and hearing information relating to environmental impacts and continued full consideration of the item to their June 7, 2010 meeting.
- WHEREAS**, since original submittal of the application on February 2, 2010 through early April 2010, sixteen different design changes have been made to the proposal as referenced in the "Design Changes April 5th ADRB Meeting", submitted by the applicant.

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

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

NOW, THEREFORE, BE IT RESOLVED that the Architecture and Design Review Board (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 application, and supporting documentation and written and oral testimony given at hearings by the lead agency, City officials and the public, approves the construction of a new two story Mediterranean style residence of approximately 11,816 square feet in floor area (15.63% FAR) and associated landscape plan including new plantings, tree removal, new tennis court, swimming pool and terraces based on the following findings and for the following reasons:

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

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

The proposed residence would be within a neighborhood of grand homes. The proposed residence would feature a 15.63% 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 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.

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 average size home within the surveyed areas area is approximately 6,000 square feet or 8% FAR, with specific sizes ranging from approximately 2,200 square feet to 20,000 square feet and 4% FAR to 20% FAR. Additionally, the average street setback is between approximately 58' (within the immediate neighborhood survey) to 80', (within the expanded neighborhood survey), with individual properties ranging from 25' to 90' in the immediate neighborhood survey and 25' to 285' in the expanded survey. While the application exceeds the average home size, it is similar in size to a number of homes within both surveyed areas, including within close proximity. Additionally, the Pinehill Road street setback exceeds the average in both surveyed areas and the Ralston Avenue street setback exceeds the survey within the immediate neighborhood and is within an approximate 10' range of the setbacks within the broader survey.

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

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

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

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

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

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

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

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

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

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

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

The proposed siting of the structures and outdoor recreation areas take opportunity of the significant views afforded the site to the west and exceeds setbacks required by the Town. Additionally, the revised plans submitted on May 27, 2010 increase both street setbacks, thereby locating the proposed residence even further from the street-side neighboring properties.

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

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

The proposed front elevation facing Ralston Avenue is approximately 18'5" 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 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, generous perimeter landscaping exists at this property line and within the front setback area, the massing of the proposed project from Ralston Avenue would not be out of character with other homes in the neighborhood.

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

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

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

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

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

The project involves the removal of 36 mature trees. Of these trees being removed, 18 trees are twelve inches in diameter at breast height and greater. The majority of these trees are Eucalyptus, are in fair condition, and range from 12" 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.

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

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

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

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

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

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

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

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

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

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

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

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

16. *The Municipal Code states that the goal of the ADRB is to encourage design that is responsive to the site, compatible with the surrounding neighborhood, in harmony with the natural environment and in keeping with the character of the Town.*

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. Additionally, existing trees in poor condition will be replaced on a nearly 3:1 ratio with larger trees of more appropriate species to the site and the Town.

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

While the proposed residence would be larger than the average home size within the neighborhood, it would be located within a neighborhood of grand homes. The proposed residence would feature an FAR of approximately 15.63%, 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% floor area limitation. Accordingly, the floor area permitted under the FAR limitations is 15,694.65 square feet. Thus the proposed floor area is 11,815.62 or 3,879 square feet below the permitted floor area. The visible portion of the structure (the portion above ground level) is approximately 14.48%. The proposed residence is divided into segments with staggered/varying setbacks, thereby

breaking up and reducing the visual appearance and massing. Additionally, the proposed residential structures are significantly screened through siting and vegetation. The proposed residence would, therefore, be generally compatible with the massing in the neighborhood.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Architecture and Design Review Board (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 application, supporting documentation, and written and oral testimony given at hearings, City officials and the public, hereby approves the construction of a new two story Mediterranean style residence of approximately 11,815.62 square feet in floor area (15.63% Floor Area Ratio) and associated landscape plan including new plantings, tree removal, new tennis court, swimming pool and terraces based on the following conditions:

1. The Project Sponsor/Applicant shall comply with all mitigation and enhancement measures referenced within the Mitigated Negative Declaration adopted on June 17, 2010.
2. Future revisions to the project design that are substantial in nature are subject to review and approval by the ADRB in a public hearing; minor revisions will be subject to the administrative review process.
3. The applicant shall comply with the Town's Standard Conditions of Approval and the TCLA (Town's Consulting Landscape Architect) recommendations.
4. The applicant shall comply with the Town of Hillsborough Standard Conditions of Approval.
5. All construction vehicles shall be parked on site unless otherwise authorized by the Building Official.
6. All construction vehicles shall utilize the upper/southern driveway for ingress and egress unless otherwise authorized by the Building Official.
7. The project sponsor shall implement best management practices to reduce construction noise. The Project Sponsor shall incorporate the following practices into the construction documents to be implemented by the project construction contractor. These control measures, such as installation of noise control devices (e.g., mufflers), selection of quieter machinery, and other noise control measures (e.g., surrounding stationary equipment with noise barriers), would not require major equipment redesign:
 - a. Maximize the physical separation between noise generators and noise receptors. Such separation includes, but is not limited to, the following measures:
 - Use heavy-duty mufflers for stationary equipment and barriers around particularly noisy areas of the site or around the entire site;
 - Use shields, impervious fences, or other physical sound barriers to inhibit transmission of noise to sensitive receptors;
 - Locate stationary equipment to minimize noise impacts on the community; and
 - Minimize backing movements of equipment.
 - b. Use quiet construction equipment whenever possible.
 - c. Impact equipment (e.g., jack hammers and pavement breakers) shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Compressed air exhaust silencers shall be used on other equipment. Other quieter procedures,

such as drilling rather than using impact equipment, shall be used whenever feasible.

- d. Prohibit unnecessary idling of internal combustion engines.
 - e. Select routes for movement of construction-related vehicles and equipment in conjunction with the Hillsborough Building Official so that noise-sensitive areas, including residences and schools, are avoided as much as possible.
 - f. The construction contractor shall send advance notice to neighborhood residents within 50 feet of the project site regarding the construction schedule and including the telephone number for the disturbance coordinator at the construction site.
 - g. The entry gate and mailbox shall be subject to Administrative Review.
 - h. The seven trees (four strawberry trees and 3 citrus trees) proposed behind the Magnolia trees along Pinehill Road shall be 48" box specimen trees.
8. To the full extent permitted by law, the applicant shall indemnify, defend, release and hold Town, its councilmembers, officers, agents and employees from and against any claims, suits, liabilities, actions, damages, penalties or causes of action by any person, including applicant, (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend or annul any actions of Town, its agents, officers and employees, from any cause whatsoever in whole or in part arising out of or in connection with (1) the processing, conditioning or approval of the subject property; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation or operation of project improvements, regardless of whether the actions or omissions are alleged to be caused by Town or applicant, so long as Town promptly notifies applicant of any such claim or action and the Town cooperates in the defense of same.



Attest: Director of Building and Planning



ADRB Chair, Mark Heine

This resolution was adopted by the ADRB of the Town of Hillsborough at a special meeting held on the 17th day of June, 2010, by the following vote of the members thereof:

AYES:	ADRB members	<u>Heine, Jewett, Nyhus, Goldstone</u>
NOES:	ADRB members	<u>None</u>
ABSENT:	ADRB members	<u>Ho</u>
ABSTAIN:	ADRB members	<u>None</u>