

Thank you very much. I noted that the applicant isn't present in the room, although those that testified are. Good afternoon to you. I did consider all of the testimony that was made at the last public hearing, and reviewed the entirety of the file, and the materials that were submitted on behalf of both the applicant, and the Alamo Improvement Association, as well as those who disagree with the approval of the project. After reviewing all of the information, including the letters dated February 13<sup>th</sup> and February 18<sup>th</sup> 2004, from James and Jean Taylor, I have concluded that there are sufficient grounds to approve this project based on the findings contained in the County Code.

I am going to approve this variance with the findings as recommended by staff. I did not concur with the assertions that noticing errors, such that this public hearing should not have been allowed to move forward, I do not concur with that. I cannot concur with the suggestions that the preparation of a Negative Declaration was flawed. And I also do not concur generally with the applicant's request for modifications of conditions. So, I am going to approve Variance #031032 with the following modifications:

On item #5 clarify that the review of the opportunity to review and comment on the proposed landscaping and irrigation is for the Round Hill Property's North Association.

I do not concur with the request on condition #12 that the designating replacement trees would occur after construction has begun, I believe that a sufficient knowledge of the plan and of the buildings and the driveway's location will be known, and so the project should retain the condition as listed.

Also, on condition #14, I do not agree with the applicant's request to have a 120 day, where the landscaping is completed 120 days following the completion of the project. The existing condition requires that that work be completed before

the issuance of a final building permit, and that's the appropriate time for that to occur.

On condition #16A, the applicant has asked to modify hours that are more flexible than what the County Planner has suggested, and I think that what was proposed by county staff is appropriate, even though in this case the property owner's association may allow longer working hours, I don't concur with that for this project I think that we should use the standard working hours that the county imposes.

On condition #16C, we're going to modify the first line, so that there is notification prior to commencement of grading or any construction on the site. The applicant asked for that to be eliminated, and I disagree with that request.

On condition #16E, we're going to modify that so it says, "The applicant shall make good faith effort to avoid interference with existing neighborhood traffic flows." This includes including a provision in the onsite area in which to park construction equipment.

Item #16F, again the applicant asked to eliminate the condition and instead use the requirements of the home owner's association, since the county's requirements are more stringent, we will use those requirements.

**In addition, to clarify the issue regarding necessary rights of way on the property, I'd like to add another condition that says the applicant shall furnish to the Public Works Department and the Zoning Administrator for review and approval, evidence of necessary rights of way, rights of entry, permits and/or easements for the construction of onsite, temporary or permanent, public and private, road and drainage improvements. And that should clarify the issue of access to and from the site, and construction on the site.**

With those changes, Variance #031032 is approved, please call the next item.