

## **Findings**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

### **1.0 CEQA FINDINGS**

The project is exempt from the requirements of CEQA Guidelines pursuant to Section 15182 (Residential Projects Pursuant to a Specific Plan). This section specifies where a public agency has prepared an Environmental Impact Report (EIR) on a specific plan after January 1, 1980, no additional EIR or negative declaration need be prepared for a residential project, which include but are not limited to land subdivisions, zoning changes, and residential planned unit developments, undertaken pursuant to and in conformity to that specific plan. Promontory Village 7 is a residential project within the Promontory Specific Plan (PSP) for which an EIR (State Clearing House No. 94112056) was certified in July 1997, subject to the applicable mitigation measures in the Mitigation Monitoring and Reporting Program (MMRP). Specific environmental impacts including Biological Resources (i.e. Oak Tree Canopy, Wetland and Riparian Area, Special Status Species), Cultural Resources, Air Quality, Noise, and Traffic, have been further evaluated, verified and deemed applicable for this project. Staff concludes that no new or additional impacts have been identified beyond the impacts previously evaluated in the EIR with the application of the corresponding MMRP mitigation measures; as such, no further environmental analysis is necessary. The applicable mitigation measures from the MMRP have been incorporated in Table 1 under Condition of Approval No. 7.

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Community Development Services, Planning and Building Department at 2850 Fairlane Court, Placerville, CA, 95667.

### **2.0 GENERAL PLAN FINDINGS**

The El Dorado County General Plan designates the subject site as Adopted Plan (AP), a description in reference to areas where Specific Plans have been designated and adopted within and by the County. The Promontory Specific Plan and the respective land use maps are accepted and incorporated by reference and were adopted as the General Plan Land Use map for the project area. As discussed, Promontory Village 7 Tentative Subdivision Map conforms to the applicable policies of the specific plan, subject to the applicable mitigation measures in PSP EIR. Therefore, the project is consistent with the General Plan.

### **3.0 PROMONTORY SPECIFIC PLAN FINDINGS**

The project has been verified for conformance with specific policies and requirements of the Promontory Specific Plan for Promontory Village 7. The subdivision meets the required density, anticipated residential product types, applicable design and construction standards, and resource protection provisions. Construction of necessary utilities underground and other above ground equipment shall be sited and screened to the extent feasible so as to minimize negative aesthetic effects. Sensitive biological and cultural resources shall be contained within designated open space lots. Covenants, Codes, and Restrictions (CC&Rs) shall be established and enforced by the future owner's association regulating architectural and site design standards. Therefore, the project is found to be consistent with the Promontory Specific Plan.

### **4.0 SUBDIVISION ORDINANCE FINDINGS**

#### **4.1 That the proposed map is consistent with the applicable general and specific plans;**

As discussed above, the project is consistent with applicable policies of the Promontory Specific Plan, and is hereby consistent with the General Plan, including density, neighborhood compatibility, and availability of infrastructures necessary to serve the project.

#### **4.2 That the design or improvement of the proposed subdivision is consistent with the applicable general and specific plans;**

The project and required improvements have been designed in conformance with the applicable policies of the Promontory Specific Plan, and is hereby consistent with the General Plan, including allowable density, subdivision design, and preservation of resources.

#### **4.3 That the site is physically suitable for the type of development;**

The site is physically suitable for the proposed residential development according to the Promontory Specific Plan design standards. The topography of the site would be able to accommodate the development and resources would be preserved in open space areas.

#### **4.4 That the site is physically suitable for the proposed density of development;**

The density of the project can be accommodated on the site according to the PSP designated zones. The residential lots and subdivision roads are adequately sized and designed; necessary infrastructures to serve the site would be extended and constructed within identified right-of-way and easements; and resources identified to be preserved are located in open space areas.

- 4.5 **That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat;**

As evaluated in the PSP EIR, identified project effects to biological resources shall be mitigated to less than significant level. Therefore, the project is not likely to cause substantial environmental damage or injure wildlife or their habitat.

- 4.6 **That the design of the subdivision or the type of improvements is not likely to create serious public health and safety problems or unacceptable fire risks to occupants or adjoining properties;**

The project is required to construct improvements in accordance with the conditions of approval and applicable regulations of the PSP and County Codes so as to not create public health and safety problems for future residents and/or the adjoining residential neighborhood.

- 4.7 **The Board of Supervisors shall not deny approval of a final map pursuant to section 66474 of the Subdivision Map Act if a tentative map has been approved for the proposed subdivision and if the Board finds that the final map is in substantial compliance with the previously approved tentative map;**

Prior to recordation, the final map for this subdivision shall be reviewed and verified for conformance with the approved tentative map.

- 4.8 **That the design of the subdivision or the type of improvements will not conflict with easement, acquired by the public at large, for access through or use of property within the proposed subdivision.**

Subject to conditions of approval, all necessary utility and right-of-way easements for the project are appropriately depicted on the submitted plans and shall be further verified for any conflicts by the County Surveyor's Office at the time of filing of the Final Map for any portions of the approved tentative map.

## **5.0 DESIGN WAIVERS FINDINGS**

The Design Waivers requested are subject to specific findings under Section 120.08.020 of the El Dorado County Subdivision Ordinance described below.

- A. There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver.
- B. Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property.
- C. The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

- D. The waiver would not have the effect of nullifying the objectives of this Article or any other law or ordinance applicable to the subdivision.

The following describes the requested Design Waivers and responds to the required findings criteria.

**Design Waiver 1:** Allow Lot Nos. 42, 47, 48, 53, 55, 62, 78, 79, 115, 116, 122, 123 and 131 to exceed the 3-to-1 lot depth-to-width ratio;

A. Volume II page 14 of the DISM states, “The depth of lots shall not be less than 100 feet nor more than three times the average width”. The Promontory Specific Plan states in section 3.2 (Development Concept), “*The key design concepts upon which the plan was based are summarized below. These concepts are the major means of implementing the overall goal of the plan for accommodating a residential community in a manner that is sensitive to the environment in which it is located.*”

*“The natural appearance of the land will be maintained as much as possible by:*

- *Emphasizing vegetation over the built environment.*
  - *Accommodating to the natural topography of the site when locating roads and lots.*
- *Preserving as many oaks as possible through site design.”*

In addition, section 3.6 (Grading) states, “*It is the intent of the Specific Plan to maintain the natural land forms and to preserve natural vegetation, to the maximum extent possible.*”

It should be noted that many of the larger lots will have development envelopes restricting the developable area to 50 percent of the lot. The remaining 50 percent, typically the area of a lot beyond the 3:1 ratio, will be placed in private open space.

The site’s major physical conditions can be better managed, planned for, and accommodated through additional flexibility in design as a result of this waiver. The application of this waiver will reduce overall grading necessary to complete the project, will reduce the amount of roadway and lot area needed to accommodate the specific plan dwelling unit total, will reduce proposed impervious area, and provide more flexibility to allow for lot designs which better accomplish the intent of the specific plan objectives referenced above.

B. Strict application will impede the ability of the applicant to better design and accomplish reduced impacts to major physical conditions of the site, reduce impervious areas, reduce impacts to the oak woodlands and habitat, minimize grading, and would not be consistent with the objectives of the Specific Plan Policies.

C. This Design Waiver request, which is otherwise in harmony with the objectives of the Specific Plan, is not anticipated to be injurious to adjacent properties or be detrimental to health, safety, convenience, and welfare of the public.

D. The proposed waiver would not have the effect of nullifying the objectives of Article II of Title 16 of the County Code or other ordinance as this waiver shall be implemented in support of a specific requirement (ie. lot standard) of this subdivision only.

**Design Waiver 2:** Modifications of design standards affecting flag lots shown on the tentative subdivision map:

1. Allow maximum standard 100 foot-length of narrow access (“pole”) strip of flag lots to be exceeded;
2. Allow cut and fill slopes to be located outside of strip; and
3. Allow maximum driveway gradient of 15 percent to be exceeded up to 20 percent

A. Consistent with Section 3.2 and 3.6 of the PSP, increased access length, driveway gradient, and the ability to grade outside of the access strip will allow these lots, and adjacent lots, to better conform to the existing topography and natural features on the site. The lower access length and gradient would require larger cuts and fills and more extensive grading work, additional or higher retaining walls, additional tree removals, and decreased quality of the preserved areas.

Cut and fill slopes created by the access drive will be contained within an easement to allow for future maintenance, if necessary.

B. The lower access length, gradient, and grading restriction would increase the landform disturbance and require more extensive grading work, additional or higher retaining wall, additional tree removals, decreased quality of the preserved areas, and would impede the ability of the applicant or developer to better accomplish reduced impacts to major physical conditions of the site.

C. This Design Waiver request, which is otherwise consistent with the objectives of the Specific Plan, is not anticipated to be injurious to adjacent properties or be detrimental to health, safety, convenience, and welfare of the public

D. The proposed waiver would not have the effect of nullifying the objectives of Article II of Title 16 of the County Code or other ordinance as this waiver shall be implemented in support of the specific design requirements of this subdivision.