

FINDINGS

Specific Plan Amendment SP13-0002/Rezone Z13-0002/ Planned Development PD13-0001/Tentative Map TM13-1511/Serrano Village J5/J6 Planning Commission/April 13, 2017

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 pursuant to *Section 66472.1* of the *California Government Code*:

Findings

1.0 CEQA FINDINGS

- 1.1 This project is Statutorily Exempt from the California Environmental Quality Act pursuant to Section 15182 as this residential development is consistent with the adopted specific plan (El Dorado Hills Specific Plan) for which an Environment Impact Report (EIR) has been certified. The EIR (State Clearinghouse No. 86122912) was certified in 1988 with the adoption of the specific plan. The project has been reviewed for consistency with the EIR and determined that no new impacts have been identified that have not been previously analyzed and mitigated in the EIR. Some of the mitigation measures are incorporated as policies to the specific plan involving Air Quality, Noise, Oak Canopy and resource preservation and Aesthetics has been incorporated as part of subdivision design or applied as project conditions of approval. No further environmental analysis is necessary.

The El Dorado Hills Specific Plan EIR can be accessed at:

http://www.edcgov.us/Government/Planning/Zoning_Ordinances_for_Specific_Plans.aspx#El%20Dorado%20Hills.

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

2.0 GENERAL PLAN FINDINGS

2.1 General Plan

The El Dorado County General Plan designates the subject site as Adopted Plan (AP), a designation applicable to areas where specific plans have been adopted. The El Dorado Hills Specific Plan and the respective land use maps were accepted and incorporated by reference and adopted as the General Plan Land Use map for the project. Since the Specific Plan has been incorporated by reference under General Plan Land Use Element Policy 2.2.1.2, the proposed residential tentative subdivision map and planned development is found to be consistent with the General Plan.

2.2 Specific Plan

Reduction of Commercial

The El Dorado Hills Specific Plan identifies 45 acres of commercial development within Village J. Approval of Serrano Village J5/J6 Tentative Subdivision Map and Planned Development will reduce the current total Village J commercial acreage from the 15.95 acres to the 11.68 acres currently entitled to commercial development (Serrano Village J5 Phase 1). The reduction is justified based on current high retail inventory, the lack of residential development in the Bass Lake Road area needed to support commercial use, and the project's remote location from significant pass-by traffic.

While the Specific Plan does not explicitly allow reduction in commercial acreage, there remains no possibility of commercially developing the original 45 acres contemplated in the Village J area given that the predominant of the area have already been entitled for residential development. The reduction of commercial acreage would remove 4.27 acres of land approved for Serrano Village J5 Phase 2 would result in lesser impacts (e.g. traffic, noise, aesthetic) commonly associated with commercial development and replaced with generally lesser intense residential use. In spite of this, the remaining commercial area of 11.68 acres remains entitled for commercial uses under the Serrano Village J5 Phase 1 Commercial Planned Development which would sufficiently provide convenient commercial shopping needs in the neighborhood as contemplated in the specific plan.

Revision to Approved Serrano Village J5, Phase 2 Commercial Planned Development and Tentative Parcel Map (PD08-0020/P08-0029) and Serrano Village J6 Tentative Subdivision Map and Planned Development (TM08-1479 and PD08-001)

Approval of Serrano Village J5/J6 Tentative Subdivision Map and Planned Development would revise and replace the current approvals on the subject property. Consistent the specific plan amendment and rezone, these revisions are necessary in order to establish and implement the official development plan for Serrano Village J5/J6 Tentative Subdivision Map consistent with the objectives and policies of the El Dorado Hills Specific Plan.

EDHSP Policy 1.4.1 (General Policies)

Through the Planned Development, subdivision design incorporates areas for open space (passive park) and preserved oak canopy. All Class I subdivision improvements necessary to serve the development such as roads and wet and dry utilities shall be installed as required by the Subdivision Improvement Agreement. As part of Serrano Development, residential design shall conform to the established design and architectural standard enforced by Serrano Design Review Committee, subject to County verification.

EDHSP Policies 1.4.1.1 (Site Development and Grading) and Policy 1.4.1.2 (Development Near Oak Trees)

Subdivision grading has been designed to accommodate areas of site improvements (e.g. utilities, road) and buildable pads for residential construction while preserving areas for a passive park containing oak canopy. Protected oaks shall be identified on construction plans and protected during construction in accordance with the provisions of the EDHSP and/or County DISM. Standard erosion control and water quality measures have been applied as conditions of approval for the project. In accordance with the Serrano oak tree replanting program, subdivision amenities will include replanting of oaks trees within the front yards of residential lots.

EDHSP Policy 1.4.1.3 (Air Quality)

Standard air quality measures shall be applied as project conditions of approval to be enforced during site construction phase of the development.

EDHSP Policy 1.4.1.4 (Noise)

The policy requires a submittal of an acoustical analysis as part of any residential subdivision which abuts roads with a projected Average Daily Trip (ADT) count of 13,000 or more ADT by 2010. The project is located along Bass Lake Road which is projected to exceed 13,000 ADT. In accordance with the Specific Plan, an acoustical analysis (*Environmental Noise Analysis Serrano Village J5 & J6*, Bollard Acoustical Consultants, Inc., November 22, 2016) was prepared that determined traffic noise impacts from Bass Lake Road would exceed the thresholds under General Plan Table 6-1 and recommended a six-foot noise barrier be constructed along Bass Lake Road (Exhibit S). In addition, mechanical ventilation was recommended to allow future residents of the proposed dwelling units to close their second floor windows to reduce interior noise levels below the threshold in Table 6-1. Development Services staff will verify both the noise barrier and mechanical ventilation systems have been included in the project design during permit review. Potential noise impacts from the previously approved Village J5 Phase 1 commercial development west of the project was also analyzed and found to be under the noise thresholds for non-transportation sources under General Plan Table 6-2.

EDHSP Policy 1.4.1.5 (Vegetation and Fire Hazards)

The subdivision design incorporates adequate road access and circulation to accommodate fire apparatus. Conditions of approval from the El Dorado Hills Fire Department have been incorporated involving adherence to fire codes and implementation of a Wild Fire Safe Plan to minimize potential fire hazards.

EDHSP Policy 1.4.2.1 (Architecture)

Future residential construction and design in Serrano Village J5/J6 is anticipated to conform to the theme and design in the adjacent Serrano residential villages, in accordance with the Serrano Architecture and Design Guidelines.

EDHSP Section 2.2 (Density)

Serrano Village J5/J6 Tentative Subdivision Map/Planned Development is consistent with the density requirements of the EDHSP (Exhibit T). The project is within the Village J area, which is part of the North Uplands Development Neighborhood of the EDHSP. Under Table 1 of the Specific Plan (“Summary of Residential Use by Development Neighborhood”), the overall density of the North Uplands development neighborhood was identified at 2.38 dwelling units/acre (du’s/acre). The net densities within each village have fluctuated over time from what was anticipated, so that actual total net densities in all three development neighborhoods of North Uplands, South Uplands, and Valley have decreased from 3.05 to 2.42 du’s/acre (Exhibit T). Under Section 2.2, the number of residential units in any of the three residential neighborhoods may vary provided the total number of units and net densities for the entire Specific Plan are not exceeded.

With the proposed increase in residential dwelling units within Village J, the project will create a higher density than was originally proposed for Village J. However, it will not increase the total residential density in either the North Uplands development neighborhood or the entire Specific Plan area, which remains significantly lower for total dwelling units and density than originally anticipated. If the Board approves the Specific Plan amendment, a revised version of Table 1 similar to Exhibit T that includes only approved applications will be recommended as an Errata Sheet to the Specific Plan.

Section 2.4 (Dwelling Unit Type)

Specific Plan Section 2.5.1 defines the dwelling unit type in Village J to be Single Family Detached (SFD) and Ranch Estate (RE). Under Section 2.3.1.1-.2, the Single-Family Detached (SFD) housing type has a general lot size ranging 6,000 to 7,500 square feet located on flatter topography within the Specific Plan. The site topography consists of mild rolling hills with over 90 percent of slopes falling within the 0-20 percent range. The Ranch Estate (RE) housing type has a lot size standard of four acre minimums to be located on the periphery of the Specific Plan area adjoining offsite residential acreage or agricultural preserves. The undeveloped site is located within the easternmost portion of the El Dorado Hills Specific Plan area adjacent to existing and planned residential development both in the El Dorado Hills and Bass Lake Hill Specific Plans and Bridlewood Subdivision.

Serrano Village J5/J6 Tentative Map and Planned Development is consistent with the development pattern established through the residential zoning in the Specific Plan. The

project's minimum 5,000 square feet lot size does not specifically conform to the anticipated SFD housing type minimum lot size, however, through application of the Planned Development objectives, modifications to the Single Unit Residential (R1) zone development standards would result in a more suitable subdivision design. The Bass Lake Hills Specific Plan is located south of Village J5/J6 and while currently zoned for 10 acre minimums, these lands were approved for future high density development under the specific plan. The 4-acre minimum lot size required under Section 2.5.1 to buffer rural lands adjoining the El Dorado Hills Specific Plan boundaries does not apply in this instance. The project is more conforming to the Specific Plan standards in comparison with the original Serrano Village J6 Tentative Subdivision Map and Planned Development, which had a higher residential unit count (204), and lesser minimum lot size (2,555 square feet), average lot size (3,489 square feet), and maximum lot size (10,667 square feet).

3.0 ZONE CHANGE FINDINGS

The zone change is consistent with the Specific Plan subject to approval of the proposed Specific Plan Amendment.

The proposed zone change to Single-Unit Residential-Planned Development (R1-PD) is consistent with the previous decisions by the Planning Commission and Director based on the Development Agreement allowing such administrative modifications. As such, there currently is no possibility of developing 45 acres due to previous decisions rendered under the now expired Development Agreement. By changing the zoning to residential, the overall dwelling unit allotment for the Specific Plan will not be exceeded and will still remain significantly below the total that was originally approved.

The zone change would result in the elimination of the approved Serrano Village J5 Phase 2 Commercial and replaced with the proposed residential development. The elimination of the commercial development is justified given the high commercial vacancy rates, currently low residential density in the surrounding area that would justify commercial development, and the remote location of the site. Its elimination would result in reduced impacts (e.g. traffic, noise, aesthetic) associated with commercial development and replaced with generally lesser intense residential use. In spite of this, however, the remaining commercial area of 11.68 acres remains entitled for commercial uses under the Serrano Village J5 Phase 1 Commercial Planned Development which would sufficiently provide convenient commercial shopping needs in the neighborhood as contemplated in the specific plan.

4.0 SUBDIVISION FINDINGS

4.1 *The proposed map is consistent with applicable general and specific plans;*

The proposed development would create a total of 148 residential lots, increasing the dwelling unit total in Village J from 342 to 483 dwellings units over 150 acres. While the

project density will result in 4.11 dwelling units per acre, the overall density for the North Uplands Development Neighborhood containing Village J will decrease from 2.38 to 1.78 dwelling units per acre, in conformance with the standard and design provisions of the adopted El Dorado Hills Specific Plan.

- 4.2 *The design or improvement of the proposed division is consistent with applicable general and specific plans;*

The improvement of the subdivision has been designed in conformance with the identified residential land use requirements in the Specific Plan with application of Planned Development. The subdivision shall adhere to applicable improvements of the Design and Improvements Standards Manual and shall be constructed in accordance with construction plans and permit requirements, as conditioned of the project.

- 4.3 *The site is physically suitable for the type of development;*

While the site is relatively flat, the greatest slope area as well as an amount of oak canopy will be preserved within the passive park area, thereby reducing the impact on these topographic and biological features from development. The site is physically suitable for the type of development.

- 4.4 *The site is physically suitable for the proposed density of development;*

The project site is physically suitable to accommodate the density of the proposed development. The site is relatively flat in the development areas and shall conform to the established surrounding residential development in the area. With its proximity to the Bass Lake overflow, appropriate construction and storm water quality measures shall be adhered to avoid impacts to the resource subject to verification by affected agencies. The development shall have direct access to public roads and connection to public utilities currently serving the existing development in the area. Modified development standards and improvement requirements would sufficiently accommodate the development.

- 4.5 *The design of the division or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;*

Twenty percent of the site will be left as open space (passive park) and landscaped areas within the subdivision. The open space area is contiguous and contains the majority of the natural resources of rock outcroppings and dense oak canopy that will serve to provide wildlife habitat. No riparian habitat exists on the site. Applicable mitigation measures from the certified Environmental Impact Report protecting biological resources shall be enforced during implementation of the residential development.

- 4.6 *The design of the division or the type of improvements would not cause serious public health hazards;*

Development of the residential subdivision is subject to the applicable provisions of El Dorado Hills Specific Plan and mitigation measures under the certified Environmental Impact Report (EIR) including regulation of subdivision design and layout minimizing impacts to natural resources, adherence to air quality measures, and reduction of noise impacts. Prior to issuance of the development permit, construction and improvement plans shall be reviewed for conformance with applicable County standards and Serrano Architectural Control Committee requirements. Therefore, the project is not likely to cause substantial environmental damage.

- 4.7 *The design of the subdivision or the improvements is suitable to allow for compliance of the requirements of section 4291 of the Public Resources Code.*

The development is subject to the applicable Specific Plan policies involving site design and maintenance of open areas susceptible to brush fires. Further, the subdivision is subject to specific project conditions from the El Dorado Hills Fire Department regarding location of fire hydrant, construction of non-combustible fencing material, and adherence to Wildfire Safe Plan provisions. Therefore the proposed subdivision conforms to the requirements of Section 4291 of the Public Resource Code;

- 4.8 *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection the approving authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.*

Easements necessary to serve the subdivision have been adequately depicted on the Tentative Subdivision Map and shall be further verified for any conflicts by the County Surveyor's Office at the time of filing of the final map.

5.0 PLANNED DEVELOPMENT FINDINGS

- 5.1 *The proposed development plan is consistent with the General Plan, any applicable specific plan, and Chapter 28 (Planned Development (-PD) Combining Zone) of this Title;*

The subdivision has been designed in conformance with the applicable provisions of the El Dorado Hills Specific Plan and meets the objectives of the Planned Development efficient subdivision design, resource preservation, and compatibility of land uses. Conformance with these provisions results in conformance with applicable policies of the General Plan.

- 5.2 *The site is adequate in shape and size to accommodate proposed uses and other required features;*

The project site has adequate size and shape to accommodate the proposed subdivision. The site has direct access to public roads and utilities, contain no significant topographic or biological features exist.

- 5.3 *Exceptions to the development standards of the zone are justified by the design or existing topography;*

As a Planned Development, the modifications to Single-Unit Residential (R1) Zone District development standards would properly facilitate design and operation of the subdivision which implements the policies of the El Dorado Hills Specific Plan.

- 5.4 *Adequate public services and facilities exist or will be provided to serve the proposed development including, but not limited to, water supply, sewage disposal, roads, and utilities;*

The project would be served by EID which has indicated that all necessary water and sewer services are available to serve the project. The proposed circulation plan would allow for multiple vehicular ingress/ egress points and sufficient emergency access. Sufficient parking and guest parking will be provided by individual driveways and limited street parking.

- 5.5 *If mixed-use development is being proposed, the development conforms to the standards in Section 130.40.180 (Mixed Use Development);*

The project is not a mixed-use development.

- 5.6 *The proposed development complies with the provisions of the –PD Combining Zone Section 130.28.010 (Planned Development (-PD) Combining Zone).*

The subdivision design features reserved open space areas, preserved resources, and utilizes engineering and development techniques in compliance with the provisions of the -PD Combining Zone section of the Zoning Ordinance implementing the policies of the specific plan.

6.0 DESIGN WAIVER FINDINGS

The following design waiver requests are approved subject to the following findings for approval:

6.1 **Design Waiver 1:** Modification to Standard Plan 101B for the reduction of the Right-of-Way, and road improvement widths, and for the construction of reduced sidewalks (six feet width to four feet in width) on one side of the street:

- a) Right-of-Way width from 50-feet to 36-feet: A Street- sta. 1+49 to 3+42; C Street- sta. 9+37.84 to sta. 15+33.79, A Court, C Court, D Court, E Court, and F Court.
- b) Right-of-Way width from 50-feet to 42 feet: A Street- sta. 3+70 to sta. 12+50, B Street, C Street- sta. 3+38.44 to sta. 9+37.84, D Street, and G Street.

6.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.*

Given the irregular configuration of the property and close proximity to the Bass Lake overflow, the proposed street improvements would adequately accommodate the anticipated residential vehicular and pedestrian traffic and on-site utilities necessary to serve the development. The proposed reduction in internal roadway requirements would be consistent with the roadway design commonly found throughout Serrano. The streets shall be privately owned and maintained by the master Homeowner's Association.

6.1.2 *Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.*

Application of the standard road Right-of-Way would require wider pavement and related improvements would result in additional unnecessary disturbance to the site, thereby posing an encumbrance to the design and functionality of the development.

6.1.3 *The adjustment or waiver would not be injurious to adjacent properties or detrimental to health, safety, convenience, and welfare of the public.*

The modified street right-of-way would not affect the private streets from sufficiently serving the private residential development. The associated improvements shall be constructed in accordance to standards of the Design and Improvements Standards Manual (DISM), subject to improvement and other construction plans. The roadway widths would meet the Fire Safe Regulations for minimum roadway width and would allow for parking on one side of the street for those right-of-ways between 29 and 36 feet in width. The proposed design waiver for roadway design would not impair vehicular circulation or impede emergency access throughout the project. Therefore, the proposed deviation has been determined to not be detrimental to health, safety, and welfare of the public.

6.1.4 *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 modified standard would not have the effect of nullifying the objectives of this article or ordinance applicable to the subdivision as this modified standard would not negatively affect the private streets serving the residential development. These streets shall be privately maintained by the HOA. Other applicable improvement standards shall be enforced and verified during review construction plans.

6.2 **Design Waiver 2:** Construction of cul-de-sac within reduced right-of-way radius from 60-ft to 45.5-ft and a road width (edge of pavement) radius from 50-ft to 40-ft.

6.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.*

The modification to the road Right-of-Way and pavement standards for cul-de-sac within the Serrano Village J5/J6 subdivision private streets would be necessary to facilitate the proposed development of the irregularly shaped property and achieve the Planned Development objectives. The proposed street improvements would adequately accommodate the anticipated residential vehicular traffic of the development.

6.2.2 *Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.*

Application of the standard cul-de-sac Right-of-Way and pavement widths would require wider pavement and related improvements would result in additional unnecessary disturbance to the site, thereby posing an encumbrance to the design and functionality of the planned development.

6.2.3 *The adjustment or waiver would not be injurious to adjacent properties or detrimental to health, safety, convenience, and welfare of the public.*

The modified standards would not affect the vehicular circulation and functionality of the affected streets in the subdivision. The associated improvements shall be constructed in accordance to standards of the Design and Improvements Standards Manual (DISM), subject to improvement and other construction plans. Therefore, the proposed deviation has been determined to not be detrimental to health, safety, and welfare of the public.

6.2.4 *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 modified standard would not have the effect of nullifying the objectives of this article or ordinance applicable to the subdivision as this modified standard would not negatively affect the private streets serving the residential development. These streets shall be privately maintained by the HOA. Other applicable improvement standards shall be enforced and verified during review construction plans.

6.3 **Design Waiver 3:** Construction of modified Type 1 and 2 curb gutter as shown on the Tentative Map. The gutter pan will be reduced to 12” from face of curb to edge of pavement.

6.3.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.*

The modified curb and gutter design would be incorporated as part of modified road improvement for subdivision (discussed above Design Waiver 1) and would sufficiently ensure vehicular and pedestrian safety and channeling storm runoff within the subdivision.

6.3.2 *Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.*

Application of the standard the road improvements to include the typical curb and gutter improvements would add to wider pavement and related improvements resulting in additional unnecessary disturbance to the site, thereby posing an encumbrance to the design and functionality of the planned development.

6.3.3 *The adjustment or waiver would not be injurious to adjacent properties or detrimental to health, safety, convenience, and welfare of the public.*

The modified design of the curb and gutter would not be injurious to adjacent properties or detrimental to the welfare of the public as this improvement would sufficiently achieve the design and function necessary to serve the subdivision.

6.3.4 *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 modified standard would not have the effect of nullifying the objectives of this article or ordinance applicable to the subdivision as this modified standard would not negatively affect the private street and improvements serving the residential development. These streets shall be privately maintained by the HOA. Other applicable improvement standards shall be enforced and verified during review construction plans.

6.4 **Design Waiver 4:** Construction of road encroachment under Standard Plan 110 with modification to allow for an entry gate and landscape median as shown on the Tentative Map.

6.4.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.*

As the residential development is proposed to be gated, a modification to the encroachment under DISM Standard Plan 110 would be necessary to accommodate the gate entry and landscape design. Similar modifications have been granted and currently built in other Serrano villages.

- 6.4.2 *Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.*

The proposed encroachment design would be consistent with existing encroachments throughout the Specific Plan area. Adherence to the Standard Plan 110 encroachment would result in an atypical design in the Specific Plan Area and would disrupt the harmonious designs utilized throughout the Specific Plan area.

- 6.4.3 *The adjustment or waiver would not be injurious to adjacent properties or detrimental to health, safety, convenience, and welfare of the public.*

The modified design of encroachment entrance would not be injurious to adjacent properties or detrimental to the welfare of the public as this improvement would be confined entirely within the project site, serving the residents of the subdivision.

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

Granting of the waiver would not have any effect of nullifying the objectives of the Subdivision Ordinance or other applicable subdivision development standards. The modified encroachment entrance, which has been previously used in other Serrano villages, would sufficiently serve the subdivision as well as provide an aesthetically unique amenity for the subdivision.

- 6.5 **Design Waiver 5:** Construction of A Street (at Lots 13 and 14), C Street (at Lot 96), and D Street (at Lot 116) with reduced 100-foot centerline curve radii to 41' as shown on the Tentative Map.

- 6.5.1 There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver; and

- 6.5.2 Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.

Based on the subdivision design conforming to the property configuration, application of the typical standard could result in a re-design and adjustments of the subdivision layout that could lead in unnecessary site disturbance and impacts. As proposed, the modified standards would sufficiently accommodate vehicular traffic within the subdivision road circulation as proposed.

- 6.5.3 The adjustment or waiver would not be injurious to adjacent properties or detrimental to health, safety, convenience, and welfare of the public.

The proposed deviation would not be detrimental to health, safety, and welfare of the public. The modified centerline curve radius length has been designed to sufficiently accommodate the vehicular traffic and speed anticipated for the private development. The required improvements shall be constructed in accordance to standards of the DISM, subject to improvement and other construction plans. Implementation of project condition of approvals and applicable mitigation measures shall be verified during review and prior to issuance of any construction permits.

- 6.5.4 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 modified standard would not have any nullifying effect on the objectives of this article or ordinance applicable to the subdivision as this standard would affect a street design serving the streets within private clustered residential development. Construction of this improvement would be conducted in accordance with the DISM, subject to approved plans. The design would sufficiently accommodate on-site traffic and circulation conditions, which would be privately enforced by the Homeowner's Association.

- 6.6 **Design Waiver 6:** Exceed 3:1 lot length-to-width ratio for Lots 13, 14, 110, and 114.

- 6.6.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.*

In order to better conform to the configuration of the subdivision and maintain functionality and developability of these affected lots, these padded lots have been designed in excess of the DISM standard of 3:1 length to width ratio.

- 6.6.2 *Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.*

Strict application of the 3:1 length to width ratio standards could result in the re-design and re-configuration or removal of these lots.

- 6.6.3 *The adjustment or waiver would not be injurious to adjacent properties or detrimental to health, safety, convenience, and welfare of the public.*

The adjustments would not be injurious or detrimental to health, safety, convenience, and welfare of the public as the modified standards would only affect these specific lots. Development of these lots shall be subject to applicable zoning and building standards as regulated by the Development Plan for the subdivision.

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

Granting of the waiver would not have any nullifying effect on the objectives of the Subdivision Ordinance or other applicable subdivision applicable as the modified standards would only affect these specific lots, subject to the development standards of the Development Plan.

6.7 **Design Waiver 7:** Exceed standard street gradient of 12% for C and E Courts with maximum grade of up to 15 % grade;.

6.7.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.*

The location of these two residential courts is in the area constrained by topography. In order to provide adequate access to the residential lots and passive park (at end of E Court) and ensure efficient street circulation, portions of these courts warrant the standard gradient of 12% to be exceeded up to 15% grade.

6.7.2 *Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.*

Application of the standard could result in the re-design of development of these courts with limited accessibility to the residential lots and passive park and/or impose inefficient circulation in this area of the subdivision.

6.7.3 *The adjustment or waiver would not be injurious to adjacent properties or detrimental to health, safety, convenience, and welfare of the public.*

The proposed modification would not be detrimental to health, safety, and welfare of the public as these are specific to only two locations in the private subdivision. The modified gradient has been designed to sufficiently accommodate the vehicular traffic and speed anticipated along these streets. The required improvements shall be constructed in accordance with the construction standards of the DISM and project conditions of approval.

6.7.4 *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 modified standard would not have any nullifying effect on the objectives of this article or ordinance applicable to the subdivision as this standard would affect streets designs of a private residential development. The design would sufficiently accommodate on-site traffic and circulation conditions, which would be privately enforced by the Homeowner's Association. Construction of this improvement would be conducted in accordance with the DISM, subject to approved plans.