

Findings

1.0 CEQA FINDINGS

- 1.1 The project is considered Statutorily Exempt pursuant to Section 15182 (Residential Projects with an EIR Pursuant to Specific Plan; State Clearing House No. 1990020375) of the CEQA Guidelines. This determination is further supported by an Initial Study dated September 2016 in which the County has concluded that the criteria identified in the CEQA Guidelines §15162 requiring the preparation of a Supplemental or Subsequent Environmental Impact Report (EIR) has not been met. Accordingly, the County has prepared an Addendum to the 1992 Bass Lake Road Study Area (BLRSA) Final Program EIR pursuant to State CEQA Guidelines §15164 to analyze the proposed Tentative Map (Exhibit H).

A Mitigation Monitoring and Reporting Plan has been prepared and is included as Exhibit H - Appendix 1 and a Mitigation Measure Agreement has been agreed to and signed by the Applicant and is included as Exhibit T.

A \$50.00 administration fee is required by the County Recorder to file the Notice of Exemption (NOE). Pursuant to State CEQA Guidelines §15062, the filing of the NOE starts a 35-day statute of limitations on challenges to the approval under CEQA.

- 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 Community Development Agency-Development Services Division-Planning Services 2850 Fairlane Court Placerville, CA 95667.
- 1.3 Public Resources Code §21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The project description, Conditions of Approval, and Mitigation Monitoring and Reporting Plan, are hereby adopted as the monitoring program for this project.

2.0 GENERAL PLAN FINDINGS

- 2.1 The 2004 El Dorado County General Plan designates the project site as Adopted Plan (AP), a description in reference to areas where Specific Plans, in this case, the Bass Lake Hills Specific Plan (BLHSP), have been designated and adopted within and by the County. The proposed Tentative Map is consistent with the policies, land use designations, and maximum allowable density identified in the BLHSP; therefore, the project is consistent with the General Plan.

3.0 BASS LAKE HILLS SPECIFIC PLAN FINDINGS

- 3.1 The proposed Tentative Map is consistent with BLHSP, as discussed in the Specific Plan Policy Findings below.
- 3.2 Policy 2.1.1.2. Establish Community Regions to define those areas which are appropriate for the highest intensity of self-sustaining compact urban-type development within the County, based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns, the location of major topographic patterns and features, and the ability to provide and maintain appropriate transitions at Community Region boundaries. These boundaries shall be shown on the General Plan Land Use Map.

The proposed Tentative Map is within the El Dorado Hills Community Region and is consistent with the High Density Residential Planned Development (H4PD: 1-4 dwelling units (du) per net acre) and Medium Density Residential Planned Development (MPD: 1-1.75 du per net acre designated in the BLHSP. The Tentative Map includes 11.37 acres of open space, which equals 29% of the project site and the proposed development pattern would conform to the topography exceeds the requirements of the BLHSP. Infrastructure is available or can be feasibly provided to serve the project without adverse impact to existing or approved development, and the project has been designed to account for physical and topographic conditions. Erosion will be controlled through adherence to County grading requirements; the project would not adversely affect agricultural, timber, or mineral resource areas and biological resources will be protected through Conditions of Approval and Mitigation Measures. The project would be required to improve affected roadways or pay fair-share impact fees. The project would be consistent with the adjacent existing high-density land use pattern to the north and east, and would provide adequate buffers and transitions for other locations. Perennial water courses would be protected through compliance with required programs. There are no known historic/archaeological sites that cannot be mitigated. There are no active faults and there are no applicable CC&Rs.

- 3.3 Policy 2.6.1.1. A Scenic Corridor Ordinance shall be prepared and adopted for the purpose of establishing standards for the protection of identified scenic local roads and State Highways.

The County is in the process of developing a Scenic Corridor Ordinance. However, the proposed Tentative Map is not located along a Scenic Corridor. Further the development density would be visually and physically compatible with the high density residential development within the Bridlewood neighborhood to the east, Serrano Village J to the north, and the area both to the south and west in the BLHSP that is identified for high medium-density residential development. The proposed design allows for the perimeter to be maintained as open space, preserving a natural buffer between existing residential areas of similar and lower residential densities. The project includes 11.37 acres of open space, including landscaping, open spaces and trails. Natural drainages and landscape

features have been incorporated into project design. The project, as conditioned, will be required to include measures in project design to control exterior sources of nighttime lighting in accordance with Section 130.14.170 of the County Ordinance Code.

- 3.4 Policy 3.2.1.1. Development proposals shall be reviewed to determine if significant traffic impacts or reductions in Level of Service (LOS) per Policy 3.5.1.5.11 will occur to existing public roads as a result of the proposed project. Project proponents shall be required to make necessary road improvements or to pay a traffic impact mitigation fee (TIM), or some combination of both, to accommodate increases in traffic caused by the proposed project.

Traffic impacts as a result of the proposed Tentative Map were evaluated and verified by County Traffic Engineers. The project, as mitigated and conditioned, is required to either construct the improvements identified in the Conditions of Approval or, if the identified improvement is included in the County's 10-year Capital Improvement Plan (CIP) when the need for the improvement is triggered, pay the County's TIM fees.

- 3.5 Policy 3.2.1.2. Development review shall consider the adequacy of public and private roads for emergency vehicle access and for off-site traffic impacts. Inadequate roads shall be improved through such measures as "area of benefit" districts, fees, project approval conditions, assessment districts, or other means. Where no improvement or other acceptable mitigation measures are proposed to alleviate project induced situations concurrent with development, land development projects shall be denied.

The proposed project has been reviewed by County transportation staff and the El Dorado Hills Fire Department (EDHFD). As conditioned, the public and private roads serving the project are adequate for emergency vehicle access. Further, traffic impacts as a result of the proposed Tentative Map were evaluated and verified by County Traffic Engineers. The project, as mitigated and conditioned, is required to either construct the improvements identified in the Conditions of Approval or, if the identified improvement is included in the County's 10-year Capital Improvement Plan (CIP) when the need for the improvement is triggered, pay the County's TIM fees.

- 3.6 Policy 3.10.1.1. Transportation alternatives, which are cost-effective, shall be strongly encouraged. A public transit system linking employment, shopping areas, and schools with residential areas should be developed.

The BLHSP requires the construction of bicycle facilities to ensure connectivity with parks and adjacent developments. The proposed project, as mitigated and conditioned, will include a pedestrian access network that internally links all residential and open space areas and connects to all existing and planned external streets and pedestrian facilities contiguous with the project site. The project is conditioned to construct 100 spaces in the proposed Park and Ride Lot located on Country Club Drive near the intersection of Bass Lake Road. Lastly, the project is conditioned to pay its fair share of

the Public Facilities Financing Fees to support transportation-related facilities identified in the BLHSP.

- 3.7 Policy 3.10.1.3. The County shall continue to work with employers, residents, and other agencies to encourage increased car pools, vanpools, and park-and-ride lots.

The project is conditioned to construct 100 spaces in the proposed Park and Ride Lot located on Country Club Drive near the intersection of Bass Lake Road. Lastly, the project is conditioned to pay its fair share of the Public Facilities Financing Fees to support the facilities identified in the BLHSP.

- 3.8 Policy 3.10.1.4. Bus stops and turnouts shall be considered for inclusion into new developments.

The project is located across the street (Sienna Ridge), from the proposed Rescue School District's K through 8 school. The project was reviewed by both the Rescue School District and the El Dorado Transit Authority. The proposed Tentative Map is consistent with Policy 3.10.1.4.

- 3.9 Policy 3.10.1.5. Project review shall take into account all forms of transportation and circulation systems, including rail, bicycle trails, pedestrian paths, equestrian easements, off-site and on-site parking where appropriate.

The proposed project, as mitigated and conditioned, will include a pedestrian access network that internally links all residential and open space areas and connects to all existing and planned external streets and pedestrian facilities contiguous with the project site. The project is conditioned to construct 100 spaces in the proposed Park and Ride Lot located on Country Club Drive near the intersection of Bass Lake Road. Lastly, the project is conditioned to pay its fair share of the Public Facilities Financing Fees to support transportation-related facilities identified in the BLHSP.

- 3.10 Policy 4.1.1.2. Specific plans need to address and provide for affordable housing.

The BLHSP provides for a wide range of housing types and densities. The proposed project is designated for both High Density and Medium Density housing within the BLHSP. The project is designed to be consistent with the BLHSP and is therefore, consistent with Policy 4.1.1.2.

- 3.11 Policy 4.2.3.1. Use of the Planned Development (PD) Combining Zone District shall be promoted to allow greater flexibility in development standards to encourage developers to include low and moderate-income housing within residential developments.

The proposed project includes a Planned Development and has been designed to be consistent with the BLHSP and its policies. The number of units equals the number allowed under the BLHSP. The proposed Tentative Map is consistent with Policy 4.2.3.1.

- 3.12 Policy 5.1.2.1. Prior to the approval of any discretionary development, the Approving Authority shall make a determination of the adequacy of the public services and utilities to be impacted by that development. Where demand is determined to exceed capacity, the approval of the development shall be conditioned to require expansion of the impacted facility or service to be available concurrent with the demand, mitigated, or a finding made that a CIP project is funded and authorized which will increase service capacity.

The project is in the El Dorado Hills Community Region, where El Dorado Irrigation District (EID) water supply and conveyance facilities are available to serve the project. The project must annex into EID, and prior to approval of any final subdivision map for the proposed project, the applicant is required to secure a “will serve” letter or equivalent written verification from EID demonstrating the availability of sufficient water supply for the project. The project, as mitigated and conditioned, will construct water line extensions to connect to EID facilities. A Facility Plan Report (FPR) to be verified and approved by EID will be required prior to final map.

The project is conditioned to connect to EID wastewater facilities, and will be evaluated for purposes of accommodating highest possible demand. An FPR and a commitment to serve from EID will be required prior to final map approval for each phase of the project.

The project’s solid waste generation was evaluated, and it was determined that it would not adversely affect the permitted capacities of the Transfer Station and Material Recovery Facility in Placerville and the Potrero Hills Landfill.

The EDHFD provided a letter to the County outlining requirements to provide fire and emergency medical services to the project site, and all of the provisions identified by the EDHFD requiring compliance with their fire standards including, but not limited to: location of and specifications for fire hydrants; emergency vehicle access including roadway widths and turning radii; fire flow and sprinkler requirements; and defensible space and wildland fire-safe plans have been included as a condition of approval.

Law enforcement would be provided to the project by the El Dorado County Sheriff’s Department. The increase in demand for law enforcement is expected to be incremental, and would not require construction of a new station to serve the project. According to the Sheriff’s Office, funding considerations to supply increased police protection services would be addressed by the County Board of Supervisors.

The two affected school districts (Rescue Union School District and El Dorado Union High School District) were consulted and indicated new school facilities would likely not be needed to accommodate anticipated increases in student enrollment resulting from the proposed project. The project, as conditioned, is required to pay applicable school impact fees in accordance with State law. Rescue Union School District has purchased 20 acres across Sienna Ridge from the project for a future K-8 school.

As conditioned, the proposed project would provide adequate public services and utilities.

- 3.13 Policy 5.1.2.2. Provision of public services to new discretionary development shall not result in a reduction of service below minimum established standards to current users.

The public services and utilities demands of the project have been determined, and applicable service/utility purveyors were consulted with regard to project demand. The project, as mitigated and conditioned, will not result in a reduction of service below minimum standards to current users. Fair-share funding for infrastructure improvements is collected at time of final map (water and sewer) and building permit (school, fire, parks, and roads).

- 3.14 Policy 5.1.2.3. New development shall be required to pay its proportionate share of the costs of infrastructure improvements required to serve the project. Lack of available public or private services or adequate infrastructure to serve the project which cannot be satisfactorily mitigated shall be grounds for denial of any project or cause for the reduction of size, density, and/or intensity otherwise indicated on the General Plan Land Use Map.

As discussed in Sections 3.12 and 3.13 above the proposed project would pay its proportionate share of the costs of infrastructure improvements required to serve the project.

- 3.15 Policy 5.1.3.1. Growth and development and public facility expenditures shall be primarily directed to Community Regions and Rural Centers.

The proposed Tentative Map is located in the El Dorado Hills Community Region.

- 3.16 Policy 8.1.3.1. Agriculturally-zoned lands, including Williamson Act Contract properties, shall be buffered from increases in density on adjacent lands by requiring a minimum often (10) acres for any parcel created adjacent to such lands. Those parcels used to buffer agriculturally-zoned lands shall have the same width to length ratio of other parcels.

The proposed Tentative Map is not located within or adjacent to agriculturally-zoned lands, including those encumbered by a Williamson Act Contract.

4.0 ZONING FINDINGS

- 4.1 The PD zone request is consistent with the General Plan and the Bass Lake Hills Specific Plan. The proposed R1-PD zoning is consistent with the proposed MDR land use designation.

- 4.2 The project is within the Bass Lake Hills Specific Plan which provides a broad range of residential product types, open space, and a range of passive and active recreational amenities for its residents. A series of pedestrian and bicycle paths and trails would be located within the Bass Lake Hills Specific Plan, including a multi-use trail. Incorporation of existing natural elements into project design as proposed by the project is typical of residential subdivisions in El Dorado Hills, and the project has been designed to incorporate existing wetlands and woodland areas.
- 4.3 The site is physically suitable for the proposed uses. The proposed design allows for the perimeter to be predominantly maintained as open space, preserving a natural buffer between existing residential subdivisions of similar and lower residential densities. The 38-acre site is large enough to provide approximately 29 percent (11.37 acres) as open space, which would include landscaping, open spaces, and trails. The proposed tentative map maximizes the use of parcel areas not constrained by oak trees and retains trees, particularly on the perimeter areas and existing drainages where there are contiguous portions of oak canopy that connect to offsite oak woodland corridor community. The project includes oak tree planting mitigation. The proposed residential development would not create a physical barrier to travel around or within the project site or remove existing means of access to and through existing nearby neighborhoods by way of Bass Lake Road and Sienna Ridge, which provide direct access to the site.
- 4.4 Adequate wet and dry utilities are available or can be feasibly provided to serve the project. The project's primary access would be from Sienna Ridge and a new external roadway connecting directly to Bass Lake Road. Emergency vehicle access roads will be constructed providing fire and emergency services to the project.
- 4.5 The project would not significantly detract from the natural land and scenic values of the site. The Bass Lake Hills Specific Plan does not identify the site as a scenic resource. However, existing topographical and landscape features would be maintained. Wetlands and natural drainage features have been incorporated into project design.

5.0 SUBDIVISION ORDINANCE FINDINGS

5.1 The proposed tentative map, including design and improvements, is consistent with the General Plan and Specific Plan policies.

The proposed Tentative Map is consistent with the AP-BLHSP land use designation and with General Plan policies relating to public utilities, traffic, noise, air quality, riparian impacts, and oak woodland habitat, as discussed in Section 2.0 above. Further, the Tentative Map includes a Planned Development, which was designed to minimize impacts to the natural resources on the project site. The proposed Tentative Map is located within the El Dorado Hills Community Region and provides lot types consistent

with the land uses, densities, and intensities consistent with the El Dorado County General Plan's policies for the County's Community Regions and the Bass Lake Hills Specific Plan. The Conditions of Approval and Mitigation Measures included as part of the project would further minimize environmental impacts associated with the project.

5.2 The site is physically suitable for the proposed type and density of development.

The site is physically suitable for the proposed type and density of development. Slopes exceeding 30 percent have been avoided and the project will minimize the impacts to the existing wetlands. The proposed development pattern is consistent with the Bass Lake Hills Specific Plan. The proposed design allows for the perimeter to be predominantly maintained as open space, preserving a natural buffer between existing residential subdivisions of similar and higher residential densities. The 38.57-acre site is large enough to provide approximately 29 percent (11.37 acres) as open space, which would include landscaping, open spaces, and trails. The proposed tentative map maximizes the use of parcel areas not constrained by oak trees and retains trees, particularly on the perimeter areas and existing drainages where there are contiguous portions of oak canopy that connect to offsite oak woodland corridor community. The project includes oak tree planting mitigation. The proposed residential development would not create a physical barrier to travel around or within the project site or remove existing means of access to and through existing nearby neighborhoods by way of Bass Lake Road or Sienna Ridge, which provide access to the site. The development density will be similar to the high-density residential development within the Bridlewood neighborhood to the east, the area to the south in the Bass Lake Hills Specific Plan which is identified for medium density residential development, and will be less than the density in the proposed Serrano Village J to the North.

5.3 The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitats.

The proposed Tentative Map is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitats. The project includes a Planned Development application, which was designed to minimize impacts to the natural resources on the project site. Project parcels are not within or adjacent to the Important Biological Corridor or rare plant preserve. The project parcels contain suitable foraging and nesting habitat for special-status bird, mammal, and insect species that may inhabit the site. Impacts were evaluated and mitigation measures would be implemented to protect these species from potentially adverse effects as a result of the project. Loss of oak woodland, which provides habitat for some wildlife species, would also be mitigated. Mitigation measures, which are required as conditions of approval, will be implemented ensuring that the proposed subdivision would not cause substantial environmental damage and would not substantially and unavoidably injure fish or wildlife or their habitat.

5.4 That the design of the subdivision or the type of improvements is not likely to cause serious public health hazards;

The proposed Tentative Map is not likely to cause serious public health hazards. The project site is not located within a mapped Alquist-Priolo Earthquake Fault Zone, and all new structures are to be built in accordance with the California Building Code to ensure public safety. The project has been conditioned to submit, as determined by the El Dorado County Air Quality Management District, a Fugitive Dust Plan application and/or an Asbestos Dust Mitigation Plan application for approval by the District prior to beginning project construction. The project, as mitigated and conditioned, will be required to control diesel particulate matter emissions during construction. With implementation of traffic mitigation measures and Transportation Division conditions, the project would neither introduce dangerous road design features, nor generate traffic that is incompatible with existing traffic patterns. The project site is located in an area of moderate wildfire hazard risk. A Wildland Fire Safe Plan will be prepared for the proposed project. As conditioned, the proposed project is required to comply with all El Dorado Hills Fire Department fire standards, including, but not limited to: location of and specifications for fire hydrants; emergency vehicle access including roadway widths and turning radii; fire flow and sprinkler requirements; and defensible space and wildland fire-safe plans

5.5 The design of the subdivision or the improvements is suitable to allow for compliance with the requirements of Section 4291 of the Public Resource Code (Section 4291 establishing criteria for fire and fuel breaks around buildings).

The design of the proposed Tentative Map conforms to the requirements of Section 4291 of the Public Resources Code. The public water system serving the project will provide adequate fire flow for the project. Further, as conditioned, the proposed project is required to comply with all El Dorado Hills Fire Department fire standards, including, but not limited to: location of and specifications for fire hydrants; emergency vehicle access including roadway widths and turning radii; fire flow and sprinkler requirements; and defensible space and wildland fire-safe plans.

5.6 The design of the subdivision or the type of improvements would not conflict with easements, acquired by the public at large, for access through or use of property within the proposed division.

Necessary utility easements are depicted on the proposed Tentative Map and shall be further verified by the County Surveyor's Office at the time of filing final maps. All existing easements across the property for utilities and infrastructure would remain or be relocated in a manner acceptable to the affected agency. Therefore, no conflicts with easements acquired by the public at large are anticipated.

6.0 DESIGN WAIVER FINDINGS

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

1. There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver.
2. Strict application of the design or improvement requirements of this chapter would Cause extraordinary and unnecessary hardship in developing the property.
3. The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.
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 following describes the requested Design Waivers and responds to the required findings criteria.

6.1 Reduced ROW width from 50 feet to 40 feet and reduced roadway width from 36 feet to 29 feet for Road A, Road B (from Road A to Road D), and Road D.

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

The existing natural topography, canopy coverage, and wetland features constrain development on the site and require the requested reduction to the right of way. Any additional roadway improvements would result in additional runoffs from impervious surfaces and environmental impacts including impacts to water quality, wetlands as well as decrease the total acreage of open space planned for dedication.

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

The strict application of the design standard would cause an unnecessary hardship on the applicant as it would result in additional and unnecessary expenses to construct as well as unnecessary environmental disturbance to existing natural features including wetlands and canopy.

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

The design waiver reduces the right of way width which serves the proposed project and provides connection to the proposed development to the north. All proposed road improvements fit into the reduced right of way. The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and/or welfare of the public.

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 proposed project meets the R1-PD zoning district requirements and therefore would not have the effect of nullifying the objectives of Article II of Chapter 120 of the County Code or other ordinance.

- 6.2 Reduced ROW width for Road B (from C Court to Road A), and Courts C, E, F and G from 50 feet to 34 feet and 40 feet, respectively, and reduced roadway width from 36 feet to 29 feet.

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

The existing natural topography, canopy coverage, and wetland features constrain development on the site and require the requested reduction to the right of way. Any additional roadway improvements would result in additional runoffs from impervious surfaces and environmental impacts including impacts to water quality, wetlands as well as decrease the total acreage of open space planned for dedication.

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

The strict application of the design standard would cause an unnecessary hardship on the applicant as it would result in additional and unnecessary expenses to construct as well as unnecessary environmental disturbance to existing natural features including wetlands and canopy.

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

The design waiver reduces the right of way width which serves the proposed project and provides connection to the proposed development to the north. All proposed road improvements fit into the reduced right of way. The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and/or welfare of the public.

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 proposed project meets the R1-PD zoning district requirements and therefore would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or other ordinance.

6.3 Modification of Standard Plan 103A-1 to allow driveway to be within 25 feet from a radius return; reduce minimum driveway widths from 16 feet to 10 feet wide for secondary single car garages where a larger driveway for the same property is also proposed; and eliminate 4 foot taper to back of curb.

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

Application of this waiver will provide for more flexibility and creative design opportunities related to major physical constraints of the site such as existing topography and natural features, and provide for a more unique overall subdivision appearance while reducing project impervious area. The application of this waiver will reduce overall grading necessary to complete the project, will reduce the need for retaining walls, and will reduce proposed impervious area.

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

Strict application will impede the ability of the applicant/developer to better accomplish reduced impacts to major physical conditions of the site, reduced impervious areas, reduced impacts to oak canopy, minimized grading, and would limit final product choices creating unnecessary hardship. These waivers are routinely applied to other projects in the County without approval of an actual design waiver.

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

The application of this waiver will be subject to the judgment of the design professional and County staff review for appropriate application. The project is proposing a community of internally focused private streets. Design speeds for the internal project roadways are low. With low volume, low design speed, internally focused streets, it is unlikely that this request will be detrimental to health, safety, convenience, and welfare of the public.

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.

Properties within the project would be provided with safe, adequate access and circulation, with or without implementation of the requested Design Waiver. Therefore, the waiver would not have the effect of nullifying the objectives of this article or other laws.