

ATTACHMENT: High Sierra Subdivision, 8th Filing Variance Request

As stated in the Subdivision Improvements Agreement, the subdivider requests a temporary variance from Section 23-406(A)(6), BMCC for the length of the cul-de-sac for Vera Cruz Circle. According to City Code, the maximum length for a deadend street is 600 feet. The total distance from the intersection of Vesca Way and Matador Avenue to the end of the cul-de-sac on Vera Cruz Circle is approximately 670 feet. In the future, when additional filings of High Sierra Subdivision are constructed, Vesca Way will connect to the north, thus making the cul-de-sac length for Vera Cruz Circle approximately 410 feet.

The criteria used for evaluating subdivision variance requests are as follows (Section 23-1101.A., BMCC):

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;
2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced;
3. The variance will not result in an increase in taxpayer burden;
4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy; and
5. The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied.

Planning, Fire, and Engineering staffs have reviewed the variance request based on the above criteria. They have found that allowing Vera Cruz Circle to extend beyond 600 feet as measured from the nearest through street intersection would not be detrimental to public health and safety, would not increase taxpayer burden, and would not be nonconforming with zoning or the Growth Policy. Additionally, the High Sierra Subdivision has an approved master plan which will create street connections in the future rendering the variance temporary in nature. Staff is therefore recommending approval of the variance request from Section 23-406(A)(6), BMCC.