

## Jamie Gray

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**From:** Eric Taylor <etaylor@oc-n.com>  
**Sent:** Monday, February 28, 2022 9:47 AM  
**To:** Michael Vanderhurst; Jennifer Burrows, Vice Chair; Paul Chang; Jessica Kennedy; Greg Eckert; Lynda Salcido; Sarah Rea; Jamie Gray; Sandra Moberly; John Wentworth; Bill Sauser; Kirk Stapp  
**Subject:** PEDC 3/2 Hearing- Villas III Inconsistencies / Resolution No PEDC 2022-22  
**Attachments:** PEDC Villas III Inconsistencies Letter (2022.02.28) E. Taylor.pdf

### [EXTERNAL EMAIL]

Dear PEDC Commissioners, Mayor Salcido, and Town Council Members:

Please find my attached letter for the March 2 PEDC hearing regarding the Villas III development south of the San Joaquin Villas (SVJ) workforce housing development.

Thank you for your visits to SVJ and discussions with our neighborhood residents over the past couple of weeks.

There are many inconsistencies and errors in the documents and plan for this project. I and my neighbors object to the very rushed process to approve this project without a full review.

Thank you in advance,

Eric Taylor  
SVJ Owner & Resident since 2009  
714.679.2550

**TO: The Planning & Economic Development Commission (PEDC), Town of Mammoth Lakes**  
Chairman Vanderhurst, Vice Chair Burrows, Commissioner Chang, Commission Kennedy,  
Director Mobley, Mayor Salcido

**SUBJECT: Inconsistencies of Villas III Subdivision Documents**

At the February 9th PEDC meeting Town Attorney Andy Morris spoke to everyone about the PEDC rules:

*"The PEDC can't just vote in favor of a project or vote against a project based on whether you like it. It doesn't work that way. There are specific findings that have to be made to approve a project and specific findings that have to be made to deny a project. For a Tentative Tract Map like this one, the... **findings for denial would be things like inconsistency with the General Plan or Master Plan or Specific Plan, inconsistency with zoning, inconsistency with the Map Act [and inadequate review under CEQA].**.... It's that kind of thing.... As the PEDC is considering it you might think about it in those terms. The PEDC should probably be framing its questions and deliberations in context of 'What are the findings that need to be made either to approve the project or deny the project...'" (Source: 2/9/22 PEDC Hearing recording time 12:00 - 13:09)*

Thanks to the Resolution No. PEDC 2022-03 NO votes by Vice Chair Burrows and Commissioner Chang, the problems with the project and the inconsistencies of the project documents could have been corrected. On review of updated Villas III documents posted 2/25 for the March 2 PEDC meeting, most of the inconsistencies and problems remain.

1. Vehicle Access into Villas III. Inconsistency between **Tentative Tract Map 21-001, Resolution No. PEDC 2022-03, the Staff Report, the Developer's 2/9 hearing statement, and the Planner's 2/9 hearing statement.**
2. Maximum Building Height. Inconsistent with the **Lodestar Master Plan**.
3. Roof Slope Safety Standards. Inconsistent application of Safety Standards for **Adjustment 21-006 and the Project Plans**.
4. Easement. Inconsistent with the **State Map Act**.
5. Inadequate Review under CEQA. Inconsistent with the economic growth of Mammoth Lakes.

These inconsistencies are described below and they need to be corrected before Resolution No. PEDC 2022-03 can be approved. Most of these issues were raised in public comments before and during the PEDC hearing on 2/9.

**1. Villas-III Entry / Exit Access.** The inconsistency regarding vehicle Access to Villas III is overwhelming.

The Tentative Tract Map shows **Dorrance Ave. is for Emergency Access only**. [ATTACHMENT 1.1]  
This is inconsistent with both (1) the Resolution's listed direct access points and (2) the Developer's statements in the 2/9 PEDC Hearing.

The Resolution (pg. 39) lists **Dorrance Ave for direct access** to the Villas III along with Callahan Way. It does **not list the Obsidian entrance on Meridian Blvd** or Obsidian Place as direct access.  
[ATTACHMENT 1.2]

The Resolution is inconsistent with itself by then listing **Meridian Boulevard (using the Obsidian development)** as an operational as access point (pg. 41). [ATTACHMENT 1.3]

The Developer's statements at the February 9 PEDC Hearing were inconsistent with the (1) Tract Map, (2) the Resolution, (3) the Staff Report, and (4) the Planner's Hearing statement.

Vice Chair Burrows: *"Is there an entrance for that development by the San Joaquin Villas at all?"*

M. Rafeh: *"...Callahan Way's actually part of the development.... so there will be access there but there will also be **access off Dorrance as well as the front access off of Meridian**, where the front of Obsidian is. So **there'll be 3 access points** so it's not like everything's going to be funneling to 1 side."*

Vice Chair Burrows: *"Ok. So traffic's going to be dispersed pretty well?"*

M. Rafeh: *"Yeah."*

(Source: 2/9/22 PEDC Hearing recording time 39:50- 40:29)

The Planner's Staff Report states that, *"**the primary access to the project site will be taken through the existing Obsidian Development (the project is required to be annexed into the Obsidian HOA).**"* (pg. 12 of 22). That claim of Meridian Blvd. as the primary access point is inconsistent with (1) the Resolution and (2) the Tract Map.

To add to the inconsistency, the Tract Map does not show the new road connecting to Obsidian Place. This property LLA PARCEL 2: LLA 19-002 033-370-028 is not yet developed. [ATTACHMENT 1.4]

This confusion about how the Villas III will be entered and exited is of serious concern. The developer needs to provide evidence that Meridian Blvd is the primary access into the proposed Villas III to substantiate the claim made in the Staff Report; or any form of access as claimed in the Resolution and by the Developer at the PEDC hearing to Commissioners. The concern is heightened because of the exclusivity of the Meridian Blvd access point.

Facts:

- The Meridian Blvd access gate onto Obsidian Place road is fully owned by Obsidian Private Residence Club HOA known as Obsidian Residences (formerly Tallus). The Private Residences Club consists of the first 9 homes from Meridian and their Clubhouse. No one legally passes in or out of their access gate without this HOA's consent. [ATTACHMENT 1.5]
- Obsidian Place's next 10 structures from Meridian are The Villas of Obsidian duplexes. The Villas of Obsidian is a separate entity with its own HOA. A written agreement between these 2 HOAs, and compensation from The Villas of Obsidian HOA to the Obsidian Private Residence Club HOA allows passage in and out of the Obsidian Private Residence Club's access gate.

It is hard to believe that the Obsidian Private Residence Club HOA has legally granted "primary access" or any access through their private gate to all future owners and visitors of the 33 proposed Villas III units.

Furthermore, the Resolution states, "This project shall be annexed into the Obsidian HOA." [ATTACHMENT 1.6] and Planner Mr. Peterka stated, "The project will share an HOA with the Obsidian Subdivision to ensure consistent shared maintenance of common areas and facilities." (Source: 2/9/22 PEDC Hearing recording time 18:47 - 18:54)

But there are 2 very distinct HOA's on Obsidian Place, it is not clear which HOA is being referenced.

The inconsistencies between the Tract Plan, Resolution, Staff Report, Developer's statement, and Planner's statement are troubling. It is not clear what the truth is regarding access. Will Meridian Blvd be an access point or is this wishful thinking by the Developer and Planner?

If this access point is not verified, then all traffic will route by SJV when going to and from Villas III, and the **traffic will not be dispersed** as Vice Chair Burrows, the Commission, and the audience was led to believe. The Resolution, Tract Map and other documents need to be made consistent before approval.

**Requested Documentation:**

R1.1 Evidence from the Developer that Obsidian Private Residence Club HOA will be providing access through their Meridian entrance to owners and guests of the proposed Villas III development.

R1.2 Evidence from the Developer that one of the Obsidian HOAs will annex Villas III into their HOA.

**2. Inconsistent with the Lodestar Master Plan for Maximum Height .**

I strongly object to the proposed height ADJUSTMENT 21-006. The Lodestar Master Plan states clearly that the maximum permissible building height is 35 feet for Development Areas 1, 2, 3, and 4. [ATTACHMENT 2.1]

The submitted Single-Family Residence Renderings show building heights of 37'-6". The Home on Lot 1 has three-stories with ceiling heights of 7'-6", **10'-0"**, and **9'-3"**. [ATTACHMENT 2.2] **High ceilings on 2 of 3 floors is the reason these homes exceed the maximum building height.**

Height Adjustment 21-006 request sites Municipal Code 17.76.20. Code 17.76.040 states that an adjustment can only be approved if it meets 1 of 4 criteria, and the applicant chose:

*C. Increased safety of occupants or the public would result.* [ATTACHMENT 2.3]

The Resolution's discussion for the Building Height Adjustment states that the increased height "will result in increased safety of the occupants by allowing for a 3:12 roof pitch." (Resolution pg. 6 of 178)

To design high ceilings and then claim "Increased Safety" as justification for exceeding the Maximum Height restrictions is very inconsistent with both the Lodestar Master Plan and the spirit of the Town's Municipal Codes and Ordinances. **Approving this Adjustment would make a mockery of the Master Plan** and building codes developed by the Town of Mammoth Lakes.

The Project Plan's Single-Family Renderings were finalized more than 4 months ago, on 10/29/2021, and there has been significant time to make the design corrections needed. If the 3 extra feet of ceiling height was removed the home heights could easily meet the Master Plan's requirements. The architect and developer need to correct the design to not exceed the 35' maximum height limit.

If this Height Adjustment 21-006 is approved, then a new precedent will be set and future developments will have an easy play-book to bypass the maximum permissible building height specification: 1) intentionally design beyond the maximum height, 2) justify it for unsubstantiated "safety" reasons, and 3) expect the PEDC Commissioners to plan along and approve the height adjustment.

**Requested Documentation:**

R2. The Architect's original or new design drawings that do not exceed the 35' height maximum.

**3. Inconsistent Safety Standards regarding roof slopes and snow loads.**

The requested Height Adjustment 21-006 states that the increased height “will result in increased safety of the occupants by allowing for a 3:12 roof pitch.” (Resolution pg. 6 of 178; ATTACHMENT 3.1). I agree that a 3:12 slope in Mammoth Lakes is safer than a 1.5 :12 slope. Why is this 3:12 safety standard not consistently applied to the duplex roofs that show in the Project Plans have just 1.5 :12 slope? [ATTACHMENT 3.2 – 3.3].

**Requested Documentation:**

R3. Evidence and an explanation for why a 3:12 is needed for the homes, but only a 1.5 :12 slope is needed for the duplexes.

R4. Evidence that the 1.5 /12 slope on the duplexes is adequate for safety of both the inhabitants and SJV Building E.

R5. Evidence that the 1.5 /12 slope on the duplexes, and units 22-25 specifically, will not cause snow to pile up on the roofs, decreasing estimated sunlight even further.

**4. Easement changes shown in the Tentative Tract Map is inconsistent with the State Map Act.** A portion of the Mammoth Lakes Trail System easement is being given away to this development, and there is not clear evidence that all parties have agreed to this. The Tract Map shows that the existing 12-foot easement will be reduced to 11.5-feet [ATTACHMENTS 4.1 – 4.2] and the Villas III development will absorb a portion of the easement for the Mammoth Lakes Trail System (MLTS).

The reduction of the Easement is a violation of the State Map Act [ATTACHMENT 4.3] unless it has been approved by MLTS and the funders of MLTS. The MLTS program <https://www.mammothtrails.org/about/> is funded by the local special tax initiative Measure R. As part of the MLTS *The Town Loop trail* is described as, “The main hub of the Mammoth Lakes Trail System. [ATTACHMENT 4.4]

The Tract Map shows that the Villas III development seeks to remove an existing section of the Town Loop Trail and construct a new trail on the eastern edge of the development with a smaller easement. In essence the private Villas III development plans to absorb a portion of the existing MLTS easement, and MLTS has been funded by tax initiative Measure R.

**Requested Documentation:**

R4. Corrected Tract Map showing 12-foot easement the entire length, or documentation showing that Mammoth Lakes taxpayers and MLTS support giving away this portion of the easement to this development.

**5. Inadequate review under CEQA.** Mammoth Lakes has become one of the world’s pre-imminent destinations because of its physical environment, best-in-class mountain resort and golf course, and ever-growing hospitality industry and luxury accommodations. All future growth or decline is 100% dependent on the health of our natural environment.

To rely on a 30-year-old Environment Impact Report to make current building decisions is inconsistent with the Town’s future growth. So much has changed since 1991. Greenhouse Gas (GHG) analyses and its contribution to Climate Change was not common knowledge back then. Not until 2007 did California’s lawmakers expressly recognize the need to analyze GHG emissions as part of the CEQA (California Environmental Quality Agency) process. A 30-year-old EIR does not adequately address all changes that effect this Villas III property and the rest of Town.

The intended use of Addendums is for minor technical changes. The Addendum for this project is evidence that conditions have changed and that there are new potential impacts. At the very minimum there should be a negative declaration allowing the public to review and decide whether there are significant environmental impacts.

Since the EIR was written the parcel planned for Villas III development has experienced dramatic changes :

- California's historic multi-decade drought.
- Global warming and, more specifically, Mammoth Lakes warming.
- Stormwater flooding on the eastern side of the property.
- Bark beetle infestation.

This development's **Tree Survey Report** (CEQA – Villas 3 Appendix B-1) by a Certified Arborist discusses the bark beetle problem as follows,

*"These infestations are largely the result of several variables including **drought** conditions, **hot summers** and **successively warmer than normal winters**, as they tend to target trees in a weakened condition."* (pg. 3 of 6)

The current Addendum is an **inadequate review of CEQA review and should not be approved.**

In addition to the above-mentioned corrections to the inconsistencies described above,

I OBJECT to:

6. USE PERMIT 21-001 for Villas III units 22-25 because of the night-time noise it will cause near residents of Workforce housing.
7. The very close proximity of units 22-25 to SJV's E Building for negative impact on privacy and Quality of Life.
8. The Town not securing a Housing Mitigation agreement prior to approving this development.
9. Installation of an Access Gate on Callahan Way near SJV's parking lot because a gate would: 1) hinder snow removal on Callahan Way; 2) cause backup of vehicles and hinder access for SJV residents into and out of SJV's parking lot; 3) generate noise for SJV residents 24-hours per day; and 4) generate toxic fumes for SJV residents as vehicles idle in cue to enter the Villas III development.

While there are aspects of the Villas III development that I like and support, there are significant inconsistencies and problems that need to be resolved prior to approving this development.

Vote NO on Resolution No. PEDC 2022-03 until there is Consistency in all the findings and documents.

Thank you in advance. Respectfully,

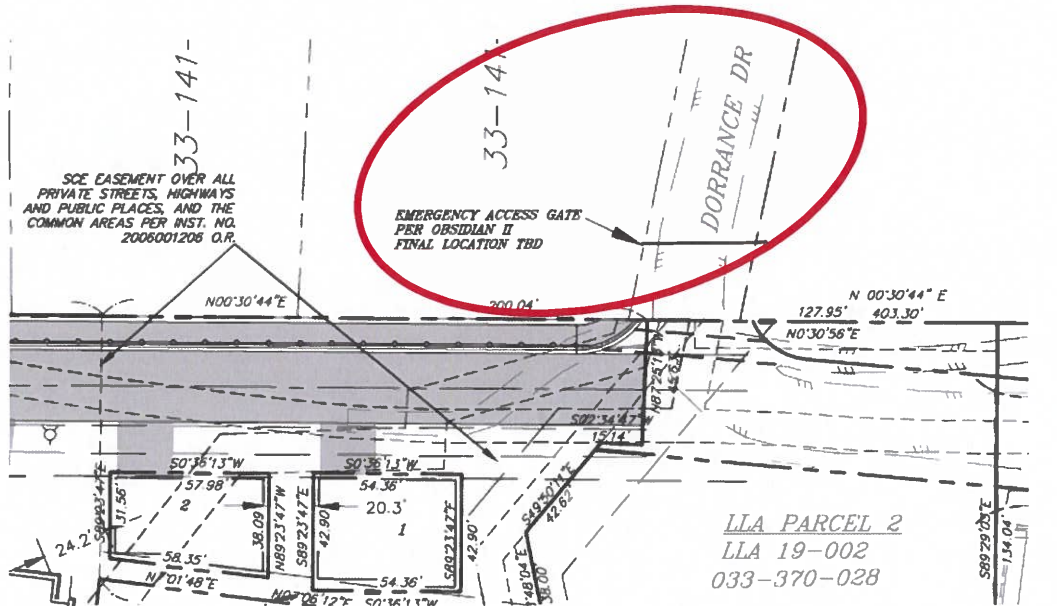


Eric Taylor  
SJV Resident & Owner since 2009

# ATTACHMENT 1

## 1.1 Emergency Access Gate on Dorrance Dr.

Source: PROJECT PLANS- TRACT MAP (pg. 2 of 66)



## 1.2 Access directly from Dorrance Dr. and not Meridian Blvd

Source: RESOLUTION (pg. 49 of 178)

### 2.1.3 Regional and Local Access

Access directly to the Site is provided by the following:

- Callahan Way to the north
- Dorrance Avenue to the southeast

## 1.3 Access directly from Meridian Blvd and not Dorrance Dr.

Source: RESOLUTION (pg. 42 of 178)

### 2.5.1 Circulation and Parking

Circulation will include a new roadway with 2 operational access points, each of which would feature a vehicle gate to restrict cut through traffic, one on Callahan Way and one on Meridian Boulevard (using the Obsidian development). A third emergency and bicycle/pedestrian access point will be provided on Dorrance Avenue.



#### 1.4 Undeveloped Parcel between Obsidian Place & Villas III

Source: Mono County PARCEL VIEWER 4.0 <https://gis.mono.ca.gov/apps/pv/parcel/033370028000>



#### 1.5 Obsidian Private Residence Club – MERIDIAN ENTRANCE GATE

Source: Google Streetview 2610 Meridian Blvd

[https://www.google.com/maps/@37.6401315,118.9778371,3a,28.7y,346.28h,89.88t/data=!3m6!1e1!3m4!1sc32Yn\\_k7NM8B0U1enKpomA!2e0!7i16384!8i8192](https://www.google.com/maps/@37.6401315,118.9778371,3a,28.7y,346.28h,89.88t/data=!3m6!1e1!3m4!1sc32Yn_k7NM8B0U1enKpomA!2e0!7i16384!8i8192)



#### 1.6 Villas III HOA

Source: RESOLUTION (pg. 18 of 179)

**58.** The CC&Rs shall contain provisions granting rights of access and parking, as necessary, to the owners, tenants, and their guests, of the PUD units. This project shall be annexed into the Obsidian HOA.



## ATTACHMENT 2

### 2.1 Lodestar Master Plan – Maximum Building Heights

Source: *Lodestar Master Plan* (pg. 5 of 56)

#### 3. Building Height

##### A. The maximum permissible building height is:

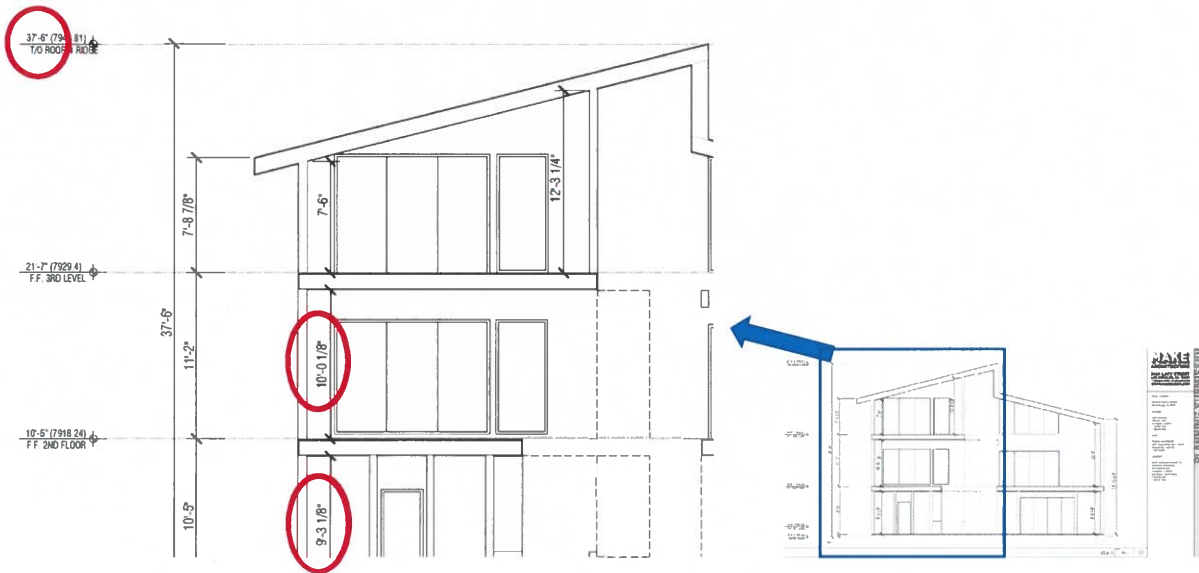
- |  |          |
|--|----------|
| 1. Development Areas 1,2,3, and 4  | 35 feet  |
| 2. Development Area 5  | 65 feet* |
| 3. Development Area 4A   | 63 feet  |
| 4. Affordable Housing Projects in Development Area 4, fronting Main Street | 45 feet  |

1991 Lodestar Master Plan, Amended June 19, 2013, March 16, 2016, and April 6, 2016

3

### 2.2 HOMES WITH 37'-6" HEIGHT, and HIGH CEILINGS ON 2 FLOORS

Source: *PROJECT PLANS* (pg. 15 of 30) - Single-Family Rendering MAKE Architecture



### 2.3 REQUIREMENTS FOR ADJUSTMENTS (Chapter 17.76)

Source: *Mammoth Lakes Municipal Codes*

[https://library.municode.com/ca/mammoth\\_lakes/\\_codes/code\\_of\\_ordinances?nodeId=TIT17ZO\\_ARTIVLAUSDEPEPR\\_CH17.76AD](https://library.municode.com/ca/mammoth_lakes/_codes/code_of_ordinances?nodeId=TIT17ZO_ARTIVLAUSDEPEPR_CH17.76AD)

#### 17.76.040 - Findings and Decision.

After an adjustment application is deemed complete, the Director shall approve, conditionally approve, or deny an adjustment application. The Director may approve an adjustment application, with or without conditions, only after the following findings are made:

- The findings necessary to grant a variance (Subsection 17.72.040); or
- A significant public benefit will result (e.g., protection of trees or other significant features, enhanced circulation, or improved landscaping or snow storage); or
- Increased safety of occupants or the public would result.
- For adjustments to setbacks or the distance between structures, a finding shall also be made that adequate snow storage and shedding areas are provided.

(Ord. No. 14-02, § 4, 3-19-2014; Ord. No. 15-01, § 4(Exh. A, § 26), 1-21-2015)

## ATTACHMENT 3

### 3.1 SAFER BUILDING DESIGN 3:12 ROOF PITCH

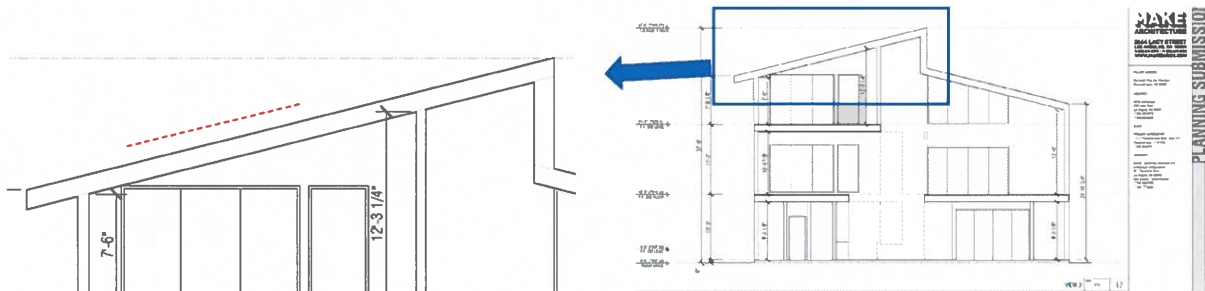
Source: RESOLUTION (pg. 6 of 178)

#### 1. Increased safety of occupants or the public would result;

"...a 3:12 roof pitch which provides a safer building design in that the increased roof pitch reduces potential snow loading on the roof."

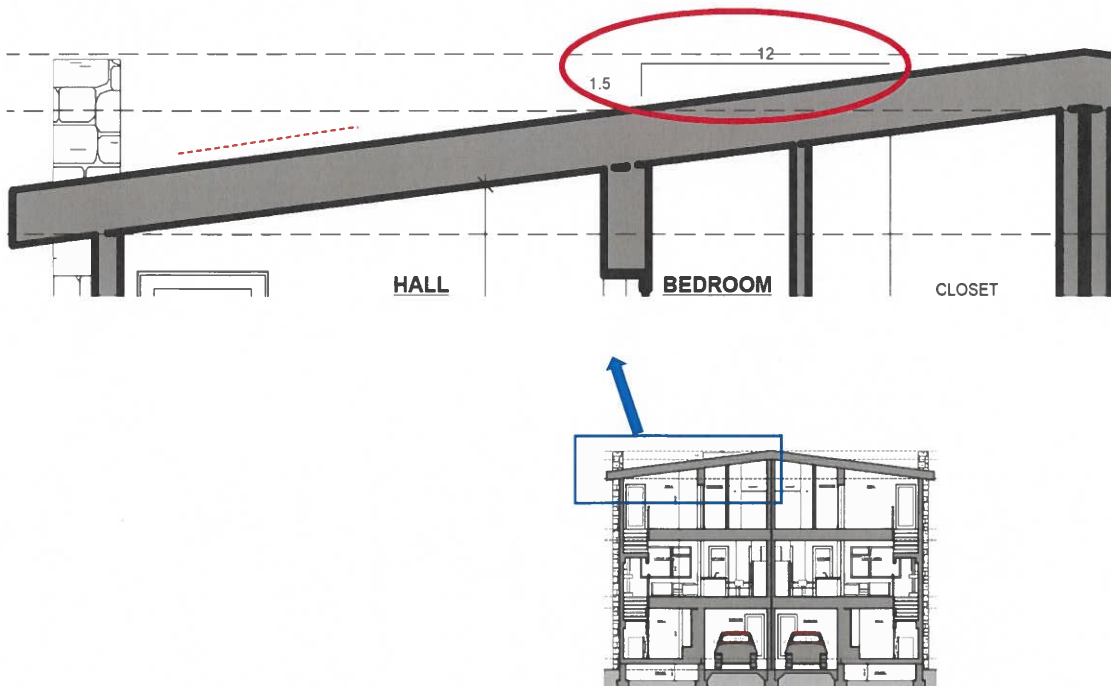
### 3.2 HOME = 3:12 ROOF PITCH

Source: PROJECT PLANS - Single-Family Design MAKE Architecture 10/29/2021 (pg. 8 of 10)  
<https://www.townofmammothlakes.ca.gov/DocumentCenter/View/11847/single-family-renderings>



### 3.3 DUPLEXES = 1.5:12 ROOF PITCH

Source: PROJECT PLANS – Duplex design ch x tld 12/2/2021 (pg. 12 of 30)  
<https://www.townofmammothlakes.ca.gov/DocumentCenter/View/11847/single-family-renderings>



## ATTACHMENT 4

### 4.1 Existing EASEMENT being Vacated for Villas III

Source: Appendix A-3 page 2. Addendum to 1991  
Lodestar EIR: Tentative Tract Map

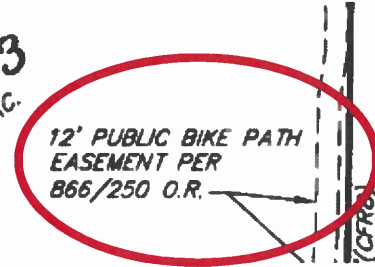
EASEMENT FOR  
RECREATIONAL TRAIL  
PER BOOK 866, PG  
250 O.R. TO BE  
VACATED



Source: From Tract no 36-222

LOT 3  
3.63± AC.

12' PUBLIC BIKE PATH  
EASEMENT PER  
866/250 O.R.

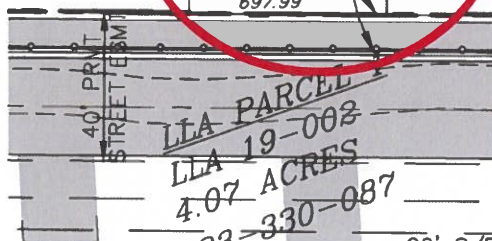


### 4.2 Villas III Proposed Reduction to Existing 12' Easement to 11.5'

Source: PROJECT PLANS (pg. 2 of 66) – TENTATIVE TRACT MAP 21-001

PROPOSED 11.5' EASEMENT  
FOR NEW RECREATIONAL  
TRAIL WHERE ADJACENT TO  
ROAD

697.99'



### 4.3 California State Map Act on Easements

Source: California State Map Act

The screenshot shows the California Legislative Information website. The URL is [leginfo.ca.gov/faces/codes\\_displayText.xhtml?lawCode=GOV&division=2.&title=7.&part=&chapter=2.&article=2](http://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=2.&title=7.&part=&chapter=2.&article=2). The page has a navigation bar with links: Home, Bill Information, California Law, Publications, Other Resources, My Subscriptions, and My Favorites. Below the navigation bar, there is a breadcrumb trail: California Law >>> Code Section Group. A search bar is visible with tabs for Code Search and Text Search. The main content area displays the hierarchy of the law: GOVERNMENT CODE - GOV, TITLE 7. PLANNING AND LAND USE [66000 - 66499.58] (Heading of Title 7 amended by Stats. 1974, Ch. 1536.), DIVISION 2. SUBDIVISIONS [66410 - 66499.40] (Division 2 added by Stats. 1974, Ch. 1536.), CHAPTER 2. Maps [66425 - 66450] (Chapter 2 added by Stats. 1974, Ch. 1536.), and ARTICLE 2. Final Maps [66433 - 66443] (Article 2 added by Stats. 1974, Ch. 1536.).

(Article 2 added by Stats. 1974, Ch. 1536.)

#### 66434.

(g) Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the final map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map.

**Before a public easement vested in another public entity may be abandoned pursuant to this section, that public entity shall receive notice of the proposed abandonment. No public easement vested in another public entity shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment.**

(Amended by Stats. 2009, Ch. 332, Sec. 72. (SB 113) Effective January 1, 2010.

### 4.4 Improvements “Will Not Conflict with Easements”

Source: Resolution (pg. 8-9 of 179)

- g. **The design of the subdivision and 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.**



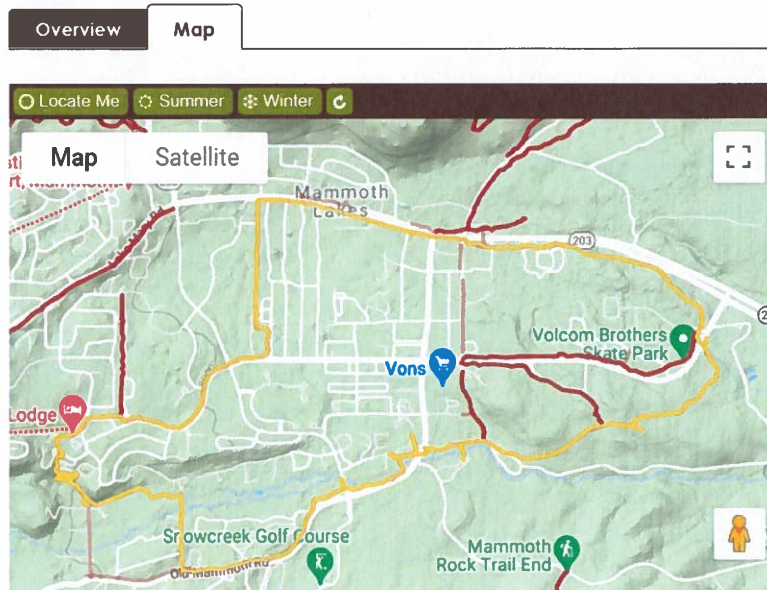
The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision since all existing public easements shown on the tentative tract map are either maintained or planned to be relocated, and the property has access to a public street with approved street alignments and widths.

## 4.5 Mammoth Lakes Trail System - TOWN LOOP

Source: <https://www.mammothtrails.org/trail/30/town-loop/#mapTab>

### Town Loop 7.8 mi

Trail adopted by: Tony Colasardo • Trail maintained by: The Seely Family



The main hub of the Mammoth Lakes Trail System, the Town Loop--made up of multi-use path, on-street sections, promenades and bridges--provides a family-friendly tour of town with access to a variety of out-bound trails and staging areas. Mammoth Creek Park is a popular start point from which you can tour the eastern half of Mammoth--offering sweeping views of the Sherwins and connections to local schools, the library and dining/shopping--or the western portion, which cruises sleepily through Old Mammoth and past the Valentine Reserve to Eagle Lodge before turning into a quiet neighborhood on its way back out to the Main Street frontage road.