

Jamie Gray

From: Judith Goddard <judegoddard@aol.com>
Sent: Monday, February 28, 2022 7:43 PM
To: mvanderhurst@visitmammoth.com; jenb2374@gmail.com; Paul Chang;
jessicarskennedy@gmail.com; eckertinmmth@verizon.net; Lynda Salcido; Sarah Rea;
Jamie Gray; Sandra Moberly; John Wentworth; Bill Sauser; Kirk Stapp
Subject: Comment for PEDC Villas III public hearing, March 02, 2022
Attachments: J Goddard PEDC Villas III public hearing 2022.03.02.pdf

[EXTERNAL EMAIL]

Please see attached my input for the March 02, 2022 public hearing with respect to Villas III application request.

I appreciate you taking the time to review the information; please let me know if you have any questions.

Thank you,

Judith Goddard
SJV #B4

February 28, 2022

TO: The Planning & Economic Development Commission, Town of Mammoth Lakes
Chairman Vanderhurst, Vice Chair Burrows, Commissioner Chang, Commissioner Kennedy.

CC: Director Mobley, Mayor Salcido.

SUBJECT: Application Request: Villas III Subdivision. (Public hearing March 02, 2022).

Commissioners Vanderhurst, Burrows, Chang, Kennedy,

I am writing to you for the second time to recommend to you that you **do not approve** the Villas III application due to significant **errors, omissions and inconsistencies** in the application, specifically with respect to:

1. Front setback vs primary entrance to the development;
2. Projections in setback are not in compliance with ToML code;
3. Limited access gate on Callahan Way;
4. Solid fence along the public trail;
5. Errors in snow storage information.
6. Width of the multi-use path easement;
7. Bias in justification of the Use Permit.
8. Outdated information in the staff report;
9. Building height increase request / inconsistent application of roof design requirements;
10. Failure to provide a condition in the Resolution that requires compliance with the Town's workforce housing ordinance.

Each issue is explained in detail in the following pages.

At the February 9th PEDC meeting, ToML attorney Andy Morris reminded everyone of the importance of specific findings and consistency within the application. The 'no' votes by Commissioners Burrows and Chang provided the ToML planning department and the developer with ample time to address the many issues; despite the additional time the issues remain.

I appreciate the efforts made thus far by the developer and planning department, but they are far short of having completed the process and providing an application ready for approval.

Commissioners, this application is *not* a simple "check box" and move on. Do not approve PEDC Resolution 2022-03 without addressing the errors, omissions and inconsistencies that are identified in this document.

Please do not hesitate to contact me if you need explanation of any of the concerns raised.

Sincerely,



Judith Goddard
SJV #B4, since 2015

1. Front setback vs primary entrance to the development.

Staff report page 12 of 22 details the setbacks, with RMF-2 applied. The Staff Report states "The **front setback (25')** has been applied to the southern property line as it is where 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)."

This statement is inconsistent with the Resolution (pg. 39) which states Callahan Way and Dorrance Ave. as the access points and is inconsistent with the Project Plan's Tract Map (pg. 2) which shows Dorrance Ave. as an emergency exit. Additionally, there is no evidence that Obsidian Private Residence Club Association has or will grant passage through their private access gate from Meridian Blvd.

If Callahan Way is not a primary entrance, then action is required to ensure that **only the entrance through Obsidian (Meridian)** is the primary entrance.

Conversely, since Callahan Way is clearly intended as a primary entrance the **front setback of 25' must be applied to the northern property line** adjacent to SJV.

2. Projections into setback are not in compliance with ToML code.

The roof/eaves of units #22-25 project into the 20' setback. This is allowed only when certain conditions are met, namely installation of "snow restraint device" on the roof; for units #22-25 these conditions are not met.

Resolution PEDC 2022-03 page 25 of 178, Special Engineering Conditions #108 **must be updated to also require snow rails on east, south and west roof edges of units #22-25.**

3. Limited access gate on Callahan Way.

Resolution PEDC 2022-03 Standard Planning Conditions #1 states "*The proposed limited access gate on the north end of the project on the private Callahan Way road will require a subsequent use permit and is not part of this approval.*"

This directly conflicts with PEDC 2022-03 page 41 of 178 which states that there will be a gate on Callahan Way. Additionally, Special Planning Condition #31, (page 15 of 178), describes what the gate must be like.

Due process must be followed. The resolution must be updated to remove the conflicting statements and references that imply that a gate is being approved.

4. Solid fence along the public trail.

Resolution PEDC 2022-03 Special Planning Conditions #36, page 16 of 78 is inconsistent with TTM 21-001. The resolution states the solid fence is on the **eastern** property line, the TTM shows the fence along the **western** side of the multi-use trail.

TTM 21-001 must be updated to be consistent with the resolution and show the fence on the eastern property line, this is also required to be consistent with the fence at Tallus/Obsidian.

Additionally, the TTM must be **updated to identify the areas where the solid fence is not allowed**. There is NO justification for including any split rail fence. **All such references should be removed from the documents.**

5. Errors in snow storage information.

Staff Report page 12 of 22, Table 2: Zoning Consistency contains **inaccurate data** for snow storage. The Proposed/Provided quantity per the calculations in EIR Addendum section 2.5.3 page 14 states that the project provides **31,998 sq ft** of snow storage with pavement area of 42,445 sq ft. The Staff Report erroneously states the total pavement area (42,445 sq ft) as the total snow storage area. **The Staff Report must be corrected to keep the historical record accurate.**

6. Width of the multi-use path easement.

The inconsistency between the plans and the staff report with respect to the easement width (11.5' vs 12') was brought to your attention at the February 09, 2022 public hearing. The planning department has updated page 4 of 22 of the staff report to refer to the 11.5' to 12' easement.

Despite the update the inconsistency remains; a 12' easement is being vacated (ref. TM 36-222 sheet 3 of 4, Lot 3); **TTM 21-001 must be updated to provide a 12' easement for the entire length.** Without the update the development will absorb a portion of the easement of the MLTS.

What is the justification for giving up the 0.5' of MLTS easement width to the developer? Refer also to PEDC 2022-03 #106.

7. Bias in justification of use permit (UPA 21-001).

Municipal Code Findings (page 3 of 178) Paragraph II A. 3. States "Therefore, the proposed transient use of the site is consistent with other development in the vicinity".

This blatant bias deliberately ignores the presence of Workforce Housing at SJV immediately adjacent to the Villas III development.

Commissioners, do not approve UPA 21-001 for units #22-25.

8. Outdated information in the Staff Report.

The duplex renderings included in page 5 of 22 of the staff report are the design presented at the February 09, 2022 hearing. **The Staff Report must be updated to show the new design in order to keep the record accurate.**

9. Building height increase request / inconsistent application of roof design requirements;

ADJ 21-006 requests a building height increase from 35ft to 37.5ft for three single family homes.

Significant inconsistency exists between the Staff Report (page 4 of 22) and ADJ 21-006 / Resolution PEDC 2022-03 page 6 of 178, paragraph C1.

The staff report claims "A 7.1% building height increase (37.5 feet instead of 35 feet) is requested for the three single-family residences in order to **accommodate building infrastructure and maintain visual continuity** with the existing Obsidian development to the south"; the resolution sites **safety**.

How does the planning department justify the inconsistency between the rules applied to the single-family homes compared with the duplexes? If the roof slope of the single-family homes needs to be 3:12 for safety then the 3:12 safety standard must be applied to the 15 duplex buildings. In this application the duplexes all have an "unsafe" 1.5 :12 roof slope.

ADJ 21-006 is a thinly veiled attempt to circumvent clear and simple height rules. The planning commission should enforce the height rule as written to ensure a fair and consistent approach to all parts of the application. **Commissioners, do not approve ADJ 21-006.**

10. No Resolution Condition guaranteeing compliance with the workforce housing Ordinance.

During the February 9, 2022 public hearing the following conversation took place.

49:15	Bobroff	"They're conditioned to comply with the Town's housing ordinance. And that housing ordinance then provides a series of options on ways they can comply	49:23
49:24	Andy Morris	"Right, and I'll just interject. The ordinance does not require the developer to identify or select which means of complying with it the developer will use at the time of getting entitlements. The ordinance allows the developers to figure that out later. And um if anyone's thinking 'Well that seems like an odd way to approach it,' that's simply what the ordinance says and the Council could amend it at some point but for now this is what we have for an ordinance. It does appear the developer is going to comply. As indeed, the developer will be required to comply.	49:55

The PEDC should **require a condition to ensure that the developer has to comply**; let's just not hope that he does. Without a condition the ordinance has no teeth, and the developer has no motivation to comply. A condition requiring workforce housing agreement be reached before building permits are issued should be added to Resolution PEDC 2022-03 page 23 of 178, section "THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO ISSUANCE OF BUILDING PERMITS".

In addition to the above items that must be addressed, I also object to Resolution PEDC 2022-03 Special Engineering Conditions #111, for the potential renaming of Callahan Way.

Lastly, I request that the Callahan Way entrance not be allowed to be used for construction traffic access; the hazardous intersection of Main Street / frontage road / Callahan Way is not suited to construction traffic access.

Thank you for taking the time to review this detailed information.