

Camille Miller
P.O. Box 100 PMB 362
Mammoth Lakes, CA
93546

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The Town Of Mammoth Lakes Planning Department
The Town Of Mammoth Lakes Public Works Department
The Town Of Mammoth Lakes Planning Commission

Via email – 6 pdf pages including attachments

Dear Ms. Moberly, Mr. Hayes, and Esteemed Planning Commissioners:

The Subject:

This letter relates to the Obsidian development currently under construction and the same Developer's proposed Villas 3 project which would extend from the end of the current Obsidian phase all the way to Main Street via Callahan Way. We, the adjacent property owners at 191 Dorrance, do not oppose the current or the proposed project in general, and we take no issue with The Developer in general, either. But now that we see how this Obsidian project is maturing after 5 years of observation and as we anticipate how the Villas 3 project might develop, we recognize the need to address/solve certain issues and prevent others.

The Backstory:

It is important to understand that when our home was constructed in the early 1950's, it sat at the dead-end of Dorrance and was surrounded by extensive parcels of unentitled land. Things change and time marches on. We feel this in a very personal way at our parcel. For us, what has functioned effectively as our side yard - 170 feet along the northern edge of our parcel - now abuts a paved emergency access connector that has been used for about 4 years as a main thoroughfare for construction and occasionally owner traffic for Obsidian, despite having been slated for emergency ingress/egress only. Moreover, once a bike path easement was granted to the town along the west side of our home (another change which occurred long after our home was constructed), our parcel now sees a constant stream of ingress and egress for runners, walkers, dog walkers, and bikers both on the north and west sides of our parcel. We are not NIMBY's but we need your help adapting to these changes in a practical way.

These issues have combined to turn our home into a fishbowl, as our home is situated at the Northwest corner of our property and immediately adjacent to the abovementioned changes (3.5 feet to the west and less than 20 feet to the north). We have been told by the TOML Planning Department that we can not construct a 6 foot fence along our Northern property line as we would have done for a side yard, since this 170 feet is now considered to border a "road" instead of a side yard. According to the code, the setback for a privacy fence must be placed 20 feet from the property line if that property line fronts a road. Sigh. So what has been an undisturbed and unmaintained side yard for 70+ years is suddenly being considered a road? If this has always been a road, why has the TOML not provided snow removal for the first 6 years that we lived here and never provided snow removal on Dorrance for the previous property owner for 50+ years prior to that? We paid privately to remove the snow to access our own driveway up until a couple of years ago because we were considered by the TOML to live at the end of the road, not alongside it.

The purpose of the fencing code, I believe, is to encourage a front-facing residential neighborhood feeling? Our home does not present itself toward Dorrance and was constructed with a different orientation in mind 70+ years ago when the builders placed it all the way to the “back” of the parcel. In fact, a portion of our home sits within this questionable 20 foot setback from the north side. I suppose we should now think of our home as sitting next to an alley? Alleyways are not typically celebrated with front yard feelings but rather, neatly hidden behind privacy fences for the good of the neighbors who inherited their existence. Even if it were theoretically possible to relocate our home so that we could build a privacy fence at the 20 foot setback, we would lose roughly 3400 square feet of yard that we used to be able to enjoy freely before an emergency access corridor appeared adjacent to our home. The Developer did not purchase 3400 square feet of land from us, nor did The Town, and we should not lose this usable space because emergency codes required an ingress/egress to the back side of the Obsidian Developer’s project whose entitlement came more than half a century after our home was constructed.

Moreover, an emergency access corridor is too narrow to support regular traffic, construction staging and parking (can one legally park on an emergency access corridor?) and truly is suitable for emergency access only. This emergency access corridor does not contemplate a turnaround area and therefore, its narrow width forces turnarounds to occur on the Fire Department Parcel, or in my own driveway. I must now place traffic cones on my driveway after heavy equipment and personal vehicles of construction crews have turned around - even attempted deliveries - in my driveway. Now that we have blocked our driveway, confounded vehicles have no choice but to back down the narrow Dorrance Emergency Access Corridor **in reverse, through a stop sign, and into the already difficult 3-way intersection at Joaquin Road** instead of turning around on our land. The situation is untenable and will likely cause a serious accident at the intersection of Dorrance and Joaquin.

To summarize, the Dorrance emergency access corridor was paved to act as an emergency ingress and egress access point for the later phases of Obsidian, not to facilitate 5 years of construction to be routed through an unfortunately adjacent working-class neighborhood trying to get some sleep.

The Documents:

There is confusion between what is stated in the approval documents and the direction that was given to The Developer.

Years ago, when we asked The Developer why the construction traffic was being routed via Dorrance, an unimproved stretch of dirt that would eventually be improved by The Developer when they were to build an emergency access gate coded for Fire Life and Safety officers to access only, The Developer shared that they were, in fact, required to use Dorrance as the access point for all construction traffic for this current Obsidian phase as a part of their permit. Hmmmmm... we found that odd since we had been told otherwise by the Planning Commissioners at the time their permit was issued (see attachments below) that Dorrance would be improved only so wide as to serve as Emergency Ingress and Egress and a gate would be put in place at Obsidian Place to insure the same. Nevertheless, all construction traffic, including all deliveries, heavy machinery, cement trucks, grading equipment, and storage containers have been routed through the narrow and winding Sierra Valley Sites Neighborhood via Joaquin Road to the Dorrance emergency access corridor, where the impossibility of parking or just turning around awaits them all.

The Town’s intention for the construction ingress/egress can be found in Document 2014001037, Resolution Number PEDC 2014-01 on page 14 in the section “i” titled Transportation/Traffic impacts where Obsidian place was designated as the appropriate construction ingress/egress according to the traffic study. See below.

The intention for the use of the Dorrance Emergency Access Corridor is as Emergency Access can be found in Document 2016001473, Resolution 16-09 dated 5-2-16 on page 37 of 37 and in the Tallus TTM 15-002 PEDC Staff Report pages 12 & 13 dated 1-3-16. See below.

The intention can also be found in a recent document dated 08/21, the PEDC Resolution 08-2021, where the "Emergency Access" component is re-iterated in items 110-112 of the Special Engineering Conditions section. See below.

All documents specify that the Dorrance Emergency Access Corridor is to be used for Emergency Access only and, in fact, must be secured against through traffic and public access, and must have appropriate physical measures put in place to ensure those aims, ie, a gate and signage.

The Ask:

- 1. We ask that the emergency gate at the intersection of the Dorrance Emergency Access Corridor and Obsidian Place be constructed immediately.**
- 2. We ask that the traffic on the Dorrance Emergency Access Corridor be restored to the Emergency Access specifications found within several approval documents such as those attached below.**
- 3. We ask that if the Villas 3 project is to be approved, that construction traffic, or any public traffic for that matter, not be permitted to travel via the gated emergency egress gate at Dorrance and that adequate staging and turnarounds be contemplated within the project's own borders.**
- 4. We ask that our lot at 191 Dorrance be granted a variance allowing us to locate a 6-foot privacy fence along our Northern property line beginning at our parcel's northwest corner and continuing eastward where it would end no less than 20 feet from Joaquin road.**

We are eager and willing to be reasonable and neighborly. We recognize that Obsidian might have a specific need to use Dorrance for occasional construction access until perhaps the end of this summer 2022, but there must be a sunset date to that type of use and we must find a solution to provide reasonable privacy for our home now and into the future. The way codes are written and the way they are applied in the real world seldom align without good and necessary variances to accommodate the reality of what a developer wants to do and how their project can best integrate with contiguous properties and neighborhoods. Observers, neighbors, and people like us must be willing to work with developers and not be afraid to bring forth our humanity and on-the-ground situational awareness in order to create good outcomes for all concerned, or mistakes will be made which are extremely difficult to reverse and which can cause lasting damage to the project in question and/or the properties and neighborhoods which surround it.

To reiterate, we want Obsidian to be successful and our town in general to be vibrant and builder-friendly, but we cannot let the success of one project forever condemn the usability and quiet enjoyment of its neighbors. Exceptions must be made on all sides. How can we all work together to that end?

We thank you for your time to review this detailed account and we thank you for reviewing the attachments below. Please feel free to reach out as your questions arise.

Sincerely,

Camille Miller

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108. All deferred survey monumentation shall be completed, or surety posted, prior to the issuance of a temporary, conditional or final certificate of occupancy for the project.

SPECIAL ENGINEERING CONDITIONS

109. All subdivision improvements shall be completed prior to issuance of the 4th Certificate of Occupancy for the Obsidian II Subdivision.

110. The emergency access connection on Dorrance Drive shall comply with the Town standards and the Mammoth Lakes Fire Protection District road width requirements.

111. Warning signage shall be placed on both ends of the emergency access connection to Dorrance drive. Signs shall in accordance with the MUTCD and appropriately inform the public of the end of the road, and that no public access exists. The Town Engineer shall approve all proposed signage.

112. The emergency access connection to Dorrance Drive shall be appropriately secured, preventing public vehicular access at the connection to Dorrance Drive. The security method shall be approved by the Town Engineer and MLFPD.

Mitigation Measures: Tallus Mitigated Negative Declaration (MND) Mitigation Monitoring and Reporting Program:

113. **Aesthetics:** Mitigation measures established by the final Lodestar at Mammoth EIR require the retention of the forested areas to the maximum extent feasible, contour grading to blend manufactured slopes into the natural terrain to the extent that surface slope requirements can be maintained, the avoidance of any significant visual resource, and the landscaping of manufactured slopes with native and zone tolerant plant material. The mitigation measures established by the Forest Condition Survey (David Early, RPF: March 2004) shall be implemented during the

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Dorrance Tallus TTM 15-002 - Staff Report (Final).pdf
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area, a remainder parcel is being proposed. Any development within this area will likely require a tentative map, but the permit requirements will depend on the scope of the project proposed.

d. Maintenance Garage
An approximately 1,500 square foot maintenance garage consisting of four parking spaces is being proposed for the area north of the existing clubhouse. This garage will be used to accommodate equipment and vehicles necessary for the club operations. This structure is proposed for the area within the 50-foot perimeter setback discussed in section 6.b, and therefore requires approval of DZA 15-901, which would reduce the perimeter setback for accessory structures to 10 feet (Condition of Approval 3e). This structure will be accessory to the primary use on the site, and therefore will qualify for this reduced setback.

The PEDC Design Committee reviewed the design for the maintenance garage, and found that the design is architecturally compatible to the rest of the development (see Attachment 3 for the floor plans and elevations and Attachment 4 for a comparison of the proposed materials and the existing building materials).

e. Re-Location of the Multi-Use Path
The multi-use path currently runs north-to-south through the site approximately 15-30 feet from the eastern property line. Tract Map 16-216 re-located the path to allow for construction of the access road and cul-de-sac, and pushed the trail closer to the residential properties to the east. Consistent with the Town's Trail System Master plan, the path would be no closer than five feet to the adjacent property lines to allow for three feet of separation from the adjacent property line and a two-foot wide graded shoulder.

The current TTM is proposing minor changes to the approved path location to allow for a greater separation from some of the residential properties to the east. The biggest change is a result of abandoning the cul-de-sac design for the northern end of the access road. This allows the path to go from being 5-feet from the property line to being 10-feet from the property line in this area. Adjustments to the path location are limited because of the building setbacks along the western property line, the building footprints, the required 20-foot driveway, the required 24-foot access road width, the need to maintain snow storage areas, and for safety purposes to maintain appropriate separation from vehicle thoroughfares. The proposed location of the multi-use path is shown on sheet 3 of the TTM (Attachment 2)

f. Emergency Access
Along with the completion of the access road for Tallus, the Dorrance Drive extension providing emergency access will be required to be completed as part of the subdivision improvements. All street and access improvements will be required to be paved prior to issuance of a Certificate of Occupancy for the 10th unit (Condition of Approval 115). Additionally, the emergency access will need to be able to support 75,000 pounds of weight pursuant to MLFPD requirements (Condition of Approval 125).

Tallus is a gated community and a gate is being proposed on the north end of the access road just before the Dorrance Drive emergency access connection (see sheet 3 of the attached TTM for the gate location). The easement on the north end of the property does allow for an emergency access road to connect to 100 Callahan Way and by locating the gate in the proposed location, Tallus is able to remain as a gated community independent of what the property owner of 100 Callahan Way

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accidents to do. MLFPD has reviewed the proposed Dorrance Drive connection and the proposed gate location and does not have any issues with the proposal, subject to the conditions of approval 120, 121, and 125 in the attached Resolution.

7. Project Design
The PEDC Design Committee met on November 12, 2015 to review the proposed materials and designs for Tallus and found the designs appropriate and consistent with the existing designs throughout Tallus and had no recommended changes to the project.

A summary of the submittal requirements for design review is included in Table 5 below:

Table 5: Submittal requirements for Design Review

Item	Submitted?
Site Plan	Yes
Colored elevation drawings ¹²	Yes
Landscape plan ¹⁴	Yes
Representation of exterior color and material ¹³	Yes

The proposed project is consistent with the Town's Design Guidelines as discussed below:

a. Site Design

- The proposed two-unit townhomes will be located within the same footprints previously approved for lot(s) 10-19 and will not disturb any additional areas.
- The access road and pathway are designed to preserve as many large trees and natural features as possible.
- The approved landscape plan includes all landscape plantings that are indigenous or adaptable to the Mammoth Lakes region.

b. Building Design

- Building forms, roofs, and facades, provide variation and visual interest through the provision of roof elements of varying height, pop-outs, window variation, and changes in materials.
- There is a clear distinction between building base (Jerusalem limestone) and the wall material (rough sawn red cedar siding and African mahogany).

c. Building Materials and Colors

- The proposed materials match the existing single-family residences and clubhouse on the site, and are appropriate to the region since they include rock (Jerusalem limestone and

¹² Colored elevation drawings and photos of the existing three-building designs in Tallus were provided. The materials and colors on the proposed two-unit townhome designs will match the existing buildings and a comparison of the proposed building materials and the existing building materials is included in Attachment 4.

¹³ No changes to landscape plan approved in 2004 are being proposed other than what is required to comply with the Water Efficient Landscape Ordinance (WELCO).

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130. Warning signage shall be placed on both ends of the emergency access connection to Dorrance drive. Signs shall in accordance with the MUTCD and appropriately inform the public of the end of the road, and that no public access exists. The Town Engineer shall approve all proposed signage.
131. The emergency access connection to Dorrance Drive shall be appropriately secured, preventing public access at the connection to Dorrance Drive. The security method shall be approved by the Town Engineer and MLFPD.

- reduce adverse noise impacts to a level below significance.
- h. **Public Services:** Impacts to public services will result from the build-out of the Lodestar Master Plan area. Town services, school, police and fire services will be impacted by the proposed project and by the eventual build-out of the Master Plan area. On-site snow storage areas shall equal at least 75 percent of the impervious surfaces used for access and unenclosed parking. The project proponents shall pay school impact fees prior to the issuance of Building Permits for the proposed residential structures. All other Development Impact Fees (DIFs) shall be paid in accordance with the adopted ordinances of the Town. These mitigation measures shall be assured by the Community and Economic Development Director and Town Engineer prior to Grading or Building Permit issuance to reduce adverse impacts to public services to a level below significance.
 - i. **Transportation / Traffic Impacts:** Traffic volumes at some intersections indicate that signalization will be required to maintain acceptable Levels of Service as determined by the Town Engineer at the build-out of the Lodestar Master Plan. The subject project will generate approximately 190 Average Daily Trips which will not adversely impact traffic volumes and Levels of Service at adjacent intersections and along nearby road segments. A Traffic Analysis for the Revised Lodestar Master Plan Circulation System was prepared by Les Card of LSA Associates, Inc. (March 31, 2004). The report concludes that revisions to the Lodestar circulation plan, making the local road discontinuous between Meridian and Minaret, coupled with the application of current Town policies regarding traffic analysis methodology and level of service criteria, will not cause any significant impact to adjacent circulation system and that the existing adopted mitigation measures for the Lodestar Master Plan are adequate. Construction of the private access roadway (Obsidian Place) to the subdivision will be adequate to accommodate project-generated traffic. Transportation impacts are mitigated by requiring annexation into the Transit and Transportation Fee Community Facility District (CFD 2013-03) to reduce vehicular use. This mitigation measure shall be assured by the Community and Economic Development Director and Town Engineer prior to Grading or Building Permit issuance to reduce adverse transportation and traffic impacts to a level below significance.
 - j. **Utilities and Service Systems:** An increase in the amount of impervious surface and storm water runoff will result from the construction of the project and build-out of the Lodestar Master Plan area. Drainage collectors, the utilization of Best Management Practices for erosion control, and the construction of retention and filtration (desiltation basins) facilities shall be constructed and maintained to prevent the transport of silt and urban pollutant with the runoff from a 20-year storm event. The project is not anticipated to produce solid wastes in any amounts that cannot be disposed of by current disposal methods. The extension of utilities to serve the proposed Single Unit Residential Structures and the Clubhouse/Manager's Unit shall be constructed as required by the service provider. No additional