

To: Town of Mammoth Lakes Planning and Economic Development Commission,
Commissioners Vanderhurst, Burrows, Chang and Kennedy

CC: Director Mobley, Mayor Salcido, Town Council

Date: May 11, 2022

Subject: Opposition to Villas-III development

I urge that you as PEDC commissioners **do not approve** the Villas III application due to significant concerns regarding errors, inaccuracies and inconsistencies in the Staff Report.

This proposed Villas-III development would have direct negative impact on quality of life on the residents of 28 two-story San Joaquin Villas workforce housing adjacent to the planned project. The issues have not been adequately resolved.

While some small modifications have been made, this proposed development – particularly duplex units 22-25 directly behind SJV E-building still remain **far too close**. The setback was required to be increased by 5-ft from 20 to 25 ft since this is considered the front of the property, this change was made only after local residents pointed out the code violation.

To accommodate the required setback the developer modified the duplex design. A revised solar study was provided for the revised design however it contains the same errors and flaws as the original.

Misrepresenting the facts of the building dimensions/scale (proportion) and incorrect structure locations **invalidates** the applicant's solar analysis.

It is a **conflict of interest** for the applicant to provide a false and biased shadow analysis as an attempt to support their request. It is further disturbing that ToML staff have blindly accepted the contents of this study without fact-checking, *even after* these errors were raised previously, including at as support in the staff report, again shows the bias toward the developer.

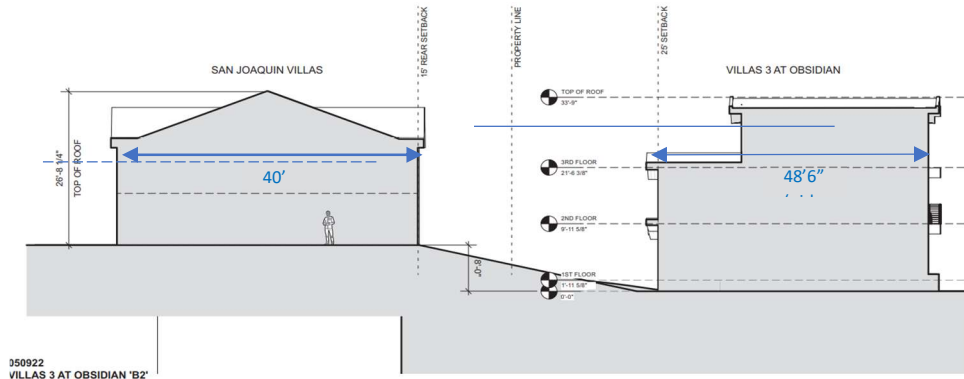
It is **essential** to **require an outside unbiased, independent entity to conduct a true solar study** using **real, factual information** to determine the actual impact this development will have on SJV.

Erroneous, Flawed, Misleading and Biased "Solar Study":

The "solar study" provided by the applicant in the Staff Report 2022-05 Attachment 7 is not based on fact and is cartoonish in its attempt to sway the project opinion toward the developer.

This so-called "study" again fails to use actual building dimensions and is an attempt to deliberately misconstrue the negative effect that the Villas III duplex units 22-25 will have on San Joaquin Villas (SJV) E-building. To start, their "study" misrepresents size and location of the duplex buildings relative to SJV in order to downplay the shadow impact due to the larger duplex structures.

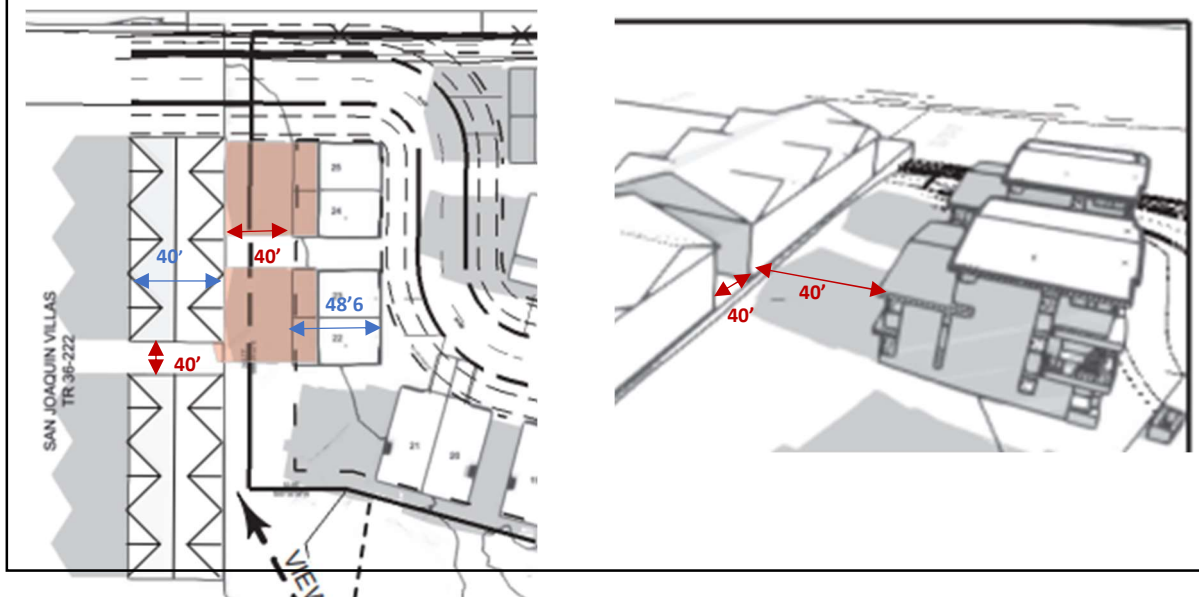
The “study” shows SJV as being longer than Villas III duplex length, which is incorrect. In fact, SJV’s length is 40’ and **Villas III Duplex Plan B length is 18% longer at 48’6”**.



By misrepresenting both the Villas III duplex proportional size relative to SJV and the incorrect positional location of Villas III units 24-25, this “study” attempted diminish the actual impact of the Villas III duplex shadows on the SJV E-building.

The **distances between buildings** are also misrepresented, as can be seen by the images below with the actual dimensions applied.

- The distance between Villas III and SJV E-building (40') is shown inaccurately as significantly larger than the distance between SJV's E- and D-buildings (40').
- The length of Villas III duplex is longer than the SJV length (40')



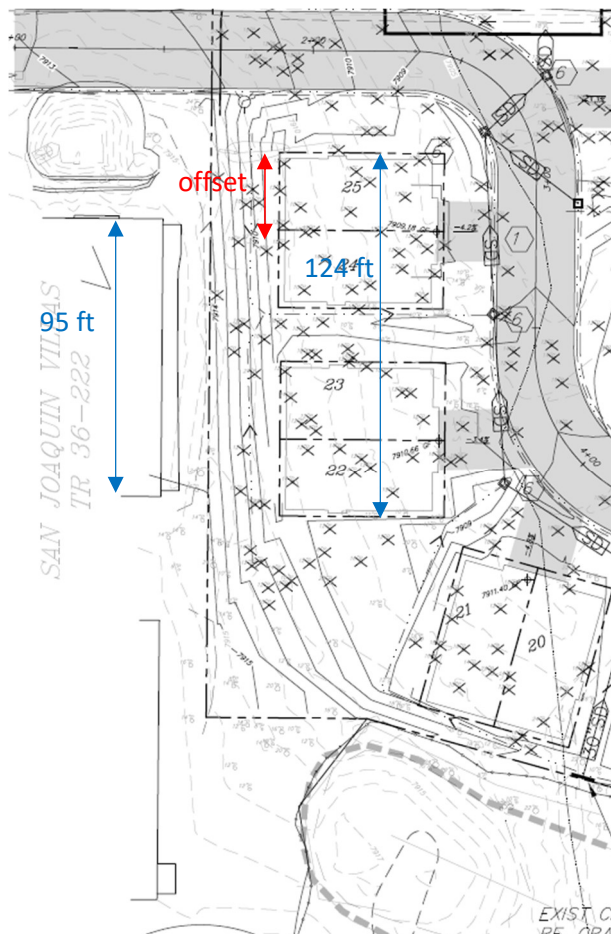
To further illustrate the applicant’s “shadow study” misrepresentation of Villas III duplex proportions, below the Tentative Tract Map TTM 21-001 shows the correct width proportion of Villas III (124’ across

the 2 structures) vs SJV (95') compared to the shadow study which shows these compressed to virtually the same size.

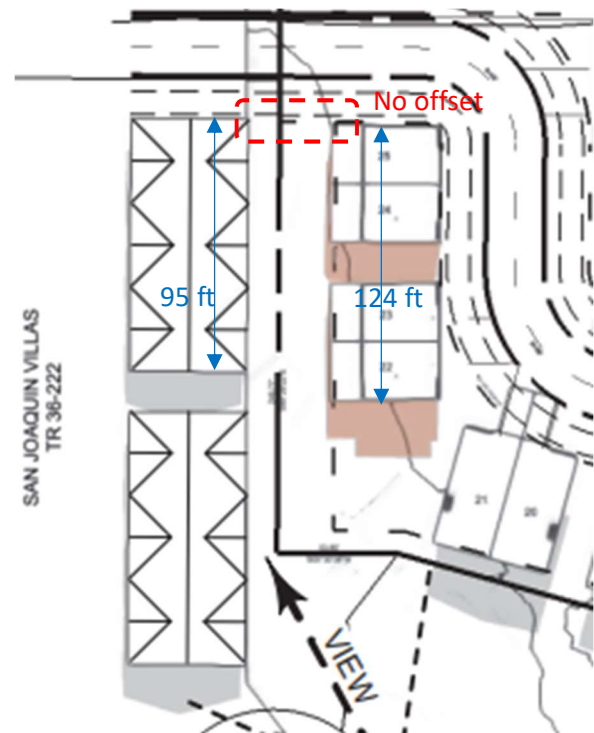
Additionally, the shadow study also misrepresents the location of the two Villas III duplex units. The location discrepancy is easily seen when comparing the position of duplexes 24-25 on the Tentative Tract Map TTM 21-001 vs where these are positioned in the solar study (below, red dotted line).

- Tract Map TTM 21-001 (pp2-3 of 6) show Duplex units being MUCH wider and longer than the Shadow Study shows (blue dimensions)
- Shadow study incorrectly positioned Villas 3 Duplex units compared to TTM 21-001 (shadow study shows line-to-line with edge of SJV building when TTM 21-001 shows actual offset (duplex unit 25 extends east of SJV building east wall)).

TTM 21-001



Solar Study provided in Staff Report



The Staff Report 2022-05 Attachment 7 Shadow Study fails to use actual building dimensions of either the Villas III Duplex units 22-25 or San Joaquin E-building. By using **unmistakably incorrect building proportions**, the developer has again deliberately fabricated a result that

supports their desired outcome, creating a false impression of lessening the negative impact of Villas III building shading on SJV E-Building during the winter months than the true reality.

Further, this shows a best-case scenario in winter months with no snow on the duplex roofs –in reality, had this “study” included the added 4 to 10 feet of snow that will accumulate on these flat roofs during winter, increasing the overall building height and extending the shadow lengths even more.

As stated in my previous letter, this impact was not addressed in the either PEIR or the EIR Addendum and has also had no public review. In addition to the aesthetic impacts, including loss of sun during winter months, this greater shadow could cause **increased snow accumulation, decreased snow melt, and increased energy and snow removal costs** to the SJV residents. These impacts to the adjacent property must be addressed in an Initial Study.

Staff Report inclusion of this flawed study is another example of bias toward the developer. To rectify this egregious and deceptive attempt to sway benefit to the developer, I request the PEDC **require a fact-based Shadow Analysis be conducted by an independent entity using true and accurate building dimensions and spacing to factually represent the significant negative impact the Villas III Duplex units 22-25 will have on SJV (E-building) during the winter months.**

Additional setback

Alternative 1: The setback between SJV E building and Villas III duplex units remains unreasonably small when the additional height of the new duplexes is taken into consideration. The developer’s Duplex “B” design is 6’-7” shorter than the original duplexes (applied to duplex units 22-33), which provided duplex units 22-25 the required additional 5’ setback. The shorter design now provides new alternatives within the Villas III development to reconfigure the duplex layout in order to provide additional 13’ setback space between SJV and Villas III. This additional setback would be a huge benefit to the local residents in SJV – it would also be a huge benefit to the Villas III development as it would provide additional space and privacy for these high-end units, particularly units 22-25 which are the least desirable due to the tiny setback. No one future buyer wants to be crammed up against SJV either. This would go very far in solving one of SJV’s biggest problems with the Villas III development. The unit sizes already accommodate for this change.

Alternative 2: Better yet, I recommend that Villas III duplex units 22-25 simply be eliminated and not be built, and instead for the Villas III development to incorporate this area as a greenbelt space. This solution would greatly enhance the property values of all the Villas III units with greater longer benefit.

Privacy / green natural barrier:

A significant number of native pine trees are being removed for this development, many more than necessary to accommodate the buildings. With the additional front setback required, I ask that the developer re-assess and retain the healthy, mature native trees – especially those near the property line and in the setback area. It is disappointing to see the Landscape plan intends to plant non-native, invasive species (Desert Olive) instead of native trees.

Conclusion

I request PEDC **require the following mitigations** to address the Size / Scale / Setback and increased shadow impact that close-proximity enormous Villas III duplex units 22-25 will have on the immediately adjacent SJV (E-building):

- I. **Eliminate Duplex units 22-25** from the design plan.
- II. **At a minimum**, if those units were to remain included, **require duplex units 22-25 to have an increased setback of at least 13' additional feet.**
- III. Independent Shadow Study: Require a **Shadow Analysis be conducted** by an **independent** entity using accurate building / setback dimensions to factually represent the significant negative impact the Villas III Duplex units 22-25 will have on SJV (E-building) during the winter months.
- IV. Require Villas III developer / subsequent owners/HOA be held responsible to install *and maintain* a significant **"green" natural barrier** between the Villas-III development and neighboring residences, specifically between duplexes 22-25 and San Joaquin Villas units E1 to E6.

Thank you for your thoughtful and thorough review.

Sincerely,

Kimberly Taylor

SJV E-6