



DATE: January 6, 2016

SUBJECT: Treasure Hill Properties' Executive Summary of Responses to Issues Raised in Prior Staff Reports and at Previous Hearings

1. Staff's Reliance on Sheet 22 to Assess the Limits of Disturbance Is Misplaced.

- Sheet 22 from the SPMP was never intended to address the limits of disturbance. Instead, it sets forth the areas where MPE is allowed to construct buildings that are taller than the zoning otherwise allows.
- Staff's conclusions about Sheet 22 defining the limits of disturbance are contrary to the SPMP Staff Report and numerous prior Staff reports about the CUP Application specifically addressing Sheet 22.
- The SPMP Staff Report notes that the limits of disturbance are to be defined in the CUP process, and Staff previously concluded that the CUP Application proposed that all development activity occur in the assigned development parcels.
- The Applicant has addressed this issue in greater depth in the Applicant's accompanying position statement.

2. Staff's Conclusion that the Proposed Development Requires Unanticipated and/or Excessive Excavation Is Unsupported by the Facts.

- Staff's estimation of the amount of excavation required for the Woodruff buildings is based on flawed assumptions that are contrary to the Woodruff drawings themselves. The Woodruff buildings would have required significant excavation. Furthermore, additional excavation would have been required to actually build the Woodruff buildings.
- The SPMP Staff Report demonstrates that the City understood the development of the hillside properties would require significant excavation. Indeed, the City imposed conditions—as stated in the SPMP Staff Report—to address excavation issues.
- The Applicant has addressed this issue in greater depth in the Applicant's accompanying position statement.

3. The Public Misstates the Site Design Requirements, Which the Projects Conforms to in Any Event.

- Several members of the public have claimed that the CUP Application is bound by the requirement that “[t]he project should be designed to fit the Site, not the Site modified to fit the project.” (2004 LMC § 15-6-5(F).) That provision applies to new Master Planned Development applications under the 2004 Land Management Code. It does not apply to CUP Applications.
- In any event, the proposed development conforms to the goals and objectives of the 2004 Land Management Code’s site design criteria. For example, the first criteria under this broad directive instructs developers that “Units should be clustered on the most developable and least visually sensitive portions of the Site.” (2004 LMC § 15-6-5(F)(1).) For the reasons previously explained and set forth in MPE’s accompanying position statement, the proposed development—by clustering most of the density into less than three percent (3%) of the development area and placing that density on parcels that require less grading and that are less visually sensitive—has conformed exactly to this standard.

4. Hotel-type Uses Were Contemplated from the Beginning, As Noted in the SPMP Staff Report.

- A member of the public raised a question about whether the CUP Application’s proposed hotel-type use was permitted.
- At the time the SPMP approval, the City understood that a hotel-type development was the most likely use of the hillside properties. For example, the SPMP Staff Report (p. 12) notes that “[t]he building forms and massing as well as location lend themselves to hotel-type development. Although future developers of projects within the Master Plan have the flexibility to build a variety of unit types in different combinations or configurations, the likelihood is that these projects will likely be geared toward the visitor looking for more of a destination-type of accommodation.” Other exhibits to the SPMP Staff Report also reflect that the City understood MPE would likely seek to develop the property as a hotel or similar commercial enterprise.

BJM: