

## Jen Daugherty

---

**From:** Sloane K. Malecki <sloane@brasshornet.com>  
**Sent:** Tuesday, April 28, 2015 5:15 PM  
**To:** paul franceschi; Jen Daugherty  
**Cc:** Erik Sellfors; CourchevelHomeowners@yahoogroups.com; Allison Amon; Sandra Moberly; Robert K. Malecki; Colin Fernie  
**Subject:** Re: Mountainside - Planning Report 4/22

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Jen,

My husband and I (Courchevel Unit 54) completely agree with Paul's assessment. While our initial letter did not ask for the pole plan, we think it is essential for neighboring homeowners, condo communities and Mammoth as a whole to properly assess what is being proposed. It is impossible for a photo rendering to accurately depict land slope, grading and building heights. Not to mention, the photo rendering does not provide perspective on what the proposed development will look like from the Courchevel property line, Snowbird, or Rainbow Lane immediately in front of the proposed development.

Considering the request for variances and the negative impact those variances will have on existing homeowners, we strongly urge you and the planning commission to require that additional information be provided. And we strongly urge the planning commission to insist that some of the more egregious aspects of the proposed plan — the mere 10 foot setback from our property line rather than the mandated 20 feet, the extra tall buildings that will cast a permanent shadow on our community and Rainbow Lane, the location of the dumpster on our property line, and the roofline aiming its snow shed on our community — be halted and changed.

Just because the developer has adhered to the density requirement should not be reason enough to grant all the other variances when they are detrimental to other homeowners. Since when does conforming to one part of a building code enable a builder to ignore other parts? Moreover, the density requirements are based on number of units per acre of land and take no consideration into the size of units per acre of land or the development's footprint. And the size of the units is quite spacious, much larger than what condo units were like when the code was written, hence the need for all the variances.

Lastly, this has all been a lot to take in on very short notice. And we as a community are not even convinced that all of the stakeholders have had sufficient time to become informed, review all the information and updates, digest it all and respond. Let's work together to ensure that the development's design is the best it can be and resolves the negative impacts on its neighbors.

Thank you for submitting this addendum as part of our formal written response to the proposal.

Sincerely,

Sloane and Robert Malecki

---

**From:** paul franceschi  
**Date:** Tuesday, April 28, 2015 at 4:37 PM  
**To:** Jen Daugherty  
**Cc:** Erik Sellfors, "[CourchevelHomeowners@yahoogroups.com](mailto:CourchevelHomeowners@yahoogroups.com)", Allison Amon, Sandra Moberly, "Sloane K. Malecki"  
**Subject:** Re: Mountainside - Planning Report 4/22

Dear Ms. Daugherty;

Thank you for your response. I will not be able to be at the meeting so my original letter and my email correspondence will have to suffice to express my position.

I would like to take this opportunity to further discuss some of what I consider to be important points about the variance requests.

**1. Photo Rendering:**

I saw the updated photo rendering. Although it does show more detail on the Rainbow Lane elevation and does show fewer trees, I do not feel that this is a representative view. It is a very oblique view that completely distorts scale to the benefit of the developer, and does not at all give a clear idea of what a nearly 5 story building facade 15 off the street will be like. The pickup trucks in the foreground are huge compared to the building.

At the very least, there should be a submittal that includes photo renderings from east looking up Rainbow and also straight on at buildings, with people and vehicles to scale so that the impact of height and setback variances can be truly evaluated. Better yet would be to have each of the proposed buildings along Rainbow set with a story poles so that planning and the community can review at site. I think this is a reasonable request considering the potential impact of the proposed height and setback variances.

**2. Setback Variance**

I also would like to reiterate my point that the impacts of construction staging, storage and employee parking need to be evaluated at this time as part of the variance evaluation, as the reduced setback will reduce the level area on the lot and the space for construction and employee parking.

**3. General Plan Consistency Section of Planning Report**

**S.3.H: Restrict development in areas with steep slopes.**

**The project preserves the steeply sloped portion of the property.**

Could you clarify how this decision was made? I did not see any information provided in the developer submittal package that correctly shows the building position with respect to the full slope, and what the different impact is between building at code setback versus reduced setback.

It would also seem to me that preservation of the slope is not correct. There will need to be a level yard setback between building and ascending slope per CBC1808.7 and Figure 1808.7.1 (attached).

The sections provided in the developer plans incorrectly show the slope diving directly into the back of the building without the level yard and does not show the level yard at all.

I appreciate the fact that Planning review is not a plan check level review. However, if a determination is made on whether siting of building impacts slope or that slopes are preserved, it would seem to me that showing the grading that would need to be done to comply with code would be required at this time.

**Conclusion**

The Canyon Community will have to live with this development long after John Hooper has sold it off, made his profit, and has left the issues that have not been fully addressed and considered for others to deal with. I think that the developer's Grayfox project, which also went through Planning review and has several issues, among them vehicle turn around and snow storage, to be a good example of that.

We want to make sure that the development is the best it can be and mitigates negative impacts on our community. The developer has provided a submittal that seems to be the absolute minimum that could be provided and does not accurately convey the true impacts of this project. I think that more information to have an informed discussion on the proposed variances and make an informed decision is completely justified.

Sincerely,

Paul Franceschi  
Courchevel 10 and 32

On Thu, Apr 23, 2015 at 3:29 PM, Jen Daugherty <[jdaugherty@townofmammothlakes.ca.gov](mailto:jdaugherty@townofmammothlakes.ca.gov)> wrote:

Hi Paul,

Thank you for your email. The staff report incorporates and responds to comments received (Section 7). The report also identifies items for Commission discussion at the hearing based on comments received (Section 10).

Please see below my responses regarding your application submittal questions (*blue italics*).

The Commission hearing is on Wednesday 4/29 at 2pm. All comments have been and will continue to be provided to the Commission so they can be considered before any action on the project is taken.

I will be out of the office tomorrow but back in on Monday. Please do not hesitate to call or email if you have additional questions.

Sincerely,

Jen Daugherty

Senior Planner

Town of Mammoth Lakes

P.O. Box 1609

437 Old Mammoth Road, Suite R (FedEx, UPS, and courier)

Mammoth Lakes, CA 93546

Ph:  [\(760\) 934-8989 x260](tel:(760)934-8989)

Fax:  [\(760\) 934-8608](tel:(760)934-8608)

[jdaugherty@townofmammothlakes.ca.gov](mailto:jdaugherty@townofmammothlakes.ca.gov)

*The Town Administrative Offices are closed to the public on Fridays, except by appointment. Please call ahead to make an appointment if needed.*

*Disclaimer: Public documents and records are available to the public as provided under the California Public Records Act (Government Code Section 6250-6270). This e-mail may be considered subject to the Public Records Act and may be disclosed to a third-party requester.*

**From:** paul franceschi [mailto:[franceschi.paul@gmail.com](mailto:franceschi.paul@gmail.com)]  
**Sent:** Wednesday, April 22, 2015 4:46 PM  
**To:** Jen Daugherty; Erik Sellfors; [courchevelhomeowners@yahoo.com](mailto:courchevelhomeowners@yahoo.com); [CourchevelHomeowners@yahoogleroups.com](mailto:CourchevelHomeowners@yahoogleroups.com);  
Allison Amon  
**Subject:** Mountainside - Planning Report 4/22

Dear Ms. Daugherty,

I reviewed the Planning Report that was sent out this afternoon and am writing to you in regards to that report and its findings.

I am dismayed by the findings and how seemingly easily the concerns that we raised have been brushed off in the Planning report. My read on the variance process is that it is the developer / applicants responsibility to prove the project mitigates negative impacts on the established community, and that Planning is an advocate for the public interest. I do not understand how judgements have been made without asking for additional evidence from developer to address our concerns.

Most notably in my mind is the height and setback issue along Rainbow. I do not understand how Planning can equate a 44' tall flat vertical plane with minimal relief, a mere 16' (the length of a pickup truck) from Rainbow Lane - with Snowbird with its varied roof orientation, roof pitches and facade features. Nowhere along its elevation is Snowbird as oppressive as Mountainside.

I also strongly disagree with the idea that randomly spaced trees provide an equivalent shading to solid towering buildings. I do not understand the point of height and setback limits if you are so easily able to dismiss them.

My read of "Planning Application - Major Permit" document from the Planning and Economic Development site indicates there are many documents that developer needs to submit as part of the planning review process -

many of which donot seem to have been submitted or available for public review. It would seem that developers submittal is incomplete in regards to what is required to adequately review this project and to have an informed discussion and make final desicions on the issues. This project - with its impacts and requests for significant variances - would certainly fall under this submittal requirement.

<http://ca-mammothlakes.civicplus.com/documentcenter/view/4562>

The following information from this document seems to be missing from the developers submittal package. I have added some extra commentary in red.

**page 5 :**

*Maps, Plans and Supporting Documents required of All Applicants:*

box 6 Master and Specific Plans requires Project Timing including intended construction phasing and absorption

*The project is not a master or specific plan, so this is not applicable.*

**page 6:**

*Projects including Construction:*

Requires construction management staging plan

*Additional Info:*

1. Story Pole Plan - **This would be very helpful to neighbors to understand building height and position and scale**
2. Market Study:

*The applicant has described the project phasing in the attached narrative. Condition of Approval 88 requires a construction staging and management plan before any site disturbance.*

*A story pole plan and market study may be required. Town's practice is to not require a story pole plan if an accurate photosimulation is provided.*

**Page 8**

*Required Details of Maps and Plans / Site Plan*

Box 18: Location(s)of stockpiling and construction materials storage and construction workers vehicles

*This would be addressed through the construction staging and management plan.*

**Page 9**

*Building Elevations / Preliminary Floor Plans*

box 10: Photographically correct color prospective representations ....

I do not believe the one oblique photo rendering from NW corner looking along property can convey how buildings will look head on, or what that scale will be compared to an adult or car. Also, provided photo rendering incorrectly shows a forest of trees that will be lost according to the landscape plan. This representation is incorrect and absolutely misleading.

*An updated photosimulation has been posted [online](#).*

**page 11**

*Tentative Map, Accompanying Data*

box 7: Approximate construction phasing so that each phase of construction is completed within one construction season.

*The applicant has described the project phasing in the attached narrative.*

**page 12**

box 2: Soils report is required

*The soils report is attached.*

**page 13**

*Story Pole Plan*

Why would this not be a required part of the submittal for a height and setback variance review on the street? It would provide a much better idea than any rendering could of what the buildings will be like along Rainbow, and how the scale will feel.

*A story pole plan may be required. Town's practice is to not require a story pole plan if an accurate photosimulation is provided.*

Can you clarify for me why these submittal requirements from the "Planning Application - Major Permit" document are not a required part of this review process?

What further action we can take to impact the report before a final decision is made on the variances?

Sincerely,

Paul Franceschi

**1808A.6.3 Removal of expansive soil.** Where expansive soil is removed in lieu of designing foundations in accordance with Section 1808A.6.1 or 1808A.6.2, the soil shall be removed to a depth sufficient to ensure a constant moisture content in the remaining soil. Fill material shall not contain expansive soils and shall comply with Section 1804A.5 or 1804A.6.

**Exception:** Expansive soil need not be removed to the depth of constant moisture, provided the confining pressure in the expansive soil created by the fill and supported structure exceeds the swell pressure.

**1808A.6.4 Stabilization.** Where the active zone of expansive soils is stabilized in lieu of designing foundations in accordance with Section 1808A.6.1 or 1808A.6.2, the soil shall be stabilized by chemical, dewatering, presaturation or equivalent techniques.

**1808A.7 Foundations on or adjacent to slopes.** The placement of buildings and structures on or adjacent to slopes steeper than one unit vertical in three units horizontal (33.3-percent slope) shall comply with Sections 1808A.7.1 through 1808A.7.5.

**1808A.7.1 Building clearance from ascending slopes.** In general, buildings below slopes shall be set a sufficient distance from the slope to provide protection from slope drainage, erosion and shallow failures. Except as provided in Section 1808A.7.5 and Figure 1808A.7.1, the following criteria will be assumed to provide this protection. Where the existing slope is steeper than one unit vertical in one unit horizontal (100-percent slope), the toe of the slope shall be assumed to be at the intersection of a horizontal plane drawn from the top of the foundation and a plane drawn tangent to the slope at an angle of 45 degrees (0.79 rad) to the horizontal. Where a retaining wall is constructed at the toe of the slope, the height of the slope shall be measured from the top of the wall to the top of the slope.

**1808A.7.2 Foundation setback from descending slope surface.** Foundations on or adjacent to slope surfaces shall be founded in firm material with an embedment and set back from the slope surface sufficient to provide vertical and lateral support for the foundation without detrimental

settlement. Except as provided for in Section 1808A.7.5 and Figure 1808A.7.1, the following setback is deemed adequate to meet the criteria. Where the slope is steeper than 1 unit vertical in 1 unit horizontal (100-percent slope), the required setback shall be measured from an imaginary plane 45 degrees (0.79 rad) to the horizontal, projected upward from the toe of the slope.

**1808A.7.3 Pools.** The setback between pools regulated by this code and slopes shall be equal to one-half the building footing setback distance required by this section. That portion of the pool wall within a horizontal distance of 7 feet (2134 mm) from the top of the slope shall be capable of supporting the water in the pool without soil support.

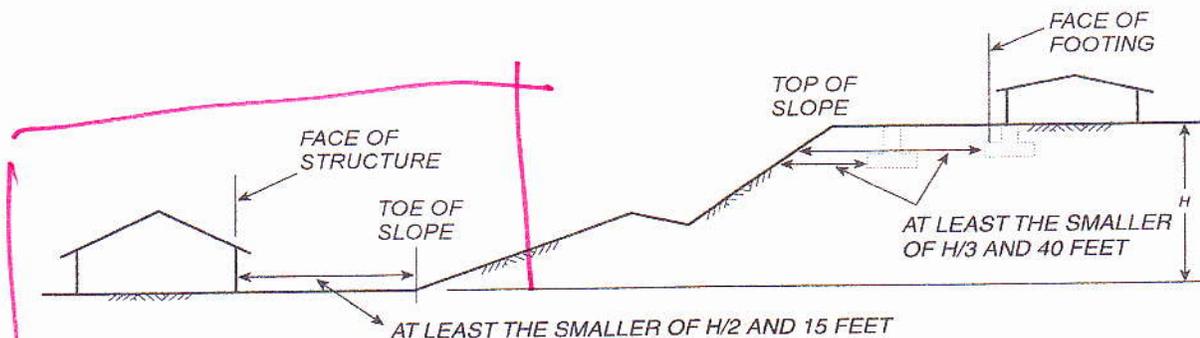
**1808A.7.4 Foundation elevation.** On graded sites, the top of any exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved drainage device a minimum of 12 inches (305 mm) plus 2 percent. Alternate elevations are permitted subject to the approval of the building official, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.

**1808A.7.5 Alternate setback and clearance.** Alternate setbacks and clearances are permitted, subject to the approval of the building official. The building official shall be permitted to require a geotechnical investigation as set forth in Section 1803A.5.10.

**1808A.8 Concrete foundations.** The design, materials and construction of concrete foundations shall comply with Sections 1808A.8.1 through 1808A.8.6 and the provisions of Chapter 19A.

**1808A.8.1 Concrete or grout strength and mix proportioning.** Concrete or grout in foundations shall have a specified compressive strength ( $f'_c$ ) not less than the largest applicable value indicated in Table 1808A.8.1.

Where concrete is placed through a funnel hopper at the top of a deep foundation element, the concrete mix shall be designed and proportioned so as to produce a cohesive workable mix having a slump of not less than 4 inches (102 mm) and not more than 8 inches (204 mm). Where



For SI: 1 foot = 304.8 mm.

FIGURE 1808A.7.1  
FOUNDATION CLEARANCES FROM SLOPES

MOUNTAINSIDE TOWNHOMES  
 BUILDING A  
 413 RAINBOW LANE  
 MAMMOTH LAKES, CA 93546

PROJECT ADDRESS:  
 MOUNTAINSIDE TOWNHOMES  
 BUILDING A  
 413 RAINBOW LANE  
 MAMMOTH LAKES, CA 93546  
 (OWNER/DESIGNER):  
 JOHN HODGINS  
 MAMMOTH LAKES  
 ENGINEER:  
 PAT CLARK  
 BUILDING CONSULTANTS  
 1000 W. 10TH ST. #200  
 MAMMOTH LAKES, CA 93546  
 PH: 805.935.8822  
 FAX: 805.935.8823  
 WWW.BUILDINGCONSULTANTS.COM

NO.	REVISION	DATE
1	OWNER RECORD	02/11/14
2	OWNER RECORD	02/11/14
3	OWNER RECORD	02/11/14
4	OWNER RECORD	02/11/14

A-3.5



1 SECTION B  
 SCALE: 1/4" = 1'-0"

Is this the proper  
 slope profile