

To: Members of MHRB and PBS Staff

RE: MHRB Permit # 2022-0002 and BF# 2021-0429

Subject: Disability use, right to access, path of travel, removal of disability barriers, PBS staff corrections to information provided to MHRB, inclusion of clarification with photos and previously approved plans.

RECEIVED

FROM: Applicants Robert Schmitt and Mackenzie Skye Schmitt

NOV 08 2022

Please enclose for the records and for distribution to MHRB members and in response to submitting more information as requested from one of the MHRB members for the MHRB special meeting dated 11-07-2022 at 2:00 p.m.

PLANNING & BUILDING SERV
PORT BRAGG CA

Various state and federal laws apply to people with disabilities including the Fair Housing Act, the Americans with Disabilities Act and the State of CA Architectural Barrier Act and the Department of General Services CA Commission on Disability Access

Within these comprehensive bodies of laws there are many references to not only what constitutes public access, but private property ownership for people with disabilities.

Thus, within our application for our single family home in Mendocino, and as one of the applicants who is a qualified handicapped person with a chronic and disabling ambulatory disability I have the right to access entry to my property referring specifically to the right of "Path of Travel". This right and state and federal law supports my use of hard surfaces throughout my property applying the use of hard exterior surfaces such as the use of brick and sand, compacted gravel front driveway and rear and side yards, an asphalt ADA parking space for my own use as well as for my tenants use or their guests or office customers who have a CA designated handicap placard. Throughout our parcel the landscape design is to eliminate barriers for safe ambulation, by the use of shorter front porch and exterior deck stairs with short risers of 4" v. standard 6-8" and for interiors that include wider hallways, wider doors and a first floor bedroom with wheelchair access to the first floor shower without a shower dam in our newly constructed home.

"(ii) A "path of travel" includes a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas) and an entrance to the building..."

- "(A) An accessible path of travel may consist of walkways and sidewalks, curb ramps and other interior or exterior pedestrian ramps. **And whenever possible to accommodate persons with disabilities the removal of**

disability barriers on a property is done to be readily accessible to and useable by a person or persons with disabilities.”

We request PBS staff to correct report summary for MHRB members as follows:

1. Correct and remove two buildings on our parcel that are listed as a Historical Category II and 1 a reference on our property. Neither one exists on our property. Including them continues to place us incorrectly as a Historical Site Category II and I, a faulty reference and needs to be removed. They are as follows:
 - a. The building known as the Warren Hegenmeyer building is located on the lot that is adjacent to our lot directly east of us. This large parcel area was once subdivided many years ago into 4 lots. Each lot was sold and the Warren Hegenmeyer building is no longer on our lot known as 45020 Ukiah Street.
 - b. The ‘Rego’ building was demolished in 2004. A new building was erected to look like the original ‘Rego’ house in 2006 by Mendocino Center Associates so the building is newly constructed and is not historical and needs to be removed from the Historical Index list.



'Rego' building brand new built in 2006, construction was new, the old 'Red House' was completely demolished in 2005 and was the original house that was built in 1864 by Mr. William Kelly for his family.



Original 'Rego' building before it was demolished 'by demolition by neglect' from former owners MCA Mendocino Center Associates. This building is no longer here on our lot and should be removed as a historical structure and should not be

included in the historical index.



The 'Rego' house beginning the demolition

- c. The 'shoe' building or 'tower building' has had many uses over the years, though it continues to be a legal structure, the uses have been mostly non permitted/non-conforming uses prior to our ownership in 2016. Originally a water tower, the water tower use was abandoned prior to 1970. The tower base structure was repaired and rebuilt with

a new concrete foundation, interior walls, ceilings, roof. Water and sewer were connected along with a 100 amp electrical panel in 2004 all separately metered and in service for the past 16 years. The building has been used for many different rental purposes since 1969 including an art studio, a wood carving shop, studio residences, shoe repair, glass blower, storage, office etc.



ADA access wooden boardwalk no step entry to this legal structure.
Hard surface brick and sand in front and rear.

- d. Our ownership of the parcel came into effect in 2016. Prior to that was owned by Mendocino Center Associates dating back to 1969.
2. Our ownership and title of our property has not changed. We are the Trustees, Robert J Schmitt and Mackenzie Skye Schmitt of The Kennebunkport Family Trust and are the owners of 45020 Ukiah St.

since 2016. The following addresses have been given to us from the county for the various buildings on our parcel and are as follows:

45020 Ukiah Street where most permit information is found. 45018, 45016 Ukiah St, 45041 Calpella St and 45045 Calpella St are all on our parcel.

3. The square footage of the structures on our lot known as 45020 Ukiah Street are as follows per county record



This deck and railings are of natural redwood, unfinished and unpainted as they were approved last year by MHRB

4. Multi Family (Rego Bldg)	2400 sf.
New Single Family Dwelling:	1932 sf.
Pump house	60 sf.
Tower building	225 sf

Additionally, for the onsite review scheduled for November 18th of items that continue to be in question post our MHRB approvals and review from last year, further clarification from applicants to MHRB members is offered and are as follows:

1. The wood natural railings for front porch and rear deck were originally submitted and were approved last year by MHRB and were never included to be painted and that is why they remain 'natural'. That was not changed. See the attached plans.
2. The 28-sf foot concrete landing was done for safety transition to ground level.
3. The east window was lowered 6" due to interior stairwell conflict
4. The dentil trim around the top of the house was left off during construction due to not having enough room between eaves and window trim. Corbels were used instead at the corners of the windows.



All paint colors were approved as Simply White and Jet Black for Doors and trim around windows. Here you can see the white painted corbels at the top of the corners of each window. Note natural wood at front porch. Barrels with flowers have since been removed per DOT at PBS request.

5. The paint colors are approved Benjamin Moore Simply White and Jet Black.
6. Vent locations were determined after interior vent fans were installed. The mesh screens are copper but painted over white to match the body of the house.

7. The front and side fencing is painted white wood and were used appropriately throughout the lot with proper heights and



Cobblestone brick and sand establishing a hard handicap safe surface to ambulate safely “Right to Access” and “Path of Travel” per ADA laws and regs. Note, natural wood railings unpainted per approval from last year by MHRB. Short 4” risers at steps again for ADA purposes. The porch rails were never intended to be painted, see attached approved elevations.

8. The windows used were per Title 24 compliant as part of our total energy compliant package per new laws regulating the use of glass in NEW construction mandating Low E glass which results in a slight green tinge or hue due to metal oxides applied in the glass manufacturing process. The following quote from Christopher Olvera was shared with PBS staff and MHRB Chair Ian

Roth in September at their meeting, “The CA Department of Energy oversees energy compliance for the State of CA and Low - e glazing windows are clear windows per the Part 6 definitions. Depending on the glass, coating, etc., low-e windows can have a slight hue to them, blue, grey, etc. but it is not a ‘tint’ by our definitions and function.” Christopher Olvera, Supervisor, Outreach and Education Building Standards Office California Energy Commission, Sacramento, CA. Note Part 6 is “Title 24”

In summary, according to CA Energy Commission, our windows with Low e glass that were installed several months ago on our home are considered ‘clear’ by definition and function. Our windows as described in our Title 24 Energy Compliance Report, materials list sheet and project description was approved in August 2021 by PBS staff and MHRB.



This was the no parking sign small metal black and gold color attached to driveway front gate. No cars have been observed when the signs are used. Note low e CA Title 24 compliant windows in place...all 20 of them and 2 exterior doors. Flower barrels have since been removed at PBS request to DOT. Barrels have been moved to various locations around the interior of the yard and gardens. The 2 no parking signs are no longer in use as well.

9. The two no parking signs have been removed off the picket fence at our driveway and front entry gate off of Calpella Street. We would like to note that Calpella Street is used by many tourists and locals that access Lansing Street to dine at Patterson's Pub or access the grocery store and park for many hours at a time often not leaving until very late in the evenings without any regard to

our ability to use our front driveway or to gain access at our entry walkway gates to our home. Please see attached photos. The photos that were taken were within minutes of us removing the signs and our driveway and both entry gates became quickly blocked. Thus, our need for the two signs that said "Please do not block driveway or entry". We will begin to call tow service going forward for cars that block our driveway and entryways.



Locals and tourists park whether our driveway gate or entry way is open or shut without our parking signs (2) up. Notice compacted gravel front parking space 1.5 space already approved previously by MHRB.



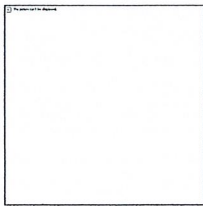
Locals blocking our ability to use our driveway. Notice compacted front parking space for our SFD in compacted gravel.

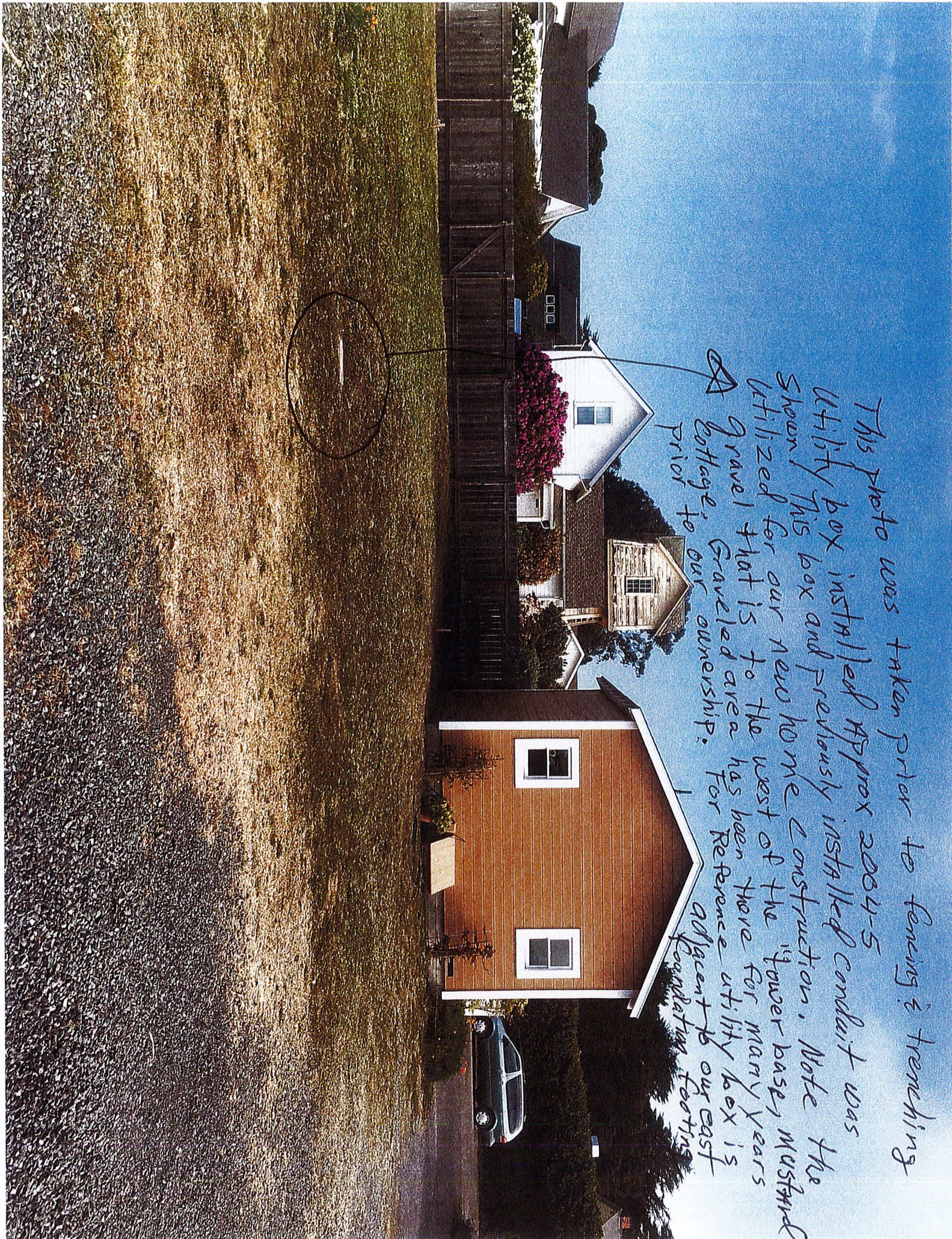


Blocking our driveway and entry ways....nonstop. Notice fence that blocks EV station that cannot be seen from street.

10. Brick and sand walkways and patio areas as well as compacted gravel areas to front driveway and side yard have been designed to meet the needs of one disabled applicant as noted above. It is important to note that the owner parking space for 1.5 spaces in front and the side yard area between the single family home and the tower building was already approved last year by MHRB as

were indicated on the plans in August of 2021. Most of the gravel compacted east side yard that is seen currently was placed over many years by the previous owner Mendocino Center Associates for the original parking lot for their tenants in 2006 when their subdivision of the entire parcel divided into 4 lots was done at that time. Please see attached already approved plans from MHRB noting front driveway and side yard areas.



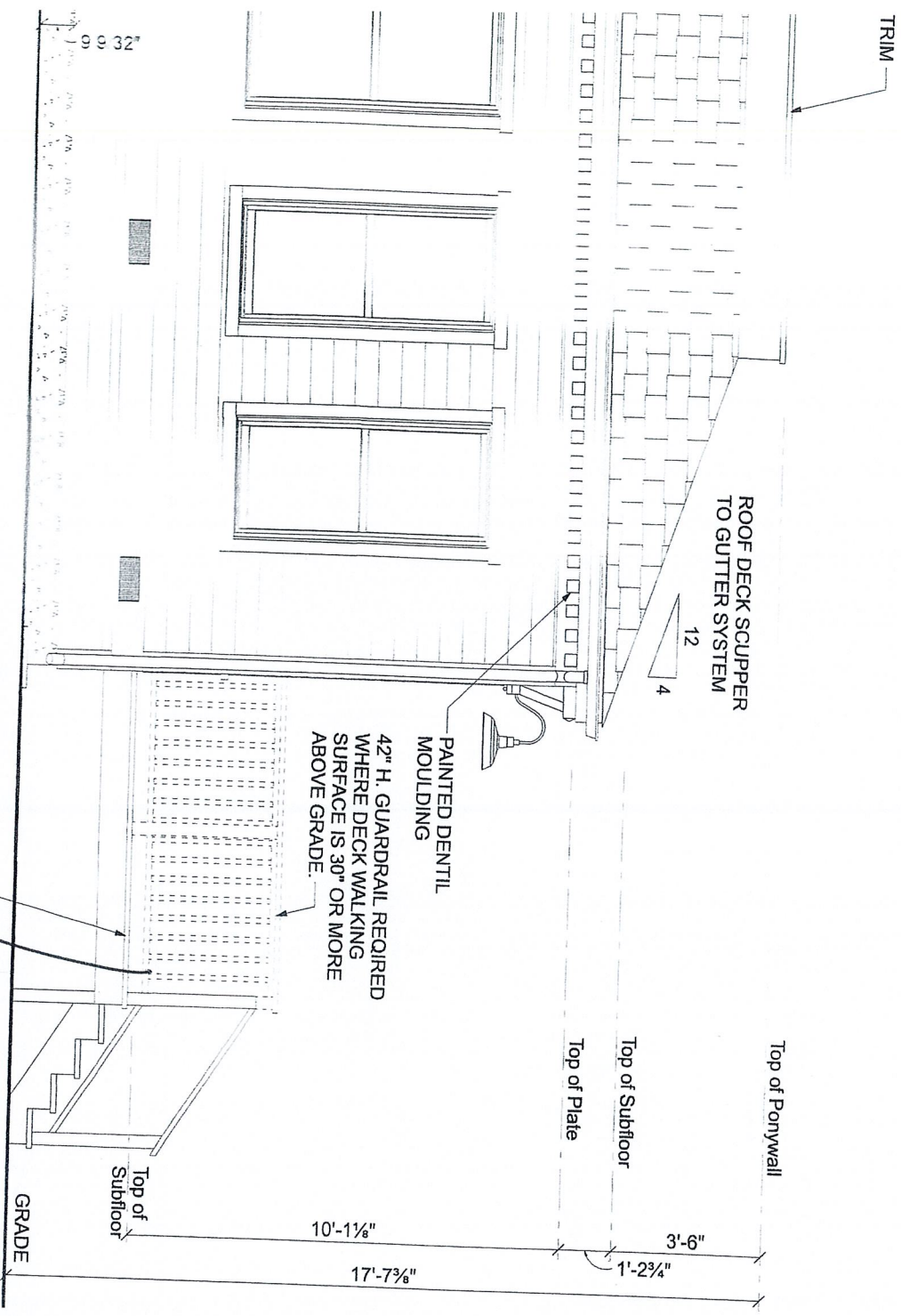


This photo was taken prior to fencing & trenching
 Utility box installed approx 2004-5
 Shown this box and previously installed conduit was
 utilized for our new home & construction. Note the
 gravel that is to the west of the "paver base, masonry
 & cottage" Graveled area has been there for many years
 prior to our ownership. For Reference utility box is
 adjacent to our east foundation footing

New home site prior to trenching. Note: historic use of gravel by previous owner through out building area

Utility box.





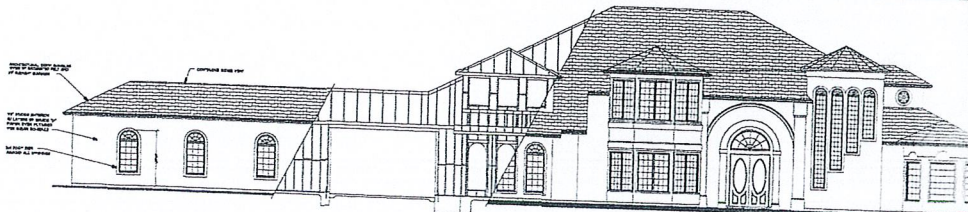
DECK PER W.U.I. NOTES ON SHEET A1

*South elevation
Showing railing & steps, Addressed along main*

YE RESIDENCE

BLE FAMILY RESIDENCE

kiah Street
, CA. 95460



Ph: (707) 485-4349

INTERACTIVE DESIGN

rvp1151@yahoo

27'-10"

27'-10"

2'-0"

10'-11 1/8"

1'-2 3/4"

9'-1 1/8"

Top of Subfloor
Top of Foundation

Top of Subfloor
Top of Plate

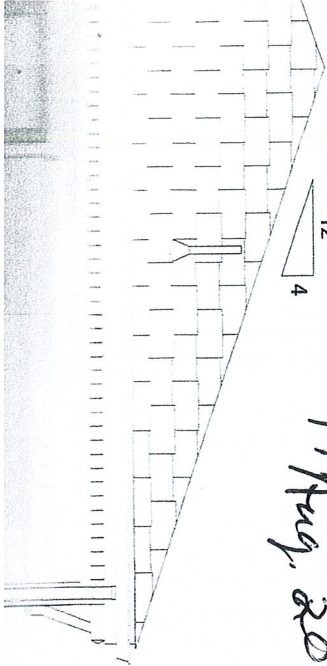
GRADE

3" DOWNSPOUT
TO SPLASHBLOCK

ALL WOOD WINDOWS
JELD-WEN OR EQUAL
PAINTED - BENJAMIN MOORE
JET BLACK (TYPICAL)

2'-2"

SHIELDED EXTERIOR
LIGHT FIXTURE (TYP)
1/2" GROOVE SIDING
PAINTED BENJAMIN MOORE
SIMPLE WHITE (TYPICAL)



*West Elevation
railing & steps
Approved
APR 19, 2021*

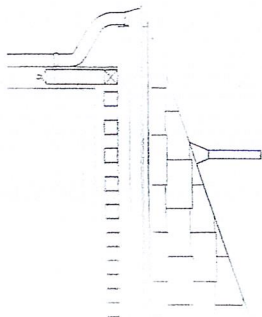
NOTE:

SEE SECTION R337 NOTES ON SHEET A1 REGARDING
Materials and Construction Methods for Exterior Wildfire Exposure

WEST ELEVATION

Top of Plate

Top of Plate



Calpella Street

Property Line 75.02'

*Site Plan Approved
APP Aug. 2021*

