

Jessie Waldman

From: Mackenzie Skye <winecountryskye@gmail.com>
Sent: Tuesday, November 15, 2022 10:18 AM
To: Jessie Waldman; Russell Ford; pbs
Subject: More clarification for MHRB-2022-0002

Date: 11-15-22
From: Robert Schmitt and Mackenzie Skye

Please also note and to be included for all including MHRB members to be distributed to them with the aforementioned email that was sent to you on 11-14-22:

Please remove PBS items "Not included in request, subject to Mendocino Town Zoning Code and MHRB Guidelines as they are inaccurate:

With respect to the following:

1. The four metal signs at the north fence were removed and should be removed from the list of conditions for approval.
2. A 6' fence was installed to hide the EV charging station and cannot be seen from any point by the public and should be removed from the list of conditions for approval.
3. The White fence is exempt and should be removed from the list of conditions for approval.
4. "The additional pervious landscaped areas are subject to MHRB Approval, per MCC Section 20.760.030 (C) and should be removed from the list of conditions for approval

(C) Any excavation of, or deposit of material upon, land in such a manner as to **materially alter the existing contour or condition of the land, including leveling, grading, piling, paving or installation of retaining walls;** Note the word '**Materially**' that is used. We as the applicants with respect to the landscaping have never '**materially**' altered the existing contour or condition of the land including doing any leveling, grading, piling, paving or installed retaining walls at any time. This should be removed as a condition for approval.

For our landscaping it was minimally done. Fresh gravel was placed on top of the existing gravel of many years. Permeable brick and sand were placed on top of undisturbed areas of yard in order to make a harder safer ground surface for owners ambulation and handicap needs. No impervious materials were used throughout the yard with the exception of a small concrete landing at the base of the rear deck done by code for safety meeting ground level. Please refer to previous pictures emailed to you. This should be removed as a condition for approval.

5. The "additional" compacted gravel areas...et al. The '**Additional**' as you have referenced compacted gravel areas were never 'additional'. The gravel yard areas have been there for the past 16 years. Again, as noted above, 5a. There was no '**material**' change and no leveling, grading or piling was ever done. Pictures were sent in the previous email as well as other emails. Please ensure that MHRB members have access to all pictures that have been sent to PBS regarding our permit. MHRB approval should not be required as there was never any action that was done with respect to the aforementioned and should be removed as a condition for approval.

Under #9 in the STAFF NOTES:

"Mendocino Mixed Use (MMU) District limits the amount of lot coverage to 25.0%, per MCC Section 20.660.060. The proposed lot coverage by structures goes from 18.7% to approximately 33.3% which indicates an increase of 14.6% and exceeding the allowable 25% BY 8.3% (1,011.6 SQ.FT.): and..".

As applicants, our lot coverage has always remained under 25% in structural coverage and is allowed. According to Mendocino Code Section 20.660.060 as it relates to lot coverage is the following:

(M) "Lot Coverage" means the percentage of gross lot area covered by **all buildings and structures on a lot, including decks, porches, and covered walkways; excluding uncovered required parking areas, landscaping, patios, terracing, and rainwater, groundwater, or potable water storage tanks.**

As applicants for our permits we were previously reviewed and approved by PBS as well as MHRB for our lot coverage as well as we received our CDP.

We do not have any covered walkways and any lot coverage **EXCLUDES** as noted above 'uncovered required parking areas, landscaping, patios, terracing and storage tanks.'

Our structures have remained unchanged for lot coverage; that of the pump shed of 60 sf, the new SFD of 1320 sf, our new rear deck to the SFD of 208 sf, the multi use building known as the Red House formerly known as the 'Rego' House that was demolished in 2004-5 of 1209 sf, and the tower building of 225 sf (per Mendocino county as is on our Title Report) all remain under the 25% lot coverage allowable ratio for our MMU lot of 12, 96 sf lot. We do not exceed the lot coverage that is allowed and do not need MHRB approval and should be removed as a condition for approval as this has already been reviewed and approved previously. We believe this error has been the result of a simple math miscalculation by PBS.

Thank you and please submit with the previously sent email to you regarding our permit for distribution to those that are working on our permit.

Robert Schmitt and Mackenzie Skye