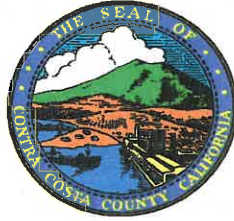


**Department of  
Conservation and  
Development**

30 Muir Road  
Martinez, CA 94553

Phone:1-855-323-2626

**Contra  
Costa  
County**



**John Kopchik**  
Director

**Aruna Bhat**  
Deputy Director

**Jason Crapo**  
Deputy Director

**Maureen Toms**  
Deputy Director

**Kara Douglas**  
Assistant Deputy Director

**Kelli Zenn**  
Business Operations Manager

December 5, 2017

Mary Dunne Rose  
735 Winterside Circle  
San Ramon, CA 94583

**Re: County Determination Regarding Reasonable Accommodations Request**  
**County File: #MS06-0037, #CV14-0042**  
**APN: 184-462-008**  
**Address: 78 Grandview Place, Walnut Creek**

The Department of Conservation and Development, Community Development Division (CDD) is in receipt of your October 20, 2017, correspondence wherein you request reasonable accommodations in relation to conditions of approval and other standards applicable to the tentative map approved under County File #MS06-0037. The CDD has reviewed your request, and is providing the following determination.

**Background**

Proposed Project: County File #MS06-0037 was approved on December 14, 2006, to allow for the subdivision of the subject property into two parcels. On May 5, 2014, a representative for you filed a compliance review application (County File #CV14-0042) to allow recordation of the Parcel Map and the construction of a residence on Parcel-B. To date you have complied with various conditions of the approved subdivision, but have not yet filed the Parcel Map, as there are remaining conditions that must be satisfied prior to the recordation.

Request for Additional Documentation: In correspondence dated November 17, 2017, County staff advised that a preliminary review of your request had been done and that additional information is needed before a final determination can be made. In response to that communication, you contacted me and we spoke via telephone on November 21, 2017 and November 22, 2017. I confirmed that a formal determination regarding your request had not yet been made, and agreed to meet with you and Public Works Department staff to see if a solution could be reached. Due to conflicting schedules amongst the participants of the meeting, we subsequently offered to meet on December 12, 2017, as that was the earliest date available for all County staff. However, on November 30, 2017, you advised Sean Tully, Senior Planner, that the available meeting date is too far out. Furthermore, you advised that you were no longer agreeable to a meeting and that a County determination should be made based on the documentation that had been provided to date.

## Reasonable Accommodation Request

In correspondence dated October 20, 2017, you provided staff with a detailed list of reasonable accommodations for consideration. The County has reviewed and considered each request, and would like to provide the following determinations:

1. *Reduced Structure Setbacks/Yards: You request approval of a 10-foot front setback (20 feet required), 5-foot side yard (10-feet required) along western boundary, and to allow a covered front porch to be closer than 10-feet to the front property line. You indicate a desire to construct the proposed house further south on the property within the "flat" area of the lot, which reduces the need for interior stairs and provide more space for wheelchair turning requirement.*

Determination: This request may be related, in part, to your disability and accessibility to the proposed residence. However, upon review of the approved tentative map and dimensions of the proposed building envelope as shown in the applicant's correspondence dated October 20, 2017, it appears that the residence can be constructed in the area of Parcel-B without the need for setback and yard variances. The County has requested detailed plans or other documentation that clearly identify elements of the proposed residence design or siting, that are related to your disability and cannot be accommodated when applicable yard and setback requirements are applied. However, you have advised that you believe you have provided the necessary materials, and that no additional information will be submitted. Therefore, based on the information provided to date, the necessary findings do not exist to grant the requested reasonable accommodations.

2. *Grading (COA #11): You request approval to be allowed to import or export fill from the site, whereas COA #11 states that cut and fill on the site needs to be balanced. This will allow for the construction of a wheelchair ramp at the entry of the residence.*

Determination: This request may be related, in part, to the applicant's disability and accessibility to the proposed residence. However, additional information supporting the request is required. The County has requested detailed plans or other documentation that clearly identify elements of the proposed residence design or siting, that are related to your disability and cannot be accommodated without balanced grading activities. However, you have advised that you believe you have provided the necessary materials, and that no additional information will be submitted. Therefore, based on the information provided to date, necessary findings do not exist to grant the requested reasonable accommodations.

3. *Construction Car limit (COA #29): You request authorization to remove the limit on constructed-related vehicle access to the site (currently limited to two vehicles).*

Determination: There is no nexus between this request and your disability. Therefore, the necessary findings do not exist to grant a reasonable accommodation under the Fair Housing Act.

4. *Arborist Monitoring (COA #12): You request that an arborist not be required to be on-site during grading activities.*

Determination: There is no nexus between this request and your disability. Therefore, the necessary findings do not exist to grant a reasonable accommodation under the Fair Housing Act.

5. *Timing of Tree Planting (COA #18): You request that the COA be modified to require that the trees be planted after the house is built. COA #18 states that 12 trees shall be planted prior to issuance of building permits.*

Determination: There is no nexus between this request and the applicant's medical disability. Therefore, the necessary findings do not exist to grant a reasonable accommodation under the Fair Housing Act. However, the replacement trees would be more susceptible to damage if planted prior to the initiation of construction activities. **Therefore, the County would support a request for modification of the condition to allow that the replacement trees be planted after the initiation of construction activities, but prior to final inspection of the proposed residence.**

6. *Review of Landscaping by Others (COA #17): You request that the COA be modified to require that only one neighbor be given the opportunity to comment on the landscaping, and not three neighbors as required.*

Determination: There is no nexus between this request and your disability. Therefore, the necessary findings do not exist to grant a reasonable accommodation under the Fair Housing Act.

7. *Drainage Requirements (COA #54): You request that COA #54 be modified to not require that they be responsible for on-site and off-site drainage facility upgrades to meet collect and convey requirements.*

Determination: There is no nexus between this request and your disability. Therefore, the necessary findings do not exist to grant a reasonable accommodation under the Fair Housing Act.

### **Requests Not Covered Under Fair Housing Act**

Some of the accommodations you have requested (i.e., construction car limit, arborist, tree planting, landscaping review, and drainage) are not related to your or your spouse's disabilities, and thus cannot be granted under the Fair Housing Act. However, you still have the option to seek relief from those requirements, as well as those requested that could be related but have been denied, by requesting modifications to the approved conditions of approval for the subdivision. A

proposed modification of COA #18 (Timing of Tree Planting) of the subdivision permit can be supported by County staff. If you wish to proceed with requesting this condition modification, please be sure to incorporate it as part of your application for the condition modification process discussed above.

**Right to Appeal:**

Please be advised that the Deputy Director's determination is subject to appeal to the Director of the Department of Conservation and Development. Any person may appeal the determination by filing a letter of appeal with the Community Development Division. To be valid, an appeal letter must:

1. Identify the County File Number stated above and state reasons why the requested reasonable accommodations should be granted, or why the decision does not meet the criteria and factors for granting a reasonable accommodation as stated in the Federal Fair Housing Act and California Employment and Housing Act (the Acts). A copy of the Acts may be reviewed on the U.S. Department of Housing and Urban Development's website at <https://www.hud.gov>.
2. Be accompanied by an appeal fee of \$125. Checks should be made payable to Contra Costa County.
3. Be received at the following address **no later than 4:00 P.M. on Friday, December 15, 2017.**

Department of Conservation and Development  
Community Development Division  
30 Muir Road  
Martinez, CA 94553  
Attn: Sean Tully

Please feel free to contact Sean Tully at (925) 674-7800 with any questions you may have regarding the procedures or fees for the applications and appeal process discussed in this letter.

Sincerely,



Aruna Bhat  
Deputy Director

cc: Warren Lai (Public Works)  
Jocelyn LaRocque (Public Works)  
County File #CV14-0042