

## Attachment G

### Appeal Points and DCD Staff Responses

On May 21, 2018, the Appellant submitted a 234-page appeal of the Director's determination to the DCD. On June 5, 2018, the Appellant submitted a revised 17-page appeal to the Office of the Clerk of the Board. The primary points of the appeal and DCD staff responses are summarized below.

- 1) *Appeal Point: In 2006 DCD staff did not inform the appellant of Reasonable Accommodation laws, nor were there any informational posters or flyers displayed in the office. Not being informed of the option to request reasonable accommodations caused the appellant to be denied certain rights and resulted in the incorporation of conditions that are impossible to satisfy.*

County Response: The Reasonable Accommodations Policy was implemented in 2014. Under this policy, the Appellant has the opportunity to request accommodations to conditions of approval and zoning restrictions.

- 2) *Appeal Point: The DCD determinations denying the Appellant's reasonable accommodation requests were not promptly provided and violated the County's 45-day policy for a response.*

County Response: Correspondence submitted to the DCD on September 27, 2017 and October 2, 2017 requested reasonable accommodations to make housing available to an individual with a disability. However, those requests did not state what accommodations were being requested. To help identify the accommodations being requested, County staff communicated with the Appellant and her consulting engineer to explain that additional information was required. The Appellant's third submittal, received on October 20, 2017, provided additional information and detailed the specific zoning standards and conditions of approval from which relief was sought. The County's first formal response was issued on November 17, 2017, which advised that additional information was still required. Since then, DCD staff (and Public Works staff) have communicated with the Appellant by phone, email, letter, and in person on numerous occasions to obtain necessary information and assist the Appellant in understanding and satisfying the applicable requirements and conditions of approval.

- 3) *Appeal Point: Contra Costa County did not, and still does not have, a Board-approved and codified Reasonable Accommodations ordinance that is available to the public.*

County Response: The existing Reasonable Accommodations Policy complies with the Fair Housing Acts.

- 4) *Appeal Point: DCD staff applied conditions of approval that are not normally imposed on similar projects.*

County Response: The conditions of approval applied to the Appellant's project are typical of conditions applied to similar projects. The Appellant did not object to these requirements at the time this project was approved.

- 5) *Appeal Point: The Appellant believes that the applied drainage conditions of approval, required deferred improvement agreement, and required scenic easement have resulted in a taking of or burden on the Appellant's land without just compensation.*

County Response: The drainage conditions of approval, deferred improvement agreement, and scenic easement are standard requirements authorized by law. The Appellant did not object to these requirements at the time this project was approved.

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