

12/3/2018

Notice of Appeal to Board of Supervisors

See Detail Backup Documentation Confidentiality Requested

Mary Dunne Rose, # MS060037 or CV14-0042; 78 Grandview Place, Walnut Creek, Ca

RE: Appeal and Additional Declaration of Civil Rights Violations by CCC Against Applicant



Dear Board of Supervisors,

Applicant respectfully presents this appeal regarding the DCD Response Denial Letter dated 5/9/2018 and then revised denial letter by DCD 11/2/2018 to applicant's original RA request filed on 9/29/2017 and the entire processing of her permit and RA requests. The "revision of the DCD Determination letter is not part of "CCC Reasonable Accommodations (RA) Internal Policy", and in fact, is in violation of that policy. CCC has not complied with the "prompt process" laws relating to RA. Please see additional information attached and prior applicant filings to the Board of Supervisors.

In addition, applicant has provided this 12/3/2018 addition to Summary of Appeal (filed with Clerk of Board) and the Detail Backup Documentation appeal packet for your consideration and review.

PARTIES: Applicant Mary Dunne Rose. Also, Contra Costa County is a municipal entity, including its respective departments, agencies, and other instrumentalities, is a "public entity" within the meaning of 42 U.S.C. § 12131(1) and 28 C.F.R. § 35.104, and is therefore subject to Title II of the ADA, 42 U.S.C. §§ 12131-12134.

BACKGROUND: See attached timeline and other additional information filed by applicant with CCC

LAW: The Federal Fair Housing Act ("FHA") and the California Fair Employment and Housing Act ("FEHA") impose an affirmative duty on CCC to make reasonable accommodations (modifications or exceptions) in their zoning laws, other land use regulations and practices when such accommodations "may be necessary to afford" disabled persons "an equal opportunity to use and enjoy a dwelling of their choice" to prevent discrimination. Please read attached 5-15-2001 letter office of Ca Attorney General and letter dated 6-17-2002 of Department of Housing and Community Development. Section 504, Rehabilitation Act of 1973, is US law that guarantees certain rights to people with disabilities, federal civil rights laws offering protection for people with disabilities. Title II of the Americans With Disabilities Act (ADA) requires that state and local governments provide program access for individuals with disabilities to the whole range of services and programs. 42 U.S.C. § 12131; 28 C.F.R. § 35.150(a)(3). Also, Unruh Civil Rights Act, AB 1600, the Mitigation Fee Act, all the United States Constitutional rights including all amendments, Bill of Rights, case law that are other critical rights prohibiting discrimination. See applicant Detail Backup Documentation (filed with DCD on 5-21-2018) for information on other laws such as ones relating to General Plan and CCC policy, goals and other practices.

GROUND FOR APPEAL: CCC could improve upon its deliberately indifferent past actions to properly exercise its police powers to adopt policies, official positions, ordinances, regulations, decisions, including the critical need to properly **train staff**, necessary to prevent fundamental constitutional violations and ensure a fair planning and land use process, including the reasonable accommodation (RA) due process, free of discrimination and errors. CCC BofS needs to establish a written policy and **fund DCD's budget for training** (not staffs' fault errors are made-they need training) the DCD staff and their supervisors to ensure compliance and enforce certain applicant rights allowed by law. This will allow CCC staff to respect constitutional rights, more important, prevent errors in land use permitting processing from continuing, including not following their own General Plan, State and Federal laws and fundamentally unfair procedures. CCC could benefit from establishing a pattern of facts and actions documenting their commitment to a discrimination free, constitutional rights compliant land use application and processing practices **for all persons**, including disabled, senior, special needs folks using a proper exercise of police powers to prevent future staff errors. Applicants constitutional rights need to be respected. For example, denial of free speech; equal protection and due process; right to a prompt, good faith interactive communication

process; takings without just compensation, discrimination and error predisposed RA processing due to lack of training, result in depriving applicant of protected constitutional rights. These sort of actions, such as **issuing discriminatory CofA** cause emotional distress, physical pain and mental anguish to applicant. Applicant has suffered during this lengthy period (years) by trying to resolve CofA issues with the county with no positive solution. CCC needs to enhance communicative processes, engage in a prompt fair due process and equal protection, interactive communication process, prevent discriminatory processing due to inadequate training which has caused applicant's suffering, emotional and mental distress, shame, embarrassment, sadness, anxiety, many sleep disturbed nights, physical pain while needed surgery is delayed, excessive monetary costs, incorrect takings of land rights, loss of use of Universal Handicap Friendly Designed home of our choice and in fact, over many years, never issuing a final approved permit and map, and finally hopelessness.

Attached:

- Timeline and backup detail to certain numbered items on timeline
- Board of Supervisor Requested List of Discriminating Conditions of Approval with comparison to other projects (applicant has a list of more similar projects and will provide upon request)
- Applicant Notes Regarding CCC Fair Housing, Discrimination and Use of HUD Funds and CCC Reporting Issues

INJURY: Applicant claims the following items of injuries:

- Physical harm to applicant during and after the events at issue, including, suffering physical pain in feet as her surgery is delayed due to CCC delays in the RA process, headaches, continuing discomfort, and any physical pain that applicant is reasonably certain to experience in the future.
- Emotional and mental distress and harm to applicant during and after the events at issue, including suffering, shame and humiliation, and mental anguish, many sleep disturbed nights, and any such emotional and mental harm that applicant is reasonably certain to experience in the future such as hopelessness.
- Possible cost of reasonable legal services that applicant could reasonably need in the future.
- Medical costs of therapy started when started RA process.
- Dental costs over \$3000. For stress related teeth grinding and subsequent teeth repair.
- Future lighting district taxes, in perpetuity, must be paid even though the home is not built.
- Loss of use of Universal Handicap Friendly Design Home now and in the future. Loss of appreciation of house from 2014 forward
- FMV Impairment of lot A and B with the recording of the error in the "Deferred Improvement Agreement" and scenic easement
- Monetary losses of over \$50,000 to date.
- Very substantial emotional distress, such as embarrassment, sadness, anxiety, suffering - due to constitutional rights violations and long-standing age and disability discrimination, degrading comment by staff, denial of basic human right to live in housing of our choice to help us age in place.
- Lost earnings while applicant worked on this project.
- Takings by Scenic Easement Requirement.
- Suffering by discriminatory CofA.
- Deprivation of the right to respectful interactive communicative process.
- Frustrations with Reasonable Accommodation process and the many errors.
- Inconvenience and loss of enjoyment of life.
- Reasonable value of each day applicant is not in her disabled friendly home and must delay her surgery.

Applicant is unable to set a value on the injuries at this time. The range could be \$650,000 to \$12,000,000 depending upon future negotiations and lawsuits with CCC.

I, Mary Dunne Rose, applicant and appellant, have read the forgoing document and understand its contents. With the contents that I have personal knowledge, I know and believe them to be true of my knowledge. I verify my belief that the above statements are true. Regarding the contents that I do not have personal knowledge of, I believe them to be true based on specified information, documents or both. I assert the truth and my belief in the truth of those matters under penalty of perjury.

Please process this RA appeal to the BofS ASAP!

Date 12/3/2017

Name Mary Dunne Rose
Mary Dunne Rose

From CCC RA internal policy:

Appeal of Determination.

A determination by the reviewing authority to grant or deny a request for reasonable accommodation may be appealed to Director of the Department of Conservation and Development, or designee. Upon review of the case a final decision will be rendered by the Director, **subject to appeal to the Board of Supervisors, under the appeal procedures in Title 1, Chapter 14-4 in the County Ordinance Code.** (see below)

Chapter 14-4 in the County Ordinance Code. 14-4.004 - Notice filed by appellant.

The appellant shall, within **thirty days** of the action appealed from, file with the **Clerk of the Board** a verified written notice of appeal concisely stating the facts of the case and the grounds for his appeal including his special interest and injury.
(Ord. 70-36 § 1, 1970: prior code § 1207).

Attachments:

Various attachments

TIMELINE

Updated 12/2/2018

From: Mary Dunne Rose, Owner of property; # MS060037 or CV14-0042 78 Grandview Place Walnut Creek ca

Applicant has attempted to obtain approval for many years from Contra Costa County, CCC and applicant has spent over \$60,000.00 to date.

#	Date	Description
		<p>Effects of CCC Reasonable Accommodation (RA)</p> <p>"Failure to Adopt a Needed, Lawful RA Policy"</p> <p>Lead to Discrimination in Land Use Practices Against Disabled Individuals</p>
		<p>A "reasonable accommodation" is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling. Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling. The Act makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling. A failure to reach an agreement on an accommodation request is in effect a decision by the provider not to grant the requested accommodation. A provider has an obligation to provide prompt responses to reasonable accommodation requests. An undue delay in responding to a reasonable accommodation request may be deemed to be a failure to provide a reasonable accommodation. When a person with a disability believes that she has been subjected to a discriminatory housing practice, including a provider's wrongful denial of a request for reasonable accommodation, she may file a complaint with HUD within one year after the alleged denial or may file a lawsuit in federal district court within two years of the alleged denial. Charging a fee for a reasonable-accommodation request is unlawful under Title II of the ADA and Section 504 of the Rehabilitation Act of 1973 as well as the California Unruh Civil Rights Act. Further, usual land-use and zoning procedures, they are on public disclosure and input. However, applicant repeatedly stated how even revealing that someone has a disability could subject one to further discrimination and stigma. As a result, the internal ordinance needs to be substantially modified to (1) keep submitted information confidential, (2) remove public disclosure requirements, and (3) handle the requests in a confidential manner on a separate, but coordinated, track with other related land-use approvals. The DCD planning department also needs to alter the appeals process for the denial of an applicant's reasonable-accommodation request. Instead of the appeal going before a public body, the appeal of the denial could be decided by the CCC administrator, further ensuring that the information on the applicant's disability is kept confidential.</p>

add general plan housing element here

Add Impediment analysis here

No RA Policy
Years 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and part of 2014

CCC did NOT HAVE ANY Reasonable Accommodation written policies and procedures (for public and for municipal staff, management) for the years of 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and part of 2014.

No written RA policy is the CCC "represented official policy-a so widespread practice, given the long-standing decision not to promptly execute a legal, law compliant, Board of Supervisor, codified, approved by management, RA written policy and ordinance, regulation, and ensure critical RA staff, supervisor training" pertaining to CCC land use RA processes for the disabled. CCC has refused for years and continues to refuse to make available a lawful land use RA policy.

CCC has refused for years and continues to refuse to have lawful written procedures (created a precedent for singling out disabled persons and applying heightened requirements) for an annual training program for staff and management regarding RA laws, refuses to create lawful RA process. CCC refuses to budget extra funding for RA processing, training and education to prevent discrimination against disabled persons. CCC actions perpetuate the stigma surrounding disabled people.

If proper, lawful RA processing (and if CCC had a codified, lawful RA policy) had occurred in 2006, applicant would not have been given the CCC certain special discriminatory treatment used by staff for disabled people; by creation of certain CoFA that restricts, denies and renders infeasible housing opportunities and imposes different requirements than generally imposed on non-disabled similarly situated persons by CCC staff.

CCC's long standing custom & policy of engaging in unlawful practices of ignoring RA and discrimination laws demonstrated by past refusal to make reasonable accommodations in rules, policies, practices and services (and make these available to the public) when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling of their choice in 2006.

See General Plan documentation (2009 to 2014 GP, page 6-103) which states, "...5 Year Objective, Document Reasonable Accommodation procedures" CCC did not even create any RA until 2014!!!

Backup Docs: See attached CCC General Plan Documentation, see CCC 6/2014 "internal RA Policy", see US and CA Constitution, bill of rights and all other laws, regulations, court case etc. for RA, privacy laws, discrimination, etc.. See attached letter from State of Ca Office of the Attorney General, B Lockyer, dated May 15, 2001 (AG noticed CCC need RA policy) 4 pages.

Currently (2018) CCC still does not make available to the public a lawful RA policy. CCC is misusing its authority and police powers granted by the state (statute, ordinance, regulation, custom or usage of laws). CCC waits until a disabled person files their RA official request then "makes available" CCC "internal" RA policy thereby denying, restricting, adversely impacting the RA process in CCC favor.

Next CCC stalls, asks for more information (expensive-hire consultant to create) and basically "wants more information" over and over.

Critical point: If CCC had a valid, lawful RA policy in 2006 and given it to disabled person, the applicant could have headed off many of CCC objections and denials in the first place, along with stress, costly hire consultant fees and wasted time. In 2006, disabled person could have invoked RA laws thru free speech rights and not have been given discriminatory CoFA. Her home would be build, appreciating and she would not have had to experience the ongoing CCC discrimination.

The County repeatedly acted inconsistently with its RA and land use policies and practices: intentional, consistent lack of ANY RA practices and actions results in denying, restricting and preventing construction of disabled housing.

CCC uses the unethical tactic of asking for more information during applicants project numerous times with the goal to stall the application and project, costing applicant more money (find and hire consultants) and most importantly, harass the disabled person.

This tactic is frustrating, discriminatory and causes. Applicant has hired a total of four different consultants, at CCC request for "more information", spent over \$50,000.00 to date and still doesn't have reasonable, non discriminatory Conditions of Approval and a final map to start building.

Congress found that "discrimination against individuals with disabilities persists in such critical areas as . . . access to public services," 42 U.S.C. § 12101, and thus passed the ADA to provide "a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities."

3 9/8/2006

Applicant had meeting with CCC Community Dev. Planner, at the Community Development Dept with Rose Marie Pietras, staff at DCD and applicant's planner to discuss lot split at the start of her lot split process in unincorporated CCC of Walnut Creek. Applicant informed R. Pietras of foot deformity, showed her the deformed foot and informed her of plans for aging with a disability. Staff Pietras did not inform or discuss that she intended to create Conditions of Approval that would render my project impossible to build and complete without going back through CCC expensive variance process. The neighbors' (NIMBY) were very against, very rude and extremely vocal against new housing. Staff Pietras did not show good faith during the process.

NO one at CCC DCD informed applicant about her rights to use the RA process, violate free speech rights of applicant.

Staff Rose Marie Pietras should have known her actions lead to a discriminatory housing practice that is unlawful for any person to refuse (by silence and inactions) to make reasonable accommodations in rules, policies, practices or providing services. She treats disabled persons differently, applied harsher CoFAs.

CCC is indifferent to RA laws and in some cases, such as applicant's, intentionally discriminates by creating and conditioning disabled persons project with much more expensive and impossible requirements (CoFA) so disabled

CCC staff Ms. Pietras was callously indifferent to my protected rights, she malicious created certain conditions of approval for my project that are discriminatory, inappropriate, deny my opportunity to build, so expensive to render infeasible the construction of residence by applicant.

Documentation: See Applicants Conditions of Approval (CoFA) #25: Roads Building Requirement: Applicant must build 2 roads before allowed to obtain a building permit. These roads are unsafe. CoFA #17 and CoFA #18, Landscaping: forcing disabled person to plant project b-4 to get building permit granted. All landscaping will be destroyed during building project and applicant will have to redo. Additional CoFA created to render disabled persons project infeasible, such as impossible drainage requirements and site distance clearing for the Having no written policy for years caused applicant to be denied her 1's Amendment right to Exercise Free Speech to request RA rights and equal protection and due processes rights and be free of discrimination.

CCC staff Ms. Pietras did not inform applicant of the Reasonable Accommodation (RA) laws at any point in the process. Staff did not provide a CCC written RA policy to applicant. No other CCC staff or personal (supervisors) inform applicant of the RA laws. Nor were there any posters in the DCD office, flyers or any information on the internet relating to applicant's rights to RA process at CCC.

Documentation: See applicants (and her many consultants): 7-2018 "nexus" letter to CCC, see all letters and emails and maps and other information applicant sent CCC.

5	12/4/2006	Packet to approve lot split to CCC Zoning Admin. Then went to BofS for their approval, effective 12/25/2016.	Zoning Administrator never caught or corrected the discriminatory, erroneous certain Conditions of Approval. For example, Zoning Administrator allowed discriminatory land use CoFA #25 Roads Building Requirement. Applicant must build 2 roads before allowed to obtain a building permit. These roads are dangerous.
		DCCD staff Ms. Pietras intentionally disregarded applicant's civil rights and discriminated against applicant (reckless, malicious errors) when she created the Conditions of Approval (CoFA) for applicant's project, by imposing certain CoFA that had excessive restrictions, illegal takings without just compensation and certain unreasonable, near impossible conditions to satisfy. The staff's supervisor also did not correct these errors. No CCC staff or management caught or corrected any of these errors.	Not one of the CCC Board of Supervisors caught the discriminatory CoFA, nor the heads of Public Works and Community Development or their staff.
5			The unequitable CoFA are a result of discrimination, inadequate training and supervision leading to applicant being denied fundamentally fair due process rights and instead, set her up for a long term expensive, discriminatory planning department process as applicant attempted again and again to obtain her approved final map and CoFA and failed.
6	3/2/2007	Applicant questions re compliance and map recordation next steps, status.	Contact CCC.
7	11/2007 and 11/27/2007	Applicant questions re compliance and map recordation next steps, status.	Contact CCC.
8	2009	Great Recession - State made law for automatic extensions of permit process	Extensions to permit required by new state laws due to deep recession.
9	12/9/2009	Applicant questions re compliance and map recordation next steps	Contact CCC.
	2013	Great Recession coming to end	
	2014		
10	1/14/2014	Email from Kelley Timbrell PW staff will release copies of applicant plan checked Parcel Map and calcs for MS 06-0037 for the lot split. Applicant hires consultant C Gregory to help with project.	Staff and Applicant start working on project.

11	1/29/2014	Email from Christine Parks, outside consultant, discussing Issue with COA 53 & 54. Item A2 of the findings state that "The parcel map may not be filed until the collect and convey requirements and improvements have been met." "It sounds like they (CCCCPW) expect your owner (applicant) to install a drainage pipe all the way down Panoramic Way almost to Olympic Blvd...the design and construction costs could be significant."	Questioning if CCC wrote CoFA #53 and # 54 as infeasible, excessively costly conditions to satisfy.
12	1/9/2014	Letter from Jessi Duffy CCC PW staff to applicant, applicant needs to : 2 - "Tax Zone 2 Letter" specifying the Tax Zone your parcel belongs to and assessment fee, and 3 - "Consent and Ballot form" to be filled out, signed by owner, notarized and returned back to me. Also, PW staff tells applicants consultant C Gregory CCC <u>"needs for information and must do 2nd survey"</u> to move the project forward.	Evidence of CoFA #53 and 54 are conditions that adversely impact and renders infeasible the opportunity to obtain a final map, build housing of our choice and make unavailable housing opportunities. Documentation: See 1/29/2014 email from Christine Parks <u>CCC requiring "more information" and requiring applicant to redo all the maps filed with CCC, they redlined and again pay for and take time to have a second 2nd survey done.</u> Applicant start process of interviewing and hiring someone to survey again. Time and money spent.
13	3/24/2014	Hire APEX Engineering Consultants for drainage issue resolution and, again, map preparation	Documentation: see valid signed contract for services MS06-0037 Drainage memo to address CoFA #53-55 and 2nd survey RFP required by CCC.

14 3/26/2014

Email and "Drainage Memo" from APEX civil engineering firm applicant hired, see attached letter regarding CoFA #53 - #55 drainage. Not economically feasible of applicant to obtain lot split with CoFA #53 to #55. CCC staff J. LaRocque spoke with J. Vizcay APEX planner on 3/26/2014. Recommending one method to satisfy CoFA #55 was by having applicant "granting deeding development rights for the storm drainage over this minor subdivision so the condition would be satisfied when building would take place."

CCC states in CoFA #40 and 41 applicant is exempt from installing frontage improvements and road widening that are not characteristic of the area and existing right of way constraints. AND exempt from "No...necessary longitudinal and transverse drainage along project frontage of Panoramic Way or Grandview Place."

CCC staff J. LaRocque method to satisfy drainage CoFA #55 was by having applicant "granting deeding development rights for the storm drainage over this minor subdivision so the condition would be satisfied when building would take place."

Why didn't CCC staff apply CoFA #40 and 41, that totally exempts any drainage improvements? CCC made CoFA errors by writing too many conflicting drainage CoFA and then used police powers to apply the most stringent, expensive, restrictive difficult ones to stall and continue their "need more information" harassment custom, while ignoring CoFA #40-41 that grants exception to the costly drainage improvement restriction. Similar projects of non-disabled not treated this way.

APEX consultant "Drainage Memo dated 3/26/2014 from consulting firm hired by applicant to solve drainage barriers, APEX Engineering Jon Vizcay, stating he spoke with CCC staff Jocelyn LaRocque in March 2014 and he reported Ms. LaRocque said, "even if applicant proved that the runoff from the site was reduced to be equal or below the existing condition by constructing an onsite detention facility that this condition would still not be met because applicant still has to prove that ANY RUNOFF (guarantee) is conveyed to an adequate storm drain facility." CoFA #54 effectively shuts down the project.

15 4/10/2014

C Gregory, consultant applicant hired, emailed S Gong at DCD COA compliance review.

1st time emailed to CCC DCD Gong staff

16 4/14/2014

APEX email Parcel Map Sheet to Robert Lezcano CCC PW as requested. Applicant write checks for \$1,550 to PW and check for \$1,550 to CD and over \$5,000 to APEX consultants. Applicant signed and return CCC requested "compliance Application.

CCC PW gets the information, surveyed map requested.

17	4/29/2014	Email from Jessi Duffy PW CCC staff, Attached, please find: 1 - "Outreach Letter" that explains the annexation process and street lighting condition of approval for the permit. 2 - "Tax Zone 2 Letter" specifying the Tax Zone your parcel belongs to and assessment fee, and 3 - "Consent and Ballot form" to be filled out, signed by owner, notarized and returned back to PW staff to satisfy CoFA #51.	Increase yearly future taxes forever for lighting district. Documentation: See email, see completed letter, signed consent and ballot form and tax zone 2 letter. See 4/29/2014 confirmed received email from CCC J Duffy as received.
18	6/11/2014	C Gregory, consultant applicant hired, emailed AGAIN S Gong at DCD conditions of Approval, <u>compliance checklist</u> showing most conditions of approval completed with many attachments for DCD. Also sent Grant Deed, Staff Study scenic Easement.	Delay, mistakes: 2nd time emailed to CCC DCD Gong staff, staff lost and caused delay. Project almost complete. DCD staff received all docs requested. Staff needs to organize and preserve all documents submitted to CCC for application.
19	6/11/2014	C Gregory, consultant applicant hired, emailed AGAIN Sharon Gong at DCD Prepared <u>Grant Deed</u> for DCD review and then DCD to forward to <u>County Council, legal dept.</u> , for review, with many attachments for DCD and legal.	Delay process. Submitted in May 2014, DCD staff still not processed. Staff needs to organize and preserve all documents submitted to CCC. CCC DCD staff to send to County legal dept. for final review. Documentation: 6/11/2014 email from C Gregory to CCC staff S Gong with attachments Scenic Easement Recording Doc, Staff Study Scenic Esmt, Prepared Grant Deed for Restricting Development -Scenic Easement prepared by C Gregory at CCC request. Legal CCC must review and approve.
20	7/21/2014	C Gregory, consultant, email CCC S Gong DCD and J Laro PW asking if MS06-0037 map ready to record?	NO Answer from CCC, stalling, ineffective communication process.
21	7/22/2014	Map approved by Public Works, still pending with DCD.	Still waiting for DCD approval of map.

22	7/24/2014	C Gregory, consultant, email CCC S Gong DCD asking why CCC did not forward grant deed submitted early May to Legal County Council, then resubmitted June for County Council Legal department to review. Also DCD S Gong sent requested changes for DCD and Gregory made changes and email back same day.	Staff S Gong never submitted the grant deed for review. Request staff copy applicant when she finally submits. Indifference, stalling in timely processing of applicants deed for Legal Department review. Documentation: 7/24/014 email from C Gregory to S Gong with attachment Disclose of Development Conditions coa
23	8/19/2014	C Gregory, consultant, email CCC S Gong DCD staff and PW staff revised Grant Deed of Development rights for their review and approval. Discuss plats and legals.	CCC requested information.
24	8/11/2014	Email from CCC S Gong DCD, has some MORE questions about Scenic Easement Grant Deed submitted in June 11, 2014 and still has not given to County Council.	Questions and delays, no reply from County Council until 4/14/ <u>2015</u> . <u>And legal dept. "has questions". CCC wants more information.</u>
25	9/2/2014	Email from R Lezcano APEX set final corners for lot survey.	Compiling with CCC for more information and do 2nd survey.
26	9/9/2014	Letter from CCC Public Works K Dahl, Senior Engineering Technician, stating applicant must pay Drainage Area 15A fee of \$3,900.00. Applicant pays.	Applicant pays CCC PW drainage fee of \$3,900. Documentation: receipt and shows on CCC billing invoice.

27 9/9/2014 Letter from CCC Public Works K Dahl, Senior Engineering Technician, asking applicant to sign and notarize the attached Deferred Improvement Agreement written and prepared by K Dahl and return to him. Applicant signed and returned.

Why would this be recommended by CCC? Applicant thought she was exempt from expensive drainage requirement per CoFA exemptions. CCC staff should apply CoFA #40 and 41, that totally exempts any drainage improvements? CCC made CoFA errors by writing too many conflicting drainage CoFA and then used police powers to apply the most stringent, expensive, restrictive difficult ones to stall and continue their "need more information" harassment custom, while ignoring CoFA #40-41 that grants exception to the costly, makes housing unavailable drainage improvement restriction. Similar projects of non-disabled not treated this way.

APEX consultant "Drainage Memo dated 3/26/2014 from consulting firm hired by applicant to solve drainage barriers, APEX Engineering, Jon Vizcay, stating he spoke with CCC staff Jocelyn LaRocque in March 2014 and he reported Ms. LaRocque said, "even if applicant proved that the runoff from the site was reduced to be equal or below the existing condition by constructing an onsite detention facility that this condition would still not be met because applicant still has to prove that ANY RUNOFF (guarantee) is conveyed to an adequate storm drain facility. CoFA #54 effectively shuts down my project.

See project Westbrook 14 unit condo project (same neighborhood as my project) that CCC admitted did not have sufficient drainage, but approved the 14 unit condo project, showing special preference. Disabled folks don't get special preference.

More drainage information requested study requested by CCC. Applicant has consultant prepare study and costs increase. Documentation: Study for Drainage

28 9/17/2014 C Gregory, consultant, email CCC Ken Dahl PW staff the Drainage study he requested in the 9/9/2014 letter.

29 10/6/2014 C Gregory, consultant, email to applicant regarding open items. **Drainage - Hydrology issues, setback and Grant Deed Scenic Easement.**

30 10/8/2014 Email from PW Ken Dahl, attached the ordinance for Drainage Area 15A.

Said, "Sorry for the delay, need more information from you once staff figures out what they want."

31 11/12/2014 CCC PW staff Ken Dahl sent email, "Here is the Deferred Improvement Agreement that must be signed and notarized. Feel free to call me with any questions."

Applicant signed and notarized and returned to CCC staff Dahl, see below.

32 11/21/2014 Applicant sent CCC staff Ken Dahl PW signed, notarized Deferred Improvement Agreement.

CCC PW staff told applicant it must be signed for both lot A and B. If it was recorded, CCC could have called it up anytime to require applicant, to force her to build all the downstream improvements, (estimated cost enormous as Panoramic is a very long street), even though she would never be granted a building permit due to CCC creation and PW interpretation of CoA#54 that states applicant MUST- construct improvements to guarantee adequacy.

Applicant just wants to get this over and get her final permit and map.

APEX consultant "Drainage Memo dated 3/26/2014 from consulting firm hired by applicant to solve drainage barriers. APEX Engineering Jon Vizcay, stating he spoke with CCC staff Jocelyn LaRocque in March 2014 and he reported Ms. LaRocque said, "even if applicant proved that the runoff from the site was reduced to be equal or below the existing condition by constructing an onsite detention facility that this condition would still not be met because applicant still has to prove that ANY RUNOFF (guarantee) is conveyed to an adequate storm drain facility. CoFA #54 & CCC staff interpretations effectively renders infeasible, shuts down the project.

Documentation: See excel point #14 above on 3/26/2014 Memo from APEX

33 11/20/2014 Applicant phoned Shane Tolosko PW to find outflow pipe, sent photos of pipe on lot next door to K Dahl PW for his review.

34 12/30/2014 Email C Leung re landscape plans preparation.

Start process of hiring landscape architect to create landscape plans for CCC review.

35	4/14/2015	Finally get comments back from County Counsel, per email from S Gong, staff DCD. Submitted to CCC for review Spring 2014.	<u>One year turn around from CCC is unacceptable. Stalling. Also CCC wants more changes, consultants for applicant no longer work on contract. Want another land survey, "requesting more information" to verify the scenic easement 92 contour line.</u>
2017			
36	6/12/2017	Applicant spoke with CCC DCD staff Adrian Veliz, phone call, he told applicant, <u>"This project never should have been approved". Applicant requested different planner as this staff is already discriminating.</u>	Unwarranted comment, discriminatory, applicant is sick of heart with this uncalled for hateful comment. Disabled people are good people who have right to live in a nice home just like other people!!!
37	6/12/2017	Applicant feels demoralized, believes CCC will never approve, has tried to work with the County over a lengthy period. Applicant will try again and starts process by hiring Aliquot Associates to work with CCC. Spends more money.	Staff needs proper training regarding discriminating type comments. Staff need a valid, lawful, codified RA policy in place.
37.1	8/6/2018	DCD Deputy Director admits in email applicants original RA request was received by her on 9-29-2018	CCC violated their own internal RA policy of 45 days deadline. Applicant submitted original RA on 9-29-2018 and CCC did not give final denial letter until 12/5/2018.
38	8/8/2017	Applicant calls CCC Martinez Department Conservation and Development DCD, requests written procedures on Reasonable Accommodation-informed by staff that no written Reasonable Accommodation (RA) policy exists. In fact, staff did not know what a RA policy was, applicant explained it to her.	Applicant informed by DCD staff no written RA policy exists for CCC. Staff manning the phone did not know what RA was.
39	8/9/2017 and 8/10/2017	Applicant searches many hours on internet and County website, looking for CCC written Reasonable Accommodation policies for future proper filing process.	No written CCC RA policy on internet or CCC website for land use practices found by applicant.

40 8/2017 Applicant calls Aliquot Associates and requests a copy of CCC Reasonable Accommodation (RA) policy. M Summer, PE convey they cannot locate any CCC written Reasonable Accommodation policies for CCC. CCC RA policy unknown to the CCC community, not on CCC website, no postings at DCD office, staff doesn't even know what it is.

41 9/29/2017 Applicant filed request for reasonable accommodation (RA) with CCC (certified mail), in person and email to A Bhat, Deputy Director on 9/29/2017. The reasonable accommodation process begins as soon as the request for accommodation is made (clock starts ticking) on 9/29/2017.

See attachments, include house plans, site plans, building floor plans to show applicant's downstairs Universal Design elements such as wheelchair accessible hallways, ADA wheelchair friendly kitchen and full downstairs bathroom, written description of need for wheelchair ramp to access home so applicant can be near Grandview Pl street for easy access to mail box, take out garbage, get paper and socialize with neighbors.

See attachments, include (house plans, site plans, building floor plans to show applicant's downstairs Universal Design elements such as wheelchair accessible hallways, ADA wheelchair friendly kitchen and full downstairs bathroom, written description of need for wheelchair ramp to access home so applicant can be near Grandview Pl street for easy access to mail box, take out garbage, get paper and socialize with neighbors.

A Bhat ignored RA request and site plans, building floor plans etc. Not sure she even forwarded to staff! CCC wrongly insists applicant did not give plans to CCC.

42 10/5/2017 No response from CCC, applicant phones A. Bhat and applicant again sends another email 10/5/2017 (9/29/2017 RA included) requesting response (6 days passed with no response) with plans and site plans, building floor plans etc. as attachments. Applicant RA request ignored, no response so applicant again reaches out to CCC. Stalling? Lost one week of processing time. CCC is not responding to disabled person's RA request and ignores house plans, site plans, building plans.

43 10/5/17 Phone call from Sean Tully, CCC DCDE staff, states he is assigned to project. S Tully states he needs time to read file and understand the project, see 10/5/2017 email from him. CCC staff does not know what RA is. Applicant explains RA law to Discussed no CCC reasonable accommodation policy and believe there is a written RA process. applicant explains RA law to CCC staff.

44 10/5/2017 CCC staff S. Tully, states he is now on job, asked what is RA, requests applicant send "background information" including many laws and the applicable CCC General Plan sections that apply to reasonable accommodation. We discuss

Applicant email doc with many laws, many that related to RA process and the General Plan.

Documentation: See 10/5/2017 email to staff with many pages of laws.

45 10/12/2017 10/12/2017 S. Tully called applicant. CCC requests & needs more information, detailed information about each request of RA from applicant and wants in writing: applicant tries to prepare detail with no Reasonable Accommodations rules, not sure how to prepare with no policy or guidelines to follow.

Emails very detailed letter to CCC S Tully outlining each RA request, applicant still not sure letter is correct form as there no RA policy. CCC again refuses to give disabled applicant their RA internal policy. See 5-9-2018 Director's Denial Letter, J Kopnick, states page 4 " ... CCC...RA policy is a department policy that guides staff...the RA policy has not been adopted by Board of Supervisor, not required..."

46 10/20/2017 10/20/2017 Applicant emails S. Tully a detailed letter RA request, as DCD staff requested on 10/12/2017. 8 pages. with attachments of site plan, building plans, 1st floor wheelchair accessible halls, kitchen, bath; no policy to guide applicant as to correct content or form.

Emails very detailed letter to CCC S Tully outlining each RA request, applicant still not sure letter is correct form as no RA policy has been provided applicant even though she and her consultant have requested many times.

Documentation: See all emails with house building site plans again attached. The house building, site, floor plans were also provided to CCC in 9/29/2017 original RA request with the attachments.

48 11/2/2017 11/2017 Applicant very upset, asked CCC for RA policy and they did not provide. M Summers, Aliquot consultants writes email to S Tully CCC staff, stating now S Tully says there is a RA policy. Concern they do not provide the RA policy prior to applicant detailed letter submitted: possible RA letters wrong, damage standing, approval? Asks CCC to provide the written RA policy.

After 9/29/2017 RA letter and subsequent detailed RA letter submitted to CCC on 10/20/2017, CCC staff now states there is a RA written policy.

Documentation: Mark Summer, applicants consultant 11/2/2017 email CCC staff Sean Tully and Sean Tully email with "internal" RA policy attached.

49 11/2/2017 Applicant drives to Lafayette CCC permit center office, requests reasonable accommodation policy. CCC staff does not know what RA policy is, applicant explains. Applicant look on walls for noticing of RA policy, none on wall. Applicant looks for pamphlets, no pamphlets at CCC DCD office.

No pamphlets and no posters or any noticing on the walls informing the public and community of RA policies or public's right to use these laws.

50 11/2/2017 CCC staff, S Tully emails the written CCC RA policy.

Applicant reviews and questions if this is an "official policy" as no Board of Sup marks, no Director initials, not on CCC letter head, indicated anyone official has reviewed. Looks like a first draft something staff had in their file.

CCC "internal policy" is not made available to the public (that's why its called internal). Time frame in CCC policy is 45 days limit for prompt processing, should be 30 days.

51 11/2/2017 Applicant phones CCC staff S Tully DCD, request if the CCC RA policy is approved by Board of Sups and codified. He said yes approved by BofS and codified.

It appears no supervisor has reviewed (no initials), not on CCC letterhead, no name and approving signature of person responsible for approving. Policy has errors such as requirements to appeal to BofS which violates right of privacy and confidentiality laws.

52 11/2/2017 Applicant calls CCC Clerk of the Board and request copy of "codified RA Policy". CofB does not know what RA policy is, applicant explains. CofB Board phones back following week and states NO codified RA policy exists.

CCC staff says yes codified policy to applicant.

CCC staff does not know what is a RA policy. CCC Clerk of Board states no codified policy exists.

53.1 11/2/2017 CCC staff, S Tully emails applicant. Based on the fact that Ms. Rose has complied with many of the project conditions of approval and has filed a map with our offices, Ms. Rose will not have to worry about the Subdivision Permit expiring. Although she has not yet recorded the Parcel Map, her permit is viewed as being "exercised."

No expiration of applicant's permit will occur, per staff Sean Tully.

Based on the fact that Ms. Rose has complied with many of the project conditions of approval and has filed a map with our offices, Ms. Rose will not have to worry about the Subdivision Permit expiring. Although she has not yet recorded the Parcel Map, her permit is viewed as being "exercised."

53.2 11/8/2017 Email from S. Tully stating CCC has all the information requested by the County.

Applicant and consultant don't need to provide any more information.

Applicant receives letter from S. Tully attempting to document the results of the 6/13/2018 meeting with Director Kopchick and A Bhat to confirm feet disability.

Number #6 of the letter received implies CCC will not allow applicant to continue process of her tentative map, saying it will expire at 12/31/2018. Staff S Tully assured me in writing (see 11/2/2017 email) that "...Ms. Rose has complied with many of the projects conditions of approval and has filed a map with our offices, Ms. Rose will not have to worry about the Subdivision Map expiring. Although she has not yet recorded the Parcel Map, her permit is viewed as exercised".

Applicant is relying on CCC staff written rules to continue with her process of her permit.

11/6/2017 Email from S Tully, DCD staff, asking if "Once the new parcel is created and the proposed residence is built, does Ms. Rose intend on maintaining ownership of both properties; or is there an intent to sell one of the lots?"

Federal law states, "ARTICLE 2. Housing Discrimination [12955 - 12957] Article 2 added by Stats. 1980, Ch. 992, **12955**. It shall be unlawful: (a) For the owner of any housing accommodation to discriminate against or harass any person because of the race,...source of income.

55 11/8/2017

S Tully emails and confirms he has all the information he needs and a final determination letter from CCC will be coming shortly.

No more information required from applicant for RA requests.

56 11/17/2017

11/17/2017 CCC S Tully issues a CCC RA formal response denial response letter 49 days after 9/29/2017 first RA request (internal policy says due 45 days).

Applicant not properly noticed of the formal response letter, nor will ever be delivered to her. **Letter in violation of RA codified policy, more than allowed days pass when RA policy states 45 days is required.** CCC in violation of own policy.

CCC Mails letter to applicant's old address where no mail is forwarded any more. Applicant provided correct address on 9/29/2017 with original application. CCC DCD doesn't email a copy to applicant even though that is the typical mode of communication in the past two months.

CCC is confusing applicant, S Tully email states in email with attached denial letter, "...a Formal Response" to applicants RA request. CCC letter states CCC..."County Board of Supervisors adopted a RA Policy..." which was a large misrepresentation of the truth.

Documentation, see staff Sean Tully email, denial letter dated 11/17/2017 Formal Response. Later, Assistant Deputy Director, A Bhat, email 11/21/2017 states "...County has NOT DENIED your RA request. Applicant stressed, this is not the RA process outlined in CCC "internal RA policy"!!! Inconsistence actions by government and failure to implement the housing element and other parts of the CCC General Plan. Why doesn't staff communicate with each other? Applicant suffers financially and mentally.

11/20/2017

Applicant calls Aliquot Assoc. firm, asking how M Summer's new baby just born is doing. Applicant finds out the Aliquot firm received an email from CCC S Tully with attached a CCC **RA formal denial response letter, but applicant did not receive anything.** Applicant lost 3 days of the 10 day appeal period, questions CCC intent towards disabled seniors, applicant negotiated in good faith whereas, it is questionable as to the County's good faith intent of their actions in the last 30 days.

Applicant would not have received letter and could of missed deadline for filing appeal due to CCC staff lack of understanding of need to mail the applicant with important documents with sensitive deadlines. **Supervisor A Bhat later verified there is no CCC codified RA policy.**

Letter falsely states, "CCC adopted a RA policy". CCC has no codified BofS approved RA policy; they have an "internal", not on letterhead, not signed or approved by anyone. It is internal, and not shared with the public.

57

11/20/2017

Applicant is given letter 3 days later via email. CCC is confusing applicant, S Tully email with attached denial letter, ...a Formal Response to applicants RA request. CCC letter states "County Board of Supervisors adopted a RA Policy..." which was a large misrepresentation of the truth. page 3, I need to use the variance process to modify my certain CoA.

CCC tells RA applicant to use the variance process, that's not valid RA process. It is illegal to tell RA applicant to use the standard variance process to modify conditions of approval.

58

11/20/2017

Email from applicant to A Bhat, Deputy Director DCD, noticing her the CCC RA formal response denial letter was 3 days late, violate CCC RA policy also, CCC sent to wrong address and applicant never received. **Applicant requests disability assistance from CCC with preparing an appeal to the** 11/17/2017 CCC denial response letter.

Applicant requests RA CCC DCD disability assistance from CCC with preparing my reasonable cause appeal ASAP. The "internal RA policy" is not detailed, handicapped user friendly, does not list RA person rights, applicant needs help!

11/21/2017 email from A Bhat to applicant states, "happy to meet with you to go over your proposal" wants staff from DCD and PWD. CCC does not communicate effectively that they will help me with my RA 11/20/2017 request for assisting "...applicant requests disability assistance from CCC with preparing my reasonable cause appeal ASAP.... See 12/6/2017 email S Tully, stating they will not comply with RA request for providing assistance to applicant.

59

11/17/2107

CCC 11/17/2017 Denial Letter misstates facts, misleads.

CCC 11/17/2017 letter states Applicant filed 1stn, initial RA request on 10/5/2017 which is in error. Correct date applicant filed the initial RA request was 9/29/2017. Written email confirmation from A Bhat,

deputy director, received.

60

11/21/2017 Phone call 11/21/2017 from A. Bhat, supervisor CCC Deputy Director DCD tells applicant the RA policy is an "internal policy" not a policy that has been reviewed by the CCC BofS and codified.

This is in conflict with S Tully, staff statements to applicant on 11/2/2017, Tully said it was "codified".

Staff and supervisors don't communicate and understand the type of RA policy that exists at CCC. First, applicant and her consultant, Mark Summers, told no CCC RA policy. Then after applicant files her 9/29/2017 RA request, S Tully says it is a "codified by CCC Board of Supervisors approved" policy, then supervisor A Bhat states 12/21/2017 it is only an "internal policy".

Applicant more confused, no formal procedure the may aid applicant in making requests for RA, and may make it easier to assess those requests and keep records of the considerations given the request.

61 11/21/2017 11/21/2017 Phone call CCC supervisor A Bhat, supervisor, Deputy Director said "county NOT DENIED reasonable accommodation request, not yet subject to appeal". Said the "CCC RA formal response denial response letter" is to be ignored.

Applicant very confused. Received CCC RA formal response denial response letter prepared by CCC staff but CCC Supervisor says it is not a denial letter. What is the correct process? Who is informing applicant correctly of status of RA process?

62 11/21/2017 Applicant informed A Bhat, Deputy Director DCD on phone no new information or materials to provide to CCC.

Applicant tells CCC she has no new information. Applicant understands this is more of the CCC stalling process and "asking for more information" when other similarly projects are treated differently.

11/21/2017

11/21/2017 phone call with CCC supervisor A Bhat, she offered to meet next week or week after with applicant. Applicant accepted offer, agreed only if next week or week after.

Applicant sent email to Supervisor A Bhat with 5 proposed dates for meeting with CCC as discussed earlier in the day.

CCC ignored applicant RA request for prompt meeting date for 7 days, then set date another 12 days in future. Stalling and delaying for 3 three weeks!!!

NOT PROMPT RA PROCESSING.

11/21/2017 applicant RA request ASAP meeting with CCC and

applicant & discussed on same on phone, **confirming meeting only if can RA timing with applicant, in next 2 two weeks,** with CCC A

Bhat, Deputy Director and applicant. **Both verbally agreed to week of 11/21/2017 or following week. Applicant refused to agree to longer,**

stalling period. Applicant sent email documenting meeting dates agreed upon, then CCC A Bhat ignored for

Applicant sent email to Supervisor A Bhat with 5 proposed dates for meeting with CCC as discussed earlier in the day. requested the following dates for the meeting on Tuesday 11/21/2017 by sending an email to Aruna Bhat: Applicant (see email sent to 3 diff. CCC staff) said, "Might we meet anytime Wednesday the 29th 2:15 or later, Thursday the 30th 2:15 or later, Friday December 1 at 9:15 to 10:15, Saturday, December 2 all day or perhaps Monday, December 4 at 1:45 or later?"

64

11/21/2017

Email from A Bhat, Deputy Director DCD, explains again CCC not denied applicants RA request. CCC doesn't see a NEXUS and can't grant reasonable exception. **Said CCC staff would be Ok with meeting with applicant.**

CCC staff state "unable to find any nexus".

CCC "internal RA Policy" never states it is applicants duty to write out the complex "nexus analysis." CCC has "internal RA policy" that is vague, incomplete, in error in some places (violates confidentiality RA requirements see Fair Employment & Housing Council Regulations Article 18 section 12176 Reasonable Accommodations(b) Confidentiality also other Federal and State privacy protection laws.

65

11/21/2017

Applicant sent email to Supervisor A Bhat with 5 proposed dates for meeting with CCC as discussed earlier in the day. Applicant provided dates as per verbal contract agreement, proposed anytime **Wednesday Nov 29th 2:15 or later, Thursday the 30th, Nov, 215 or later, Friday December 1 at 9:15 to 10:15, Saturday, December 2 all day or perhaps Monday, December 4 at 1:45 ?**

Timely processing of RA request critical for non discrimination of disabled person.

CCC should have requested, initiated communication process much earlier in the RA process to request meeting. Not after they sent, and represented, this was THE DENIAL letter to applicants RA request on 9/29/2017.

66

11/30/2017 Email from D Kelly, staff CCC DCD suggesting ONE meeting date, December 12th, more than 3 weeks later. CCC ignored applicant email of 5 suggested dates proposed on 11/21/2017.

Stalling, not prompt RA processing, shows CCC indifference to applicant and indifference to 11/21/2017 agreement with A Bhat that meeting would be within 2 weeks of 11/21/2017.

67

11/30/2017 Email from applicant to A Bhat, Deputy Director DCD, and D Kelly, staff "suggesting we try to move my project along quickly... applicant asked again, can CCC meet on Friday December 1 at 9:15 to 10:15, Saturday, December 2 all day or perhaps Monday, December 4 at 1:45 or later? Stated time is of the essence, 3 week delay is unacceptable.

Stalling. RA applications should be processed promptly to show respect and non-discrimination to applicant

68

11/30/2017 Another email from applicant, proposed 21 day delay is **unacceptable**. It is **unacceptable for Supervisor agreeing to "this week or next on 11/21/2017 then change terms of agreement to delay again**. Answered the request for additional information in the letter received from the county, dated November 17, 2017 that is not considered a denial letter, Item number one, CCC requested submittal of additional documentation with a dimensional floor plan and a site plan drawn to scale with contour data detailing the location of the proposed residence on parcel B. **Applicant informed CCC the information was already provided in the email that I sent CCC (Aruna Bhat) on September 29, 2017 with the attachments of the dimensional floor plans and a site plan drawn on a topo map to scale!!!** Please refer to that correspondence for the information requested in the 11/17/2017 CCC letter to applicant AND information in 10/5/2017 detailed RA request packet.

Additional delay proposed by CCC, proposed another 3 week delay unacceptable and unwarranted.

Also answered CCC "request for additional information" that they already have this information. CCC consistently, over last 4 years of this project, asks for "additional information to stall the project".

CCC is indifferent to foot pain applicant suffering, discriminating against disabled senior. Staff needs to organize and preserve all documents submitted to CCC and follow proper laws.

69

11/30/2017 11/30/2017 CCC S Tully sends email to applicant, CCC staff D Kelly, per S Tully, "kindly ask for your patience with D Kelly as she has not been briefed on the specifics of your request, and is only assisting with the scheduling of this meeting as requested by Aruna and myself." Supervisor A Bhat should have given staff D Kelly the assignment of scheduling promptly. Meeting on 12/12/2017 is **NOT PROMT RA processing**.

Staff in charge of scheduling meeting not given the assignment promptly, causing more delays in RA request.

11/30/2017 Applicant sends email to Tully, Bhat, Kelly stating 12/12/2017 meeting three weeks (21 days) out from Aruna's original date of request of meeting, which occurred after the November 17, 2017 letter applicant received from the county, is too far out for prompt reasonable accommodation request processing.

CCC did not adhere to agreement to have prompt meeting scheduled. Again, request speed up processing of RA request for disabled person.

12/4/2017 Email regarding conversation between CCC PW K Dahl and Collect and Convey requirement. M Summers, consultant said, Collect and Convey could be "deal Killer".

Documentation of email with notes of conversation. Applicant also has copies of CCC PW documents where CCC writes their is

CCC continues to deny, renders infeasible entire project, process, application and rights to build, due to staff interpretation of Collect and Convey when applicant is treated differently than other lot splits that get special advantageous treatment. **Other non-disabled folks, similarly situated are treated differently. See applicants Nexus letter for detail and CCC project Amhdi Arfa MS16-0015, Edward Bottorff and Laurie Dunne and Linda Sanders MS10-0001.**

See project **Westbrough 14 unit condo project** (same neighborhood as my project) that CCC admitted did not have sufficient drainage, but approved the 14 unit condo project, showing special preference. Disabled folks don't get special preference from CCC.

73 12/5/2017

Applicant receives CCC RA formal response denial response letter, no good faith efforts. Applicant very stressed out, not sleeping thru nights, emotionally hurt, can't understand why CCC ignores laws, singled senior disabled person to discriminate.

CCC only allows 10 day appeal period, right before Christmas.

The law states if not prompt processing by government, then all requests are granted.

CCC denied every RA request by applicant. CCC did not use required by law analysis of RA by showing findings and decisions.

Ignored own CCC RA policy to base on various factors. Ignored General Plan policies, indifferent to applicants disability. That's over 50% exceeding CCC own policy! Material delay, stalling in process.

CCC just DENIED ALL APPLICANTS RA REQUESTS, no RA consideration.

CCC "internal" RA policy and current and past General Plans and related elements all laws regarding RA.

CCC "10 day" Applicant appeal process is unfair: as CCC, in violation of their own "internal" RA policy (45 days rule allowed for CCC to process) took over 68 days, over 2 months! This is excess stalling.

CCC did not follow its own RA policy by not complying with its own internal policy deadline. 68 days to process.

74 12/5/2017 12/5/2017 Applicant receives Denial Letter, Final

Determination letter from CCC; 68 days after RA request of 9/29/2017

12/6/2017

12/6/2017 Applicant requests verbal and by email RA assistance be provided by CCC with preparing her appeal - procedures, any forms, the necessary type content needed to win appeal as "CCC "internal RA Policy" lacking many details, not user-friendly . CCC only allowed 10 days to appeal, so again time is of the essence.

Staff Sean Tully emails on 12/7/2017 "...that you are seeking assistance in preparing that appeal. However, Conservation and Development Department staff will not be able to directly assist you in preparing that appeal as that would be a conflict of interest. I am available to provide you with additional information regarding the process, timing, and other matters to ensure that your appeal is received in a timely matter."

Request for staff assistance by disabled applicant denied by CCC S Tully by email. The law states a person responsible for responding to accommodation requests must treat a request by an individual with a disability for assistance in completing forms or in following procedures, during the accommodation process, as a request for reasonable accommodations that must be responded to in the same manner as any other RA request. The duty to provide RA is an ongoing duty.

Documentation: Email reply, 12/7/2017 from S Tully refusing to assist preparing applicants appeal due to "conflict of interest". CCC refuses to provide effective interactive communication process,

12/7/2017 CCC charging \$125.00 for appeal fee for RA denial; will not provide requested assistance for RA preparation of appeal. Permit is extended as timely filing made.

Request for staff assistance for appeal preparation to help disabled applicant denied by CCC.

12/12/2017 Applicant files appeal to Director of DCD addressing CCC 12/5/2017 RA formal response denial response letter.

Appeal filed, date stamped with CCC on 12/12/2017.

Applicant almost fell as CCC 2nd inner door to DCD offices too heavy for a disabled person to enter while carrying a purse and files. Dangerous and not ADA compliant. Not assessable to hand in applicant's appeal.

DCD director does not bother, indifferent to RA LAW requiring "PROMPT" processing. Director does not respond until May 9, 2018. ****Five months delay- 5 long anxiety filled months. ****(Stalling, indifferent, unreasonable delay). CCC just DENIED ALL APPLICANTS RA REQUESTS.

CCC should have responded in 45 days, a reasonable time, prompt and processing period time limit as outlined in CCC RA "internal" written policy. CCC needs to follow their own rules and 45 day limit as per their "internal RA policy"!

12/20/2017 Applicant emails S Tully, A Bhat, requesting CCC move the project along. Time is of the essence!

Applicants additional RA request for prompt processing ignored. CCC internal RA policy does not mention the interactive communication process for RA required by law. CCC has an ineffective communication process that leads to discrimination of disabled people.

Applicant informed CCC she "needs surgery on my foot, constant high level of pain when trying to walk is persistent and affecting my physical and emotional daily life in a very negative, harmful manner."

12/20/2017 Email from S Tully, confirming the RA policy is only an internal policy, not adopted by BoTS.

S Tully stated in email, "RA policy is only an internal policy, not adopted by BoTS as CCC..." staff had mislead applicant in past. Not a Codified Board of Supervisor approved, not department approved, not on any letterhead, no approval signature anywhere on the document.

4/17/2018 Applicant sent CCC S Tully, A Bhat and Director of DCD email requesting update, 5 MONTHS WAITING for decision, excess time discriminatory. Appeal filed 12/12/2017 now its 4/17/2018. These are actions inconsistency with the general plan, the housing element and the internet Reasonable Accommodation Policy.

DCD follows CCC "internal RA Policy" of ignoring RA requests, refusing to engage in PROMPT effective interactive communication process with disabled persons.

4/25/2018 Applicant request meeting with CCC Director and Deputy Director. Deputy Director states "For the basis of our review, we have already determined and accepted that you do have a disability."

4/30/2018 Meet with CCC Director and Deputy Director regard medical issues. Items on Agenda. Director over half an hour late. Last agenda item was Other, yet neither CCC management asked any questions or offered any comments. Applicant does ask A Bhat if she understands "takings" and the scenic easement of over 40% of my property. A Bhat does not appear to want to discuss.

5/9/2018 Applicant sent CCC S Tully, A Bhat and Director of DCD email requesting update and requesting prompt processing of RA appeal filed on 12/12/2017. Asked CCC to please follow the prompt processing laws as the Director DCD of Contra Costa County has great administrative decision making powers and has the powers to fast track this appeal that has been languishing and ignored?

CCC ignores their own General Plan laws, goal etc.

CCC has not, in good faith, applied the laws of RA to applicants process. 5 months and still waiting.

DCD follows CCC "internal RA Policy" of ignoring RA requests, refusing to engage in PROMPT effective interactive communication process with disabled persons.

CCC verified they confirmed and accepted applicant has qualified RA feet disability.

CCC Director and Deputy Director met with applicant and did not ask any questions or communicate much even though there was time to communicate.

Better, interactive, communication processes need to be established by CCC, it should not rest with the applicant to initiate communications. Positive, prompt, interactive communication process needed.

It appears, CCC has not, in good faith, applied the laws of RA to applicants process. **Almost 5 months and still waiting for a response from Director of DCD for 12/12/2017 appeal request filed.** NO CCC TIMELY AND CORRINATED PROCESSING.

Director of DCD ignored RA Prompt process laws and CCC own General Plan (see applicant 10/5/2017 email to CCC S Tully informing him of RA, Discrimination, Prompt Processing, etc. many laws).

For example, CCC General Plan states "... GOAL 7 Mitigate potential governmental constraints to housing development and affordability. Policy 7.2 (GP6-91) Policy 7.4 Expand efforts to provide for timely and coordinated processing of residential development projects in order to minimize project holding costs and encourage housing production. (GP HE pg.6-92)."

5/9/2018

Receive denial letter from Director of CCC DCD. CCC Director made many errors with incorrect information and misrepresented facts.

For example, on the top of page 2, incorrect detail are written regarding setting up a meeting and phone calls with A Bhat on 11/21/2017 - see above #64 timeline for correct facts and emails to document correct fact.

Correct applicant submittal date S/B 9/29/2017, not incorrect date of 10/20/2017 pg1 last paragraph.

CCC request for additional information WAS GIVEN TWICE TO CCC by applicant (applicant complied with request), yet the Director again states they have not received the information. There are too numerous errors by Director to document here. There are many misconstrued and mistakenly represented "facts" in the denial letter. These are serious errors as the letter could mislead a reader and they would come to the wrong conclusions.

CCC needs an effective information process, proper recordkeeping and system to log the RA process so dates are correctly documented, documents are not lost, reply's to appeals are written correctly, information is not materially misrepresented and facts are reported truthfully. CCC does not promptly process. This project should be "Deemed Approved" per the Permit Streamline Act.

Director stated CCC did not receive info requested however applicant sent TWICE to staff. RA process unfair, 9/29/2017 filed RA request, now over 8 month later, finally get full denial of RA appeal request. More stalling. CCC did not use required by law analysis of RA by showing findings and decisions. Ignored own CCC RA policy to base on various factors. Ignored General Plan policies, indifferent to applicants disability.

Deputy Director A Bhat 11/21/2017 material misrepresented CCC intent to engage in RA effective interactive communication process by proposed to meet in next 10 days then allowing CCC to set meeting date 3 weeks later, again stalling process, see below and comment #64 dated 11/21/2017.

Director J Kopchik then incorrectly communicated the facts, misrepresenting the truth.

11/21/2017 Similarly, on 11/21/2017 phone call with CCC supervisor A Bhat, she offered to meet next week or week after with applicant. Applicant accepted offer, agreed only if next week or week after. Applicant sent email to Supervisor A Bhat with 5 proposed dates for meeting with CCC as discussed earlier in the day.

CCC ignored applicant RA request for prompt meeting date for 7 days; then set date another 12 days in future. Stalling and delaying for 3 three weeks!!!

NOT PROMPT RA PROCESSING.

11/21/2017 applicant RA request ASAP meeting with CCC and applicant & discussed on same on phone, confirming meeting only if can RA timing with applicant, in next 2 two weeks, with CCC A Bhat, Deputy Director and applicant. Both verbally agreed to week of 11/21/2017 or following week. Applicant refused to agree to longer, stalling period. Applicant sent email documenting meeting dates agreed upon, then CCC A Bhat ignored for

Applicant sent email to Supervisor A Bhat with 5 proposed dates for meeting with CCC as discussed earlier in the day. requested the following dates for the meeting on Tuesday 11/21/2017 by sending an email to Aruna Bhat: Applicant (see email sent to 3 diff. CCC staff) said, "Might we meet anytime Wednesday the 29th 215 or later, Thursday the 30th 215 or later, Friday December 1 at 915 to 1015, Saturday, December 2 all day or perhaps Monday, December 4 at 1:45 or later?"

5/9/2017

CCC Denial Letter, signed by DCD Director, tells applicant page 5 and 6 of 5/9/2017 letter that, "...County's RA Policy is...she can appeal no later than 5:00pm on Monday, May 21, 2018 by filing with Department of Conservation and Development at 30 Muir Rd., Martinez." Charging \$125.00 fee.

This statement was a material misrepresentation of the CCC "internal RA Policy" and mislead, used error filled interactive process of communication and caused anxiety in applicant greatly.

Director of CCC DCD informed applicant of incorrect procedures.

The actual facts are CCC "internal RA Policy" states, on bottom of page 2, "...Upon review of the case a final decision will be rendered by the Director, subject to appeal to the Board of Supervisors, under the appeal procedures in Title 1, Chapter 14-4 in the County Ordinance Code. County ordinance code says applicant has 30 days not 10 days. County ordinance code says to file with Clerk of the Board, NOT Community Development Department.

Point 5 for the 5/9/2018 Denial letter states applicant "declined to provide requested additional information" "... WHICH IS IN ERROR! APPLICANT SUPPLIED THIS INFORMATION TWICE, CCC LOST AND IGNORED.

Applicant believes CCC Director purposely misdirected applicant's appeal to BofS to invalidate her appeal and have it rejected on a technicality.

5/15/2018

Sent email request to CCC S Tully requesting and extension to the Right to Appeal time period that CCC Director said in letter to applicant is only 10 days as directed and written in DCD Directors Denial letter of 5/9/2018. Might CCC extend the appeal period for 4 more days to 5/25/2018 instead of the required 10 day period in your letter of 5:00pm due on Monday May 21, 2018 as applicant pulled muscle in back?

Response 5/16/2018 Email from Sean Tully denying applicant request for 4 more day extension as she hurt her back, pulled muscle.

Sean said, "Unfortunately, the Department of Conservation and Development will not be able to grant an extension for the appeal period as you have requested. This decision is based on our protocol of complying with the appeal period time limits that are provided in the County ordinance."

86

5/16/2018

Denial for RA applicant request for 4 additional days to prepare appeal to Directors denial of RA request, applicant hurt back.

CCC gets over 5 months being indifferent to applicants request for prompt processing, but CCC refuses, denies 4 day extension when applicant pulls muscle in back due to walking incorrectly due to disability.

87

5/21/2018

Applicant drives to CCC DCD office, files appeal. Almost fell on face as 2nd door not handicap assessable, very heavy, must push open.

CCC DCD office is not assessable to disabled folks. Includes picture of wheelchair ramp, same pic I gave CCC with 10/5/2017 detail accommodation.

88

week of
5/21/2017

Applicant phones Clerk of the Board office and requests assistance with required CCC "internal" RA policy about appeals, last line "...appeal to the Board of Supervisors, under the appeal procedures in Title 1, Chapter 14-4 in the County Ordinance Code."

Applicant does not understand, nor is the "Internal" RA policy clear, nor is easily readable and understandable. Questions also about "...verified written notice of appeal..." Clerk of Board doesn't know what the verbiage is to properly sign the appeal so it won't be thrown out on a technicality. They tried to help, but were unable to provide correct information. More training needed to help with RA information requests and the "internal" RA policy needs to be better written.

89

5/28/2018

Applicant sends email to S Tully regarding fees charged by CCC. Applicant has paid all fees and had a credit when RA process started. CCC "transferred" many charges but not the revenue so they could "bill applicant".

CCC "internal RA Policy" is too vague, does not clarify how to calculate RA fees due. S Tully ignores applicants written request for details. It is against the law to charge again and again for RA requests.

RA does not instruct staff how to bill properly. CCC "transferred staff fee charges" but did not transfer any of the payments made by applicant so it would look like applicant owes money. This constitutes erroneous billing RA policy procedures and false billings. Where did applicant's payments made go? Did someone take my money paid CCC? What are the record keeping procedures?

6/5/2018 Applicant files 2nd appeal with CCC Clerk of the Board.

Discussed CCC staff R. Pietra's intentionally created discriminatory CoFA, did not inform applicant of RA rules and laws. Also discussed not prompt process, not effective interactive communication process by CCC, attached documents showing CCC never had a written RA policy until 2016 and letter for State of CA office of the Attorney General 5/15/2001 telling municipal entities to: Title of letter: Adopt A Reasonable Accommodation Procedure.

6/6/2018 Applicant emails Director Kopchik regarding his errors in written instructions in his 5-9-2018 Denial Letter responding to, Applicant's 12/12/2017 Appeal filed, item #3 states as follows:
"Right to Appeal. Please be advised that under the County's Reasonable Accommodation Policy the Director's Determination may be appealed to the County Board of Supervisors. Any person may appeal the determination by filing a valid letter of appeal with the CDD. To be valid, an appeal letter must:

These incorrect directions in CCC Directors letter were materially misleading. The directions the Director gave applicant violated the RA policy and were not in compliance with the actual CCC Ordinance Code required in the RA policy.

1. Identify the County File Number referenced above and state the reasons for the appeal.

The correct instructions were " ... Ordinance Code says, " 14-4.004 - Notice filed by appellant... The appellant shall, within thirty days of the action appealed from, file with the clerk of the board a verified written notice of appeal concisely stating the facts of the case and the grounds for his appeal.

2. Be accompanied by an appeal fee of \$ 125. Checks should be made payable to Contra Costa County.

Why would the Director of the entire DCD of CCC materially mislead a disabled applicant? Appears this is the custom and policy of CCC in treatment of disabled persons requesting RA process.

3. Be received at the following address no later than 5:00 P.M. on Monday, May 21, 2018 (only ten, 10 days

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

6/6/2018 CCC Clerk of the Board of Supervisor sends letter dated 6-6-2018 stating in writing 90 review and processing of appeal to set Board of Sup. Hearing date

Board of Supervisor hearing not held in 2018. Applicant filed RA request 9/29/2018 still no hearing in 2018. Not prompt process.

6/13/2018 Applicant requests meeting with Director Kopchick and A Bhat to confirm feet disability.

CCC observes applicants feet and x-rays. Confirm disability. Applicant requests a meeting with Public Works.

Why is CCC Charging fees these last 8 months? Applicant told CCC many times it is against the RA laws to charge fees.

Applicant can not get in door, almost fell on face, stranger helped me from falling. Door too heavy. Applicant called CCC and requested they fixed.

93.1

7/3/2018 Letter of meeting notes from DCD S. Tully regarding 6/13/2018 meeting.

CCC documents they are charging fee to applicant for RA. Never addressed many letters regarding double billed fees CCC keeps sending applicant to intimidate her.

CCC states in letter, pg. 2 #6 last sentence, my permit will expire on 12/24/2018 and applicant must satisfy all CoFA by that date or the filing period of the map will expire. CCC has stalled for years and now the map and CoFA will expire? What kind of RA "prompt processing" is this? CCC is stalling and in the letter asking for more information, more submittals of applicant information to stall more so her permit will expire.

93.2

7/16/2018 Email from S Tully, applicant has feet disability. CCC agrees, in writing, that applicant has requested, a number of times, that details of my disability be kept private.

Email CCC agrees feet disability. CCC agrees applicant requested confidentiality, privacy number of times. CCC S Tully says denial due to failure of CCC to find RA request was necessary for access to residence.

94

6/27/2018 Applicants request for PW meeting is attended.

Sean Tully requests verbally in meeting applicant prepares a complex Nexus Analysis as BofS will need it for their appeal review.

Access to PW building requires stairs. No other access.
Applicant almost fell trying to get into the building. No sign,
no ramp to access the building. CCC does not welcome and
make accessible disabled persons.

CCC "internal RA policy" does not state requirement complex Nexus Analysis is required of disabled applicants.

Applicant believes CCC is adding barriers to the RA process so CCC can state disabled applicants "did not comply with the details of the requirement properly and therefore CCC denies the appeal RA request".

95

6/29/2018 Applicant calls and sends email to Sean Tully requesting RA help in preparing complex nexus analysis.

CCC staff S Tully denies applicants RA request for help and assistance in preparing complex RA analysis. Tully said in email, "...Good afternoon. As mentioned during our conversation, staff is unable to help you with preparing documentation for your appeal. "

96

7/3/2018 Letter from S Tully "memorialize" applicant meeting with DCD CCC will deny all RA requests. CCC will require open public hearing for S Tully. See 7/9/2018 date comments below.

Applicant prepared and handed out Agenda at meeting.

BoFS appeal hearing in violation of privacy rights. CCC said they would not extend my permit and it would expire at end of 2018, causing great distress and anxiety of applicant. CCC said they would waive all charges for RA review but will go back and rebill (even though applicant paid in full with overpaid balance as of 6/2017. See billing 8/30/2018 CCC \$3,750.00 that includes 2014 charges and RA 12/2017 charges. This is an intimidation tactic that is causing applicant great anxiety!!!

97

7/9/2018 Applicant files CCC requested "Nexus" Analysis at BoFS Clerk of the Board.

Applicant provides in detail "Nexus" analysis and the connection to each request for Reasonable Accommodation and Removal of Governmental Constraints as CCC continually insists applicant prepare.

98

7/9/2018 Applicant receives letter from S. Tully attempting to document the results of the 6/13/2018 meeting with Director Kopchick and A Bhat to confirm feet disability.

Number #6 of the letter received implies CCC will not allow applicant to continue process her tentative map, saying it will expire at 12/31/2018. Staff S Tully assured me in writing (see 11/2/2017 email) that "...Ms. Rose has complied with many of the projects conditions of approval and has filed a map with our offices, Ms. Rose will not have to worry about the Subdivision Map expiring. Although she has not yet recorded the Parcel Map, her permit is viewed as "exercised".

Answer and response to letter, see next excel cells dated 7/9/2018..

Applicant is relying on CCC staff written rules to continue with her process of her permit.

99

7/9/2018 Applicant receives letter from S. Tully attempting to document the results of the 6/13/2018 meeting with Director Kopchick and A Bhat to confirm feet disability.

Page 2 of letter dated 7-3-2018 from S Tully states, "DCD staff reaffirmed the County does not Question the existence of your or your spouse's disability.

100

7/9/2018

Applicant receives letter from S. Tully attempting to document the results of the 6/13/2018 meeting with Director Kopchick and A Bhat to confirm feet disability.

Answer and response to letter, see next below.

Number 7 and 8 of the 7/3/2018 letter from CCC states CCC policy of appeal fees and CCC Charging for Reasonable Accommodations under federal and state laws. CCC "internal RA policy" is silent on RA process billing, so Director makes up his own rules for each disabled applicant. It is against the law to bill for RA services. CCC "internal RA Policy" and customs lead to ignoring 7 requests for information by disabled person. The incorrect invoice is continually received by applicant for many months.

More importantly, it is a dishonest RA procedure to take old billings and charges already paid in full by applicant and "transfer" to a different account and not transfer the related payments. Then CCC continues to present as a outstanding bill due and payable to applicant.

Finally, CCC RA procedures and processes staff uses by referring to the CCC "internal RA Policy" allows discriminatory "double billing" for charges applicant already paid for, "double, rebilling" of fully paid for services is causing anxiety to applicant.

CCC states in the letter additional "...charges detailing the waiver of the RA review charges will be sent to you separately once completed."

CCC should not bill for RA processing, that is illegal.

CCC should not go back and "rebill", billing should be done on a monthly basis.

101 7/9/2018 Applicant googles CCC Affirmative Action Plan. The plan is dated January 2007.

102 7/9/2018 Applicant googles CCC Health Plan.

CCC sponsors a group health plan to employees. CCC seeks Medicare reimbursement for services and is a "covered entity" under HIPAA. Local government qualify as HIPAA have extensive list of duties under the privacy rules.

103

7/16/2018 Email from S Tully confirming and explaining various questions from applicant.

1. The County's understanding throughout this process has been that your disability is in relation to your feet. We have, and will continue, to review your RA request in relation to that disability.
2. No document has been produced to formally acknowledge your disability because our Department has never questioned the existence of your disability.
3. With regard to the confirmation of your condition as being a Federally or State RA qualifying disability for reasonable accommodations requests, I am unaware of specific criteria that the code/law has outlined for that type of determination being made. The Fair Housing Act does define a "person with a disability", and there has been no dispute or statement from the County that you fail to meet that definition. The December 5, 2017 and May 9, 2018 denials from the Department of Conservation and Development advise that each determination was a result of a failure to find that the RA request was necessary for access to or construction of the proposed residence; not due to the lack of a "Federal or State RA qualifying disability".

104

7/23/2018 Applicant requests CCC DCD and PW honor her request in this email for protection, disclosure and privacy rights and laws relating to medical (disability) information and disclosures. Requests BofS appeal not heard at public hearing.

CCC RA "internal policy" does not protect applicants right to privacy, medical and protection of her disability status disclosure protection.
BofS appeal hearings are on TV, everything on agenda and in minutes is disclosed to the public. Even using the word Reasonable
Accommodation signifies disability of applicant and disclosures this over the world wide internet.

CCC internal RA policy is inadequate, incomplete and leads to discrimination.

105.1 7/30/2018 Applicant had requested the form that must be signed prior to release the of private protected medical information. CCC confirms by email S Tully there are no forms or CCC DCD RA housing policy regarding compliance rules and policy with confidentiality requirements regarding my reasonable accommodation process for protecting medical information.

CCC has no forms or policy or procedures that allows disabled persons appealing the Directors decision to request confidentiality requirements regarding my reasonable accommodation process for protecting medical information. No mention of right of privacy is addressed in CCC internal RA policy.

7/30/2018

Email from Carrie Ricci Deputy Director form attached. Title VI Discrimination Complaint CCC Form. Process also.

Applicant responds, stating "I think it would be best to preserve my rights to communicate and file my own complaint individually with the agency you sometimes could forward to; to exercise my Constitutional due process rights and free speech individually since the complaint could just be forward anyway by CCC. This communication process is so important." Further, applicant states maybe it would be in the applicants best interest, best practices, if the county just notified in writing the applicant that the county decided the complaint should be referred to a different entity (and provide contact information) for processing and give the freedoms to the applicant to act on communicating contacting the referred entity? That way the applicant who had been discriminated against has full control of their own due process constitutional rights, including free speech and rights to decide where, when and how to file and there would never be an question of conflict of interest? This would ensure each and every complaint person would be treated and communicated with in the same, equal, just manner. "

105.3 7/31/2018

Applicant searches internet for CCC policy for Confidential Medical information to comply with the Americans with Disabilities Act.

ADA as amended states, "A state or local government must eliminate any eligibility criteria for participation in programs, activities, and services that screen out or tend to screen out persons with disabilities."

See attached CCC office of the County Administrator Administrative bulletin issued 6/4/2014 addressing Confidential Medical Information in accordance with the ADA as amended. Nothing but employment policies.

105.4 7/31/2018

Applicant emails CCC S Tully regarding her protecting her medical information, requests County Administrator review her appeal.

CCC RA "internal" policy doesn't address or mention or have a separate policy for protection of applicants disability status.

CCC RA "internal" policy violates protect and confidentiality of private medical information and disability status, CCC does not have a form for applicant to sign to protect her disability status in an open public hearing before the BofS.

Applicant has legally protected privacy interest concerning her medical condition. 2. Applicant confirms again I have a more than reasonable expectation of privacy and all related rights in these circumstances of requesting disability RA process from CCC planning and building departments (constitutionally guaranteed right to privacy) for building home of my choice. 3. In fact, again I respectfully request all confidentially and rights to privacy protection laws relating to rights to privacy are complied with by CCC as applicable to my RA request. Further, applicant has not, and does not, give explicit or any other form of verbal or written consent or authorization to disclose my medical information, or waived any of these rights to protecting my medical privacy.

Applicant again requested, Reasonable Accommodation Request, that my appeal is not heard at a Board of Supervisors open, televised public hearing, with electronic transmission of the appeal information on the agenda website!!! CCC will only demonstrate their neglect and intentional, disregard to privacy protection laws.

4. Applicant again requests that my appeal is not heard at a Board of Supervisors open, televised public hearing, with electronic transmission of the appeal information on the agenda website!!!

106.1

8/3/2018

Email from S Tully stating, "As mentioned in my July 30th email, I am not aware of the existence of a form for you to sign for the protection of your medical information related to your RA request." and...

Applicant again, 4th time, provides site plan and building plan to CCC for review.

S Tully also stated, "I am also unaware of any DCD Housing policy regarding compliance with confidentiality requirements regarding your RA process and your medical information. The only RA request documentation available for DCD matters are those that have previously been forwarded to you from the General Plan and from the un-codified RA Policy that has been forwarded to your attention."

107

8/6/2018

Applicant again, 4th time, provides site plan and building plan to CCC for review.

108.10

8/5/2018 Applicant looks up and emails self 2016-2017 CCC Grand Jury report regarding Funding for Flood Control Infrastructure.

108.20

8/16/2018 **Deputy Director, Aruna Bhat, emails applicant to confirm she received applicants original RA request 9/29/2017.**

Report states January 2017 wettest on record since 1973, no major flooding. Report states reserves have not been set aside for replacement costs of CCC flood control system.

109

8/16/2018 S Tully emails applicant with BofS hearing appeal date of 9/18/2018.

Applicant emails back, yes perfect date yet would like County Administrator to protect my privacy rights.

Deputy Director agrees with 9/29/2017 date received for initial submittal date of applicants appeal date BofS. This mean CCC took over 2 months to respond to initial RA request and violated their own General Plan and internal policy.

CCC in letter of 8/23/2018 states, "...there is no provision in the RA Policy or County Ordinance Code that delegates the Board of Supervisor' authority to hear Reasonable Accommodation Appeals to the County Administrator or any other County officer.

Accordingly, the County Administrator is not authorized to hear your Reasonable Accommodation Appeal.

110

8/20/2018

Applicant calls and sends email requesting help from County Administrator and County Council regarding request to protect my applicant privacy rights as the board of supervisors agenda, television broadcasted, open public hearing process under the Brown Act will violate my privacy rights. Also, any notices sent out to neighbors will also violate my privacy rights. My rights are protected under the anti-discrimination, HIPPA and reasonable accommodation laws among **many other laws**.

Email confirming receipt from Eric Suitos, County Counsel. On 8/22/2018 email from Barbara Riveira Senior Management Analyst CCC Administrator's office received email.

110

8/20/2018
8/24/2018

Applicant emails Board of Supervisor office requesting help (RA request) and a meeting with BofS Andersen.

BofS follows CCC "internal RA Policy" of ignoring RA requests, refusing to engage in effective interactive communication process with disabled persons.

Chief of Staff said, "...County Counsel is reviewing your request and we have been advised to await their ruling prior to setting up a meeting." Again, second request to meet with BofS is denied, RA request by disabled person denied again.

Letter from CCC S Tully saying no to closed BofS session, the County Administrator hearing appeal will be an open public hearing (so disability status will not be protected). And CCC suddenly changes the hearing date to next month to stall and punish applicant Again, not complying with RA "prompt" process laws.

111

8/28/2018 Letter received dated 8/23/2018 from CCC S Tully saying no to CCC "internal RA policy" is silent on RA process billing. It is against closed BofS closed session, no the County Administrator hearing the law to bill for RA services. CCC "internal RA Policy" and customs appeal, will be in open public hearing (so disability status will not be protected).

CCC then changes the date of hearing to 10/9/2018 even though they agree to hearing date above of 9/8/2018.

More important, it is a dishonest RA procedures to take old billings and charges already paid in full by applicant and "transfer" to a different account and not transfer the related payments. Then CCC continues to present as a outstanding bill due and payable to applicant.

Finally, CCC RA procedures and processes staff uses by referring to the CCC "internal RA Policy" allows discriminatory "double billing" for charges applicant already paid for, "double, rebilling" of fully paid for services is causing anxiety to applicant.

Finally, Public Works substantially and materially overcharged for Drainage Fees which applicant paid in 2014. CCC PW refuses to answer requests for refunds via phone calls and emails. Refuses to refund.

112 8/30/2018 Applicant receives another erroneous billing 5/10/2018 from CCC for RA services rendered. Applicant emails S Tully the

See packet filed with Clerk of the Board of Supervisors.

7th time asking for detail and backup and explanation.

All billings thru 6/12/2017 AC#47054 were paid in full for prior months. In fact, a credit of \$249.18 overpaid balance was confirmed by CCC numerous monthly statements. Then CCC did a "transfer" billing and appropriated applicants money and rebilled for same services already paid for in the past.

113

9/4/2018 Applicant files BofS packet of information in response to 7/3/2018 letter from S Tully asking for more information.

114

Email from S Tully stating BofS appeal hearing on October 9th, 2018

9/5/2018 Applicant files BofS Packet with Clerk of the Board; CCC Filed additional appeal packet of information with Clerk of the Board of requested additional information for Appeal to BofS- more Supervisor.
detailed Nexus analysis and drawings of house, plans etc. packet.

115

9/11/2018 Applicant email S Tully, RA request meeting and "...if there a No reply from CCC.
reasonable accommodation checklist or RA form I can use to ensure that I have given you all the plans, Information, maps, other unknown CCC requests required to obtain my final permit and final map?

116

9/11/2018 Applicant files additional CCC requested information packet Applicant dropped off letter/packet for BofS hearing, more drawings of site with Dept. of Conservation and Development for BofS appeal plans, elevation plans and building plans and revised wheelchair plans (and hearing. Mostly drawing of house, wheelchair ramp, etc. created an "option 2" plan, less square footage) as requested in CCC July 2018 letter.

117

9/28/2018 Meeting with Board of Supervisor C Andersen and staff Jen with Agenda, see #6 discussed with BofS, CCC not implementing General Plan applicant. Applicant went over Agenda items. See attached policies, goals, not complying with laws. Board of Sup. Andersen requested Agenda. applicant create a "list" of "Discriminating Conditions of Approval" for BofS. Supervisor Andersen mentioned the reasons for the importance of the scenic easement.

118

10/1/2018 Applicant emails drainage information to Board of Sup Andersen.

119

10/2/2018 Applicant spends many hours creating list for BofS and emails to See attached "list" of "Discriminating Conditions of Approval" for BofS BofS with 6 attachments. Applicant emails to BofS office. emailed to C Andersen.

120

10/8/2018 CCC email from S Tully that CCC is postponing my 10/9/2018 Email states DCD Director is postponing due to a "REVISED WRITTEN Board of Supervisors Appeal hearing. DETERMINATION" the director John K. will be sending based on most recent applicant appeal information. Postpone BofS Appeal hearing.

121

10/8/2018 Email from applicant to CCC DCD Director **protesting the postponing of BofS appeal hearing** and request the hearing occur in next 3 weeks.

See attached email. No prompt processing of RA. No valid RA procedures that follow the Federal and State laws. CCC "internal RA policy" incomplete, errors, violates constitutional rights, just a poorly written internal policy, not on CCC letterhead, not codified law. CCC not following this internal policy and now postpones the BofS appeal hearing applicant has been waiting months for per the "internal policy" and CCC discriminatory use of police powers. Applicant stressed out, anxiety.

122

10/11/2018 Meeting with Deputy Director A Bhat, S Tully and applicant to go over the "list" of "Discriminating Conditions of Approval" for BofS. Possible compromises and suggestions from DCD management and staff regarding the discriminatory conditions of approval.

PW S. Gospodchikov behavior discriminatory. See 10/16/2018 email (applicant tried to phone but no reply from Director Brian Balbas). Also, Ms. Bhat had an odd conclusion and discussion regarding the 35 miles site distance for the entire street. See list of A Bhat's interpretations of various CoFA.

A Bhat said applicant needs to work with Public Works directly to address CoFA in PW area. Applicant phoned and sent email request to discuss w/ PW to Director B Balbus and Mike Carlson on 10/15/2018.

Director A Bhat made some peculiar statements during the meeting. For example A Bhat said the CoFA requiring 2 impossible roads could be interpreted as requiring only one driveway. Applicant is trying to compromise with the CCC Deputy Director; using the Deputy Directors

10/15/2018 Applicant sent email to PW and DCD question about how PW and DCD share information on a RA project? See email for more questions.

knowledge of the planning process. Applicant is unsure if this is another discriminatory, bad faith, misleading, undocumented part of the CCC RA internal procedures to stall applicant? Applicant will document A Bhat's opinions of her interpretations on the BofS list as that is what she said.

123

10/15/2018 Email from S Tully with sample attached CoFA for projects in applicants neighborhood.

All samples extremely old, no infill allowed, not for disabled persons, no RA. Examples not useful.

124

10/16/2018 Email to DCD and PW Directors regarding PW Slava Gospodchikov discriminatory comments at the 10/11/2018 RA meeting.

S. Gospodchikov stated, "**1 do not believe the conditions of approval were discriminatory, that it's just a matter of perception...**" Applicant was shocked, immediately upset and extremely insulted by the comment and deeply offended by his inappropriate "critique of disabled me" when we were opening good faith negotiations regarding the conditions of approval modifications. Most important, Slava is prejudice, just because I have physical feet disability, DOES NOT MEAN MY BRAIN DOES NOT WORK, MY PERCEPTION, THOUGHTS are fine."

S. Gospodchikov stated "...I don't know about reasonable accommodations..." CCC needs to train their staff that come to meetings, this is disrespectful, discriminatory treatment.

3. Most discriminatory comments by Slava was stating, "...**reasonable accommodation will NEVER be (used to waive) waived by Public Works for drainage (issues) that effects public safety.**" Slava told applicant could, "change CoFA, can be changed by public hearing to Zoning Administrator, then appeal in public hearing to Planning Commission." Apparently, PW believes RA does not apply to PW department and disabled people hit a solid barrier and inflexible governmental constraints & discriminatory procedures in the PW department.

125
10/16/2018 Email from S Tully, confirming DCD shares information with Public Works.

126
10/26/2018 **Applicant files at PW office, hand delivers, additional Drainage Nexus analysis and appeal information for Bofs appeal additional information with Public Works department** requesting RA as DCD told applicant she needed to discuss certain CoFA with PW.

Drainage Bofs additional drainage detail nexus appeal information to PW. Applicant emailed 10/26/2018 to Director Brian Balbas, Bofs Andersen. Applicant never received a written reply to requests.
CCC ordinance 82-28.468 Hardship appeal states... "physical handicaps cannot qualify as an exceptional hardship." CCC has established a pattern of discrimination by actions, lack of proper procedures and even CCC ordinance does not allow disabled applicant to use appeal.

127
10/28/2018 Applicant email Mike Carlson PW Deputy Director the docs emailed on 10/26/2018 again.

128

10/30/2018 Email from S Tully confirming DCD has received my
10/26/2018 email and 10/30/2018 submittal to PW of additional
drainage information.

128

11/2/2018 Email from Sean Tully with attached 11/2/2018 "Revised DCD
Determination Letter."

Not one of the "revised" determinations allows me to build the
housing of my choice for a disabled person. CCC is painful
aware of their continued discrimination. The other RA requests
were denied and applicant is unable to proceed.

CCC DCD confirms receipt of applicants RA request additional drainage
detailed nexus analysis and appeal information.

Applicant never asked for a revised Determination letter that still denied all
her recent appeal to BofS requests. The DCD Director and the PW director
did not even consider applicants appeal information emailed on 10/26/2018
regarding the drainage.

CCC never provided, even after many requests, the "internal RA policy" until
after applicant submitted her RA request. Very hard for the public to follow
a policy if CCC refuses to provide, this is discriminatory treatment.

The Directors letter has errors that are misleading. Applicant submitted her
RA on 9/29/2017, not 10/20/2017. See email from Deputy Director A Bhat
confirm RA submitted 9/29/2018. CCC violated their "internal RA policy"
due date. Another error, page 2, 3rd paragraph, states CCC requested
additional information. See email from S Tully dated 11/8/2017 stating CCC
has all information required of applicant. CCC procedures for
communication between staff, keeping accurate information, and following
the RA internal policy are inadequate. These types of misleading errors
should not occur.

129

11/5/2018 Applicant emails PW Director Brian Balbas and Dep. Dir. Mike
Carlson requesting the PW Reasonable Accommodation policy
and why DCD director denial letter dated 11/2/2018 did not
mention all the information I sent PW.

No reply from PW.

130

11/6/2018 Phone call and email to Mike Carlson requesting he call
applicant.

Email back, M Carlson will call at 4:00pm. Did not call until after 5:00pm,
said he has not read my packet submitted and only had 10 minutes to talk.
Said he would review and get back to me.

131

11/8/2018 Applicant contacts risk management.

132

11/8/2018 Phone meeting with A Bhat, to review list of discriminating Conditions of Approval for BofS. Possible compromises and suggestions from DCD management and staff regarding the discriminatory conditions of approval.

2nd meeting (half hour) regarding the BofS list of discriminatory CoFA. See attached minutes email to BofS, Director DCD and Director PW. Applicant very upset, more CCC stalling and discrimination and wasting applicants time as this part of the RA process, process will result in no solution per A Bhat.

A Bhat stated on the phone today that no written letter, no legal CCC letter head, no signature of authority will be given to applicant after the "BofS list" negotiations, compromises and A Bhat's "interpretations of CoFA" to prove any of the "interpretation" changes to CoFA exist in the future; so no legal evidence of any "interpretation" changes. Is that how CCC treats union agreement negotiations, no documentation of compromises of future legal reference? Or is this more discrimination against a disabled person, CCC actions show we don't deserve any legal, valid documentation because we are disabled? See entire email, applicant experiencing anxiety over this odd procedure CCC is applying to the RA process.

133

11/8/2018 Applicant has repeatedly requested a meeting with Public Works (PW) Director Brian Balbas to discuss outstanding issues including drainage CoFA and special PW appeal procedures. Over 6 phone calls and 5 emails.

CCC doesn't engage in a prompt, interactive RA process.

CCC PW Director B Balbus sends email stating, "... With that said, I'm happy to meet with you as schedules allow, however I have been made aware of the circumstance and reasonable accommodations you have requested and as I previously stated, I am not of the opinion that the existing conditions should be modified at this time." PW Brian also says, "The Public Works conditions required as part of this application are appropriate, consistent with similar applications and shall remain in place." That is a falsehood. CoFA 48 site distance ALL driveways and #54 that applicant MUST GUARANTEE ADEQUACY are not consistent with similar applications. CCC is discriminating.

This statement shows Public Works has no intention of following RA laws or CCC General Plan or CCC internal RA policy.

134

11/26/2018 Meeting with DCD Director and A Bhat and applicant.

See agenda and Minutes of meeting. Of note, applicant brought up topic of RA and CCC implementing of the CCC Consortium Analysis of Impediments to Fair Housing Choice Plan and implementing the current Action Plan relating to HUD funds such as CDBG Federal grants relating to funding of certain projects. Please include the Fair Housing Education and Enforcement sections and Government Barriers section with impediments discussed and actions taken to address disabled folks and money spent for disabled folks. Applicant asked, how the DCD CD is answering the Annual Housing Element Progress Report to Sacramento state officials relating to RA process and fair housing?

135

12/3/2018

Drive to Martinez, submit Additional information documenting CCC RA process and treatment of applicant since CCC "postponed" BofS hearing.

136

Mary Dunne Rose

#53.2

From: Sean Tully <Sean.Tully@dcd.cccounty.us>
Sent: Wednesday, November 8, 2017 12:49 PM
To: Mark Summers
Cc: 217061; Mary Dunne Rose; Vince D'Alo
Subject: RE: Mary Dunne Rose: One Question (two questions)

Mark:

Good afternoon. Per our conversation, I have all the information that has been requested of me to date. A final determination from the County should be coming shortly.

SEAN TULLY
SENIOR PLANNER
CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
30 MUIR ROAD
MARTINEZ, CA 94553
(925) 674-7800 PH
(925) 674-7258 FX

From: Mark Summers [mailto:msummers@aliquot.com]
Sent: Wednesday, November 08, 2017 12:06 PM
To: Sean Tully <Sean.Tully@dcd.cccounty.us>
Cc: 217061 <217061@aliquot.com>; Mary Dunne Rose <marydrose1@gmail.com>; Vince D'Alo <vdalo@aliquot.com>
Subject: RE: Mary Dunne Rose: One Question (two questions)

Good morning Sean,

Please confirm that you have all the information you need from Mary per our phone conversation yesterday afternoon. My understanding is that we're expecting a determination letter from the County later this week or early next week.

Thank you,

Mark Summers, PE
Aliquot Associates, Inc.
PLANNERS | CIVIL ENGINEERS | SURVEYORS
WALNUT CREEK 1390 S. Main St. – Ste. 310 | Walnut Creek, CA 94596
OAKLAND 460 Boulevard Way, 2nd Floor | Oakland, CA 94610
Main: (925) 476-2300 | Direct: (925) 476-2329
Cell: (925) 917-1022 | Fax: (925) 476-2350

From: Sean Tully [mailto:Sean.Tully@dcd.cccounty.us]
Sent: Monday, November 06, 2017 3:41 PM
To: Mark Summers
Subject: Mary Dunne Rose: One Question

#83

THE PERMIT STREAMLINING ACT AND OTHER DEVELOPMENT TIME LIMITS

By John Eastman
Richmond City Attorney

For years, the time limits within which government agencies were required to approve or deny development projects were set forth in a confusing patchwork of statutory schemes that were seemingly irreconcilable. Beginning in the 1990s, however, the Legislature began enacting a series of measures to coordinate the time limits imposed by the Permit Streamlining Act (Government Code § 65920 *et seq.*), the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 *et seq.*), and the Subdivision Map Act (Government Code § 66410 *et seq.*). These Acts will be discussed in turn.

I. The Permit Streamlining Act

The Permit Streamlining Act was enacted in 1977 in order to expedite the processing of permits for development projects. Government Code § 65921.

The Permit Streamlining Act achieves this goal by (1) setting forth various time limits within which state and local government agencies must either approve or disapprove permits and (2) providing that these time limits may be extended once (and only once) by agreement between the parties.

Although hardly a paper tiger, the Permit Streamlining Act is less efficacious than it appears at first blush. As explained immediately below, a permit may not be deemed approved until the agency is provided with notice of the applicant's intent to invoke the Act, and an opportunity to hold a public hearing to decide whether to approve or deny the project. Further, a permit may not be deemed approved until the agency has complied with CEQA. Finally, the Permit Streamlining Act does not apply to legislative land use decisions or to ministerial permits.

A. Deemed Approval

If a local agency fails to approve or disapprove the permit within the time limits specified below, the permit is subject to being "deemed approved." Government Code § 65956(b). A deemed-approved permit confers the same privileges and entitlements as a regularly issued permit. *Ciani v. San Diego Trust & Savings Commission*, 233 Cal. App. 3d 1604, 1613, 285 Cal. Rptr. 699, 705 (1991).

If a local legislative body votes to deny a project within the time limits of the Permit Streamlining Act, but directs staff to return with a resolution on a date that falls outside of the Permit Streamlining Act's time limits, the application is timely denied and does not result in a deemed-approved project. The Permit Streamlining Act does not require that a denial be absolutely final in order to be timely. *El Dorado Palm Springs v. City of Palm Springs*, 96 Cal. App. 4th 1153, 118 Cal. Rptr. 2d 15 (2002).

PLEASE SET CELL PHONES TO
VIBRATION OR TURN THEM OFF
DURING THE MEETING.

#98.1

CCC and Applicant Meeting

(Reasonable Accommodation Appeal for Lot Split MS 060037 78 Grandview Place Walnut Creek CA)

Confidential * Wednesday, June 13, 2018 at 1:00pm

Department of Conservation and Development Contra Costa County (DCD CCC) 30 Muir Road Martinez, CA

AGENDA

Attending – John Kopchik Director DCD CCC, Aruna Bhat Deputy Director DCD CCC, Sean Tully, Staff, Mary Dunne Rose Applicant

Introductions – Self-Introductions of all attendees

Agenda Topics:

- X 1. **Inner Front Door Not Disability Friendly** – The public use inner front door to 30 Muir Rd., DCD does not appear to be law compliant regarding disability assessability of the inner front door. Exceeds weight requirement to open door, no automatic opener for inner door. Applicant almost fell on face when trying to open last visit. }
2. **Go Over and Explain the "Deferred Improvement Agreement"** – is this standard language, why lot A and B, why say city not CCC first page, when is it triggered over \$200,000 to \$900,000 or more cost at least of improvements- just on PW whim? How is the "payments" required by CCC, time required by PW, how is it set-fair, reasonable, nondiscriminatory? See Exhibit B, required improvements "1600 square feet of street paving (no room on Panoramic Way)? put in retaining walls, and drainage ("guarantee drainage") put in new drainage, relocate all utility's (drainage, PGE, Phone, Cable lines). Is this given to over 90% of every lot split? What about just charging the drainage fee applicant has already paid?
3. **Front Yard Setback on Grandview Place** - Next door neighbor to lot B has a front yard 5 foot or less (looks like zero) setback. Other neighbors also have less than 10-foot setback in my neighborhood. It is common on my street to have less than the required front yard setback. Could CCC take a look please?
- X 4. **CCC Retaliation Against Applicant** – Retaliation against applicant and her property for requesting Reasonable Accommodation (RA) should be a prohibited act by CCC personnel and such language banning retaliatory acts by CCC personnel against applicant and her property could be written in the RA policy to help prevent discrimination.
- X 5. **Fees Charged for RA Processing** – What are the fees charged by CCC for RA processing? Is there a written fee schedule applicant can review?
6. **Time for Answering Emails** – What is CCC policy regarding the standard time for staff to answer phone calls and emails? One day, two days a week?
7. **Review Conditions of Approval** - for reasonableness, nexus, commonality, ect.
- X 8. **Applicant Requests Confidentiality and Requests 200 plus pages of Wrongly Requested Filing of 10 day 5-21-2018 Appeal Packet**
9. **Nexus** – There are different methods of applying the Nexus theories to land use decision-making process
10. **Extension of Permit as RA Process Very Lengthy Time Wise**
11. **Other Discussion Items**

**Department of
Conservation and
Development**

30 Muir Road
Martinez, CA 94553

Phone: 1-855-323-2626

**Contra
Costa
County**



#94
#97

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

July 3, 2018

Mary Dunne Rose
1020 Glasgow Place
Danville, CA 94526

Re: Reasonable Accommodation Request – June 13, 2018 Meeting
County File: #MS06-0037, #CV14-0042
APN: 184-462-008
Address: 78 Grandview Place, Walnut Creek

Dear Ms. Rose:

On June 13, 2018, Department of Conservation and Development (DCD) staff met with you to discuss your pending reasonable accommodations appeal to the County Board of Supervisors pertaining to the County Files and real property listed above. This letter memorializes our discussion and address inquiries you made during the meeting.

1. Staff Recommendation to the Board of Supervisors: During the meeting, you were advised that County staff will likely recommend that the Board of Supervisors deny your appeal of the Director's May 9, 2018 decision to deny your reasonable accommodations request.
2. Date of Appeal Hearing: During the meeting, DCD staff asked if you have a preferred date for scheduling your appeal hearing before the Board of Supervisors. You stated that you have no preferred date at this time, but that you first wish to meet with Public Works staff. Accordingly, no date for your appeal hearing has been set. Once you have met with Public Works staff and DCD staff completes its report and recommendation, DCD staff will contact you to coordinate the scheduling of the appeal hearing to suit your availability.
3. Request for Closed Session: During the meeting, you asked if your appeal hearing before the Board could be held in closed session. County Ordinance Code Section 14-4.006 (Setting of Hearing – Notice) states that the clerk of the board will set the matter for hearing at a *regular* board meeting. Moreover, the provisions of the Government Code that regulate public meetings do not allow your appeal hearing to be held in closed session. Accordingly, your appeal hearing will be scheduled as part of a regular public meeting.

4. Appeal Materials for Consideration: On May 21, 2018, you submitted a 234-page appeal of the Director's decision to DCD. On June 5, 2018, you submitted a 17-page amended appeal of the Director's decision to the County Clerk of the Board's office. You have advised DCD staff in writing and in person that you wish to have the amended 17-page document serve as your official appeal. DCD will consider your 17-page document as your appeal document.
5. Meeting with Public Works Department Staff: During the meeting, you requested a separate meeting with Public Works staff to discuss the County File #MS06-0037 Conditions of Approval, and that DCD staff coordinate the scheduling of the meeting. Public Works staff offered to meet with you at their offices on Wednesday, June 27, 2018, at 2:00 PM, which you were able to attend.
6. Status of Approved Tentative Map: During the meeting, you asked DCD staff to clarify the status of your approved tentative map (County File #MS06-0037) and the map's December 25, 2018 expiration date. After its original approval on December 14, 2006, your tentative map became effective on December 25, 2006 and had an initial filing period of three years. Pursuant to Government Code Section 66463.5(c), the County can extend the expiration date of the approved tentative map for a period not exceeding a total of 6 years. On December 22, 2009, the County granted a five-year extension to extend the tentative map through December 25, 2017. On December 14, 2017, the County granted you an additional one-year extension to extend the expiration date through December 25, 2018. State law does not allow for any further extensions. Therefore, all of the conditions of approval required to be completed prior to recordation of the map must be satisfied and the required documentation must be submitted and accepted as complete by both DCD and Public Works on or before December 24, 2018 (December 25th is a holiday), or the filing period for the map will expire.
7. Duplicate Appeal Fees Paid: You submitted a \$125 appeal fee to DCD on May 21, 2018 with your original appeal. You also submitted a \$125 appeal fee to the County Clerk of the Board on June 5, 2018 with your amended appeal. Both appeals and fees were submitted in response to the Director's May 9, 2018 decision to deny your reasonable accommodations request. Only a single \$125 appeal fee is due. DCD will be refund the \$125 payment made to our office.
8. Charges for Reasonable Accommodation Request Review: During the meeting and in prior emails you asked for DCD's policy or protocol for charging processing fees for a Reasonable Accommodations request. DCD has agreed to waive all charges associated with our review of your reasonable accommodations request. Please be advised that any time and materials costs for the compliance review of your subdivision entitlement that accrued prior to your reasonable accommodations request are still due and payable prior to recordation of your Parcel Map. Documentation detailing the waiver of the reasonable accommodations review charges will be sent to you separately once completed.
9. Additional Information Requested to Support the Reasonable Accommodation Request: During the meeting, DCD staff reaffirmed that the County does not question the existence

of your or your spouse's disability. We discussed DCD staff's previous request for additional information to show that a waiver of zoning code regulations and certain subdivision conditions of approval is a reasonable accommodation necessary to make housing on your parcel available to you. If you wish to submit additional information to DCD staff prior to the appeal hearing, DCD staff will review the items to determine whether the additional information is sufficient to show that your requested reasonable accommodation is necessary to make housing on your parcel available to you. Additional information that staff has requested includes:

- Plans such as a site plan, building floor plan, or building elevations that illustrate why your desired design elements (e.g., wheelchair accessible hallways, limited amounts of stairs, ADA-compliant rooms) cannot be accommodated without waiving the applicable structure setbacks and yard requirements of the zoning code;
- Plans indicating the location and manner of construction of a wheelchair ramp at the entry of the residence and a written statement describing why the importing or exporting of fill from the site is necessary for the construction of the proposed wheelchair ramp;
- Written statement describing why structures such as retaining walls cannot be utilized in parcel development to create additional "flat" developable area.

Please feel free to contact me at (925) 674-7800, or via email at sean.tully@dcd.cccounty.us with any questions that you may have.

Sincerely,



Sean Tully
Senior Planner

cc: Jocelyn LaRocque (Public Works)
Office of the Clerk of the Board
County File #CV14-0042

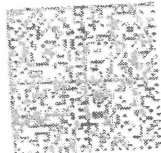
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

260

Contra Costa County



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FIRST CLASS



U.S. POSTAGE
ZIP 94520 \$0.00.40
03 JUL 2018

letter
dated 7/3/2018

Mary Dunne Rose
1020 Glasgow Place
Danville, CA 94526

received
by mdr
7/10/2018
mhr

255

FPI-14B

94526



CCC and Applicant Meeting # 118

(Reasonable Accommodation Appeal for Lot Split MS 060037 78 Grandview Place Walnut Creek CA)

Confidential * Wednesday, June 13, 2018 at 1:00pm 9/28/2018

Department of Conservation and Development Contra Costa County (DCD CCC) 30 Muir Road Martinez, CA

AGENDA

Attending – CCC Board of Supervisor C. Andersen, John Kopchik Director DCD CCC, Aruna Bhat Deputy Director DCD CCC, Sean Tully, Staff, Mary Dunne Rose Applicant *Ten Quallick*

Sign In Sheet

BofS said she wants list of CofA

Introductions – Self-Introductions of all attendees *that applicant feels are discriminatory*

Agenda Topics:

1. **Disability** – Physically viewing of applicant's Right Foot and Left Foot offered to BofS? Also, did BofS want to view applicant X-rays? CCC confirmed feet disability in written communication 7/16/2018 and 7/3/2018 and husband's disability. *BofS C. Andersen said assumed both of us disabled, no need to view my bare feet.*
2. **Any Applicant Additional Information and Documentation Needed and any Additional Questions Requested by CCC?** – Any more info needed by CCC or other questions by CCC? CCC confirmed at 9/17/2018 no additional information is requested by CCC, see S Tully 9/17/2018 email.
3. **RA Request for Constitutional Right to Privacy and Protect Disability Status & Medical Information** – Applicant requested numerous times, in writing to CCC my RA request regarding my disability status and related medical status be kept private and confidential. What is the status update on this RA request?
4. **Extension of Permit as RA Process taking excess time to process. No Prompt Processing of RA requests.** See email from Jim Stein, CCC Surveyor said all applicants CofA must be satisfied before 12/31/2018 or my permit will expire. Applicant requested prompt RA requests, CCC has not complied with prompt processing laws. Applicant required to build 2 dangerous roads as example of COA not satisfied.
5. **Fees Charged for RA Processing** – What are the fees charged by CCC for RA processing? Is there a written fee schedule applicant can review? See 7/3/2018 letter from CCC to applicant stating CCC intends to "back bill" "once review is completed." What is the status of this "back billing"? *will look into - BofS.*
6. **CCC not Implementing General Plan (GP) Policies, goals, Not Complying with Laws such as Fed Constitutional and Civil Rights, State laws; Not following RA laws, No valid RA policy as required by law, CCC actions do not follow GP "Consistency requirements, CCC fails to implement parts of its GP, not following Cal. Gov. Code § 65583(c)(3) and many other laws, Need Increase in Budget for Training.** Also, invalid CCC RA policy. *Discussed with*
7. **Go Over and Explain the "Deferred Improvement Agreement"** How is the "payments" required by CCC, time required by PW, how is it set-fair, reasonable, nondiscriminatory? See Exhibit B, required improvements "1600 square feet of street paving (no room on Panoramic Way)? put in retaining walls, and drainage ("guarantee drainage") put in new drainage, relocate all utility's (drainage, PGE, Phone, Cable lines). Is this given to over 90% of every lot split? What about just charging the drainage fee applicant has already paid? *send her info,*
8. **Front Yard Setback on Grandview Place** - Next door neighbor to lot B has a front yard 5 foot or less (looks like zero) setback. Other neighbors also have less than 10-foot setback in my neighborhood. It is common on my street to have less than the required front yard setback. Could CCC take a look please?
9. **Other Discussion Items**
 - west brough drainage
 - COA
 - Drainage my project

Mary Dunne Rose

4123

From: Mary D Rose <marydrose1@gmail.com>
Sent: Monday, October 15, 2018 7:52 AM
To: Sean Tully
Cc: mike.carlson@pw.cccounty.us; admin@pw.cccounty.us; Aruna B CCC Aruna Bhat Deputy Director - Community Development Department of Conservation and Development Contra Costa County 30 Muir Road Martinez, CA 94553 Phone: 925 674 7784; John.Kopchik@dcd.cccounty.us; jen.quallick@bos.cccounty.us; Gayle.Israel@bos.cccounty.us
Subject: Please send All my appeals and appeal denials and other pertinent project information to Mike Carlson and director Brian Balbas my project Reasonable accommodation requests outstanding - Public Works department. Effective RA communication process

Good morning Sean,

Would greatly appreciate an extra effective communications step in the reasonable accommodation process for my outstanding project.

Question, how does community development department share reasonable accommodation information for effective communication with public works, regarding all submittals and emails by RA applicant?

Given the Public Works customs and policies, drainage issues, towards reasonable accommodation requests that applicant was informed about in last Thursdays meeting going over applicants conditions of approval, I respectfully request you provide (email ?) all my submittals of information to Contra Costa County public works department deputy director Mike Carlson and director Brian Balbas, including emails. Hopefully PW should have Contra Costa County's DCD denial responses to applicant on file?

Please CC me on all emails. I am very concerned that everything I submitted to the community development department and anything submitted to PW for my RA requests has NOT been shared properly with the public works Director and deputy director department heads. Let's rectify that!

Further, please provide public works with a copy of the internal RA policy for their review.

The public works department does not seem to even know about or understand reasonable accommodations and Contra Costa County's reasonable accommodation internal policy rules.

Hopefully, public works will then have access to all files; paper files and electronic files of all applicants submittals of information and Contra Costa County's responses and CCC RA internal policy. This should help them understand the lawful reasonable accommodation process.

I look forward a telephone conference meeting with the PW deputy director or director today.

Finally, could you please explain to me the reasonable accommodation process of how one department shares an applicants RA information with the other department? For example, is applicant required to send everything submitted to both departments? I gathered I just had to submit information to your department and you, the point person from department of development and conservation, Community development per the internal reasonable accommodation policy? How are email requests shared between departments?

Depending upon CCC RA internal policy, requiring an applicant to send all information to all parties in the county could

get very expensive for the governmental entity; possible Duplicate efforts? Waste of limited resources? The flipside being the disabled applicant should not have "Know" which department to submit it to, depending on the issue, and be forced to do extra work, calling both departments over and over to try to figure out which department handles what etc. In my humble opinion, a specific person and a specific department should be designated to be responsible for sharing appropriate information with other county departments and keeping them current, on task on RA project matters.

Applicant is apologetic of requiring this extra step of work for you Sean, thank you in advance for your assistance! It is very important to the reasonable accommodation process and an applicant that public works has all the information applicant has given to you and your department!

Warm Regards,

Mary Dunne Rose
925-286-8796

Sent from my iPhone

Begin forwarded message:

From: Admin <admin@pw.cccounty.us>

Date: October 15, 2018 at 6:49:46 AM PDT

To: Mary D Rose <marydrose1@gmail.com>

Subject: Automatic reply: Reasonable accommodation requests outstanding - Public Works department

Thank you for contacting the Public Works Department

Messages sent to Admin@pw.cccounty.us are checked once a day in the morning Monday through Thursday. Messages received Friday through Sunday or holidays that fall on Monday through Thursday will be checked the following business day.

If this is an emergency during business hours (M-TH 7AM-5PM or F 7AM-4PM), please call (925) 313-2000. If this is an afterhours emergency, please call (925) 646-2441.

Mary Dunne Rose

4105-1

From: Mary Dunne Rose <marydrose1@gmail.com>
Sent: Monday, July 23, 2018 8:10 AM
To: 'Sean Tully'
Cc: aruna.bhat@dcd.cccounty.us; John.Kopchik@dcd.cccounty.us;
slavA.GOSPOdCHIKOV@PW.CCCCOUNTY.US; jocelyn.larocque@pw.cccounty.us;
MaryDRose1@gmail.com
Subject: RE: Another Request for CCC Compliance with HIPPA, Constitutional Right to Privacy Protection- medical disability information protection and disclosures

Hi Sean and John and Slava,

Thank you for confirming Contra Costa County (CCC) acknowledges applicants feet disability and applicants multitude of requests for medical disability confidentially as discussed below in the 7/16/2018 email.

Applicants question is my appeal to the Board of Supervisors and also CCC overall treatment of my medical information. The HIPPA regulations and all other Constitutional and Federal and State confidentiality, protection and disclosure and privacy rights and laws, etc. relating to medical (disability) information protection and disclosures and how CCC applies them to Reasonable Accommodation (RA) process is confusing, emotionally draining and stressful. Some of the issues are below:

1. Applicant does have a legally protected privacy interest concerning her medical condition.
2. Applicant confirms again I have a more than reasonable expectation of privacy and all related rights in these circumstances of requesting disability RA process from CCC planning and building departments (constitutionally guaranteed right to privacy) for building home of my choice.
3. In fact, again I respectfully request all confidentiality and rights to privacy protection laws relating to rights to privacy are complied with by CCC as applicable to my RA request. **Further, applicant has not, and does not, give explicit or any other form of verbal or written consent or authorization to disclose my medical information, or waived any of these rights to protecting my medical privacy.**
4. **Applicant again requests that my appeal is not heard at a Board of Supervisors open, televised public hearing, with electronic transmission of the appeal information on the agenda website!!!** CCC will only demonstrate their neglect, intentional, knowingly, willfully, without regard to privacy protection laws, (not to mention unethical behavior by those holding the police powers) to harm applicant if my appeal is held in a public open meeting. This type of unauthorized public disclosure of my protected disability information would devastatingly financially affect my ability to earn my living and greatly damage my life.
5. Applicant proposes an alternative idea, having the County Administrator review applicants appeal privately and make a fair decision, instead of going before the Board of Supervisors in an open, public hearing must comply with the open information Brown Act. CCC Administrator review would side step compliance with the public information laws and uphold confidentiality laws! Please advise on the possibility of this idea and solution???
6. Applicant is unsure of past, current and future actions and conduct by CCC, relating to privacy laws, that will constitute a serious, "knowingly understanding that CCC actions will break the law and constitute an offense." Applicant is very worried and is experiencing anxiety about CCC treatment of my private medical information!
7. **Therefore, applicant specifically and respectfully requests a copy of the written policy of "CCC DCD Housing Compliance with Confidentiality Requirements Regarding the RA Process of Protected Medical Information."** Please provide this on DCD letterhead, approved, signed and dated so I know it is a real policy and can read it. Applicant can not find it as part of CCC internal RA policy nor can I find this anywhere on the CCC DCD website.

8. Finally, applicant requests you send me the CCC form for "DCD Housing Reasonable Accommodation Authorization Form for "Authorization of Release of Medical Information Form" so applicant can check the box NO applicant does not agree to waiving HIPAA regulations and all other Constitutional and Federal and State confidentiality, protection and disclosure and privacy laws, etc. relating to medical (disability) information protection and disclosures.

Thank you for helping reduce my emotional distress regarding protecting my private medical information,

Mary Dunne Rose
925-286-8796

From: Sean Tully <Sean.Tully@dcd.cccounty.us>

Sent: Monday, July 16, 2018 4:11 PM

To: Mary D Rose <marydRose1@gmail.com>

Cc: John Kopchik <John.Kopchik@dcd.cccounty.us>; Aruna Bhat <Aruna.Bhat@dcd.cccounty.us>

Subject: RE: Request CCC confirm applicants Qualified Reasonable accommodation (RA) feet issues /mobility problems as one of the CCC recognized disabilities in this process

Mary:

Good morning. Please find responses to your inquiries below.

1. The County's understanding throughout this process has been that your disability is in relation to your feet. We have, and will continue, to review your RA request in relation to that disability.
2. No document has been produced to formally acknowledge your disability because our Department has never questioned the existence of your disability. In addition, you have requested on various occasions that the details of your disability be kept private.
3. With regard to the confirmation of your condition as being a Federally or State RA qualifying disability for reasonable accommodations requests, I am unaware of specific criteria that the code/law has outlined for that type of determination being made. The Fair Housing Act does define a "person with a disability", and there has been no dispute or statement from the County that you fail to meet that definition. The December 5, 2017 and May 9, 2018 denials from the Department of Conservation and Development advise that each determination was a result of a failure to find that the RA request was necessary for access to or construction of the proposed residence; not due to the lack of a "Federal or State RA qualifying disability".

SEAN TULLY
SENIOR PLANNER
CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
30 MUIR ROAD
MARTINEZ, CA 94553
(925) 674-7800 PH
(925) 674-7258 FX

#125

From: Mary Dunne Rose <marydrose1@gmail.com>

Sent: Tuesday, October 16, 2018 2:55 PM

To: 'Sean Tully' <Sean.Tully@dcd.cccounty.us>; aruna.bhat@dcd.cccounty.us; mike.carlson@pw.cccounty.us; John.Kopchik@dcd.cccounty.us; admin@pw.cccounty.us

Cc: MaryDRose1@gmail.com

Subject: RA meeting with community development & PW regarding BofS Requested List prepared by applicant Documenting Discriminating Conditions of Approval and Comparison to Similarly Situated Non-Disabled Applicants

Hi All,

Applicant would like to thank Mike Carlson for stepping up, taking over as the point person for Public Works (PW). He replaces Slava.

Last week, A Bhat, Sean Tully, Slava Gospodchikov (PW) and applicant met for a reasonable accommodation communication meeting on Thursday October 11, 2018 at 3:00pm. The goal was to work as professionals with good faith efforts, together, to resolve the discriminatory conditions of approval in my project ASAP and put past discriminatory treatment behind us! The list (see attached, updated with comments in the meeting) was prepared by applicant at the request of BofS C. Andersen.

S Tully and A Bhat sat down at the table, hung in there, rolled up their sleeves and actually tried to find compromises to the conditions of approval for my project. For this I am grateful.

However, Slava Gospodchikov might need additional reasonable accommodations training. CCC BofS needs to budget money for RA training, policies and process/procedures and effective communications training to benefit PW and DCD. Some of the comments made by Slava in the meeting were discriminatory towards a disabled person. His stereotypes about people with disabilities need correction, for which I am disgusted and angry.

1. For example, S. Gospodchikov stated, "I do not believe the conditions of approval were discriminatory, that it's just a matter of perception..." when we were discussing CCC Rose Marie's Pietras disparate treatment of applicant by intentionally writing and imposing different, additional, restrictive conditions of approval not imposed on other similarly situated non-disabled persons (see list attached).

Applicant was shocked, immediately upset and extremely insulted by the comment and deeply offended by his inappropriate "critique of disabled me" when we were opening good faith negotiations regarding the conditions of approval modifications. Most important, Slava is prejudice, just because I have physical feet disability, DOES NOT MEAN MY BRAIN DOES NOT WORK, MY PERCEPTION, UNDERSTANDING AND INTERPERTATIONS ARE JUST FINE, some the CofA are discriminatory!!! Many people have physical disabilities and can still think, obtain a masters degree, hold down a job; case in point prior USA President FDR.

2. For example, S. Gospodchikov stated "...I don't know about reasonable accommodations..."

Why did CCC PW send him to the meeting if he could not be bothered to read (prepare for the meeting and try to comprehend applicants point of view) the list we were going over and take time to learn about reasonable accommodations rules? X

3. Most discriminatory comments by Slava was stating, "...reasonable accommodation will NEVER be (used to waive) waived by Public Works for drainage (issues) that effects public safety." Slava continued, told me applicant could, "change CofA, can be changed by public hearing to Zoning Administrator, then appeal in public hearing to Planning Commission." Slava told applicant, "You (I) need to come to a solution..." A Bhat confirmed this process costs fees, money. This is disparate treatment, long term discrimination with malicious intent by CCC! I requested RA process and am told I have to use the standard CCC modification/variance process, not the RA process. See laws below. X

Why would applicant have requested reasonable accommodations if not for discriminatory treatment protection? Why has CCC wasted hours, weeks, months, years of my time "pretending" to work with applicant if they never intend to remove the "guarantee" adequacy CofA from my project (applicant spent about \$60,000 to date) so disabled applicant could build her home like other similarly situated non-disabled persons? Is all the work and efforts and spend money by applicant just a big joke to CCC PW, what is CCC long term intent and result treatment to disabled person? See landmark case: Lawsuit Oxford House-C v. City of St. Louis, 843 F.Supp. 1556 (E.D. Mo. 1994) (forcing a group home to use the variance process was not a reasonable accommodation where compliance would have a discriminatory effect and the process, which required a public hearing and notice, stigmatized the prospective residents, increased their stress and evidence showed that any attempt to obtain a variance would be futile). Please see below some laws regarding RA process.

Applicant will put together an "Open Item To Do List" to document the meeting discussed above and hope it will assist all parties reach a compromise.

Thank You,
Mary Dunne Rose
925-286-8796

Mary Dunne Rose

#134

Subject:

FW: PW 6th email Meeting request, 6th voice mail request; timeline request, Reasonable accommodation policy for Public Works request, Request for assistance

From: Mary D Rose <marydrose1@gmail.com>

Sent: Friday, November 30, 2018 12:11 PM

To: Brian Balbas <brian.balbas@pw.cccounty.us>; admin@pw.cccounty.us; Mike Carlson <mike.carlson@pw.cccounty.us>

Subject: Re: PW 6th email Meeting request, 6th voice mail request; timeline request, Reasonable accommodation policy for Public Works request, Request for assistance

Happy Friday!

Confirming we have a meeting next Tuesday, December 4 at 1:30 PM.

Please advise if incorrect.

Have a wonderful weekend!

Warm Regards,

Mary Dunne Rose
925-286-8796

Sent from my iPhone

On Nov 8, 2018, at 5:00 PM, Brian Balbas <brian.balbas@pw.cccounty.us> wrote:

Ms. Rose,

I am aware of the circumstances surrounding your case. Mr. Carlson, Mr. Gospodchikov, and other staff have met with you or spoken with you on several occasions. They have also coordinated with the Department of Conservation and Development and the many staff that have been responding to your numerous concerns related to this application.

I am not in the office the rest of this week as I am chairing a conference for APWA. I had conversations with staff prior to the conference and based on the information I have reviewed I do not see any basis for your assertions that Public Works has not worked to meet the conditions of approval for your application. Furthermore the letter sent by John Kopchik shows the County's work in addressing the accommodations that can be accommodated.

The Public Works conditions required as part of this application are appropriate, consistent with similar applications and shall remain in place. Should you wish to request modifications to your conditions I would suggest you follow the normal process to ask for modifications to your conditions of approval.

I strongly disagree with your assertion that Public Works is ignoring and unwilling to work with anyone, specifically "disabled people" on this or any other interaction. That is blatantly false and I cannot simply allow statements such as that be made without calling them out as inaccurate, unjust and unfair, especially in light of the number of staff that have worked with you on your concerns.

With that said, I'm happy to meet with you as schedules allow, however I have been made aware of the circumstance and reasonable accommodations you have requested and as I previously stated, I am not of the opinion that the existing conditions should be modified at this time.

~Brian

Sent from my mobile device

On Nov 8, 2018, at 3:52 PM, Mary Dunne Rose <marydrose1@gmail.com> wrote:

Dear PW Director,

I have called and tried to communicate with your Secretary Ms. Wara during the last 30 days. I have left Ms. Wara **at least 6 voice messages and this is the 5th email request** for setting a meeting date to talk with you, the PW director, Brian Balbas.

Time is running out. Nothing substantial has been done by PW regarding my RA requests.

Mr. Carlson has had no time to work on or even review anything applicant has submitted. Mr. Carlson and I have only had a three 10 minutes meetings, with one half hour meeting at the beginning of this process just to bring him up to date. This adds up to less than 2 hours meeting time to discuss a number of complex issues. Mike C. has admitted he has not read my RA submittal of information to PW.

Applicant needs the RA process with PW to be an timely, effective, interactive communication process to work.

It is becoming very apparent CCC PW will not work with disabled people to process RA requests. Instead, they just ignore requests and documents submitted.

Slava said in the last meeting he had not even read my information submitted that we were going over. In addition, Salva said:

1. Applicant requests an hour face to face meeting with the Director. Slava Gospodchikov, in the 10-11-2018 meeting with applicant stated, **"I do not believe the conditions of approval were discriminatory, that it's just a matter of perception..."** when we were discussing CCC Rose Marie's Pietras disparate treatment of applicant by intentionally writing and imposing different, additional, restrictive conditions of approval not imposed on other similarly situated non-disabled persons (see list attached). Applicant was shocked, immediately upset and extremely insulted by the comment and deeply offended by his inappropriate "critique of disabled peoples ability to think" when we were opening good faith negotiations regarding the conditions of approval modifications. Most important, Slava is prejudice, just because I have physical feet disability, **DOES NOT MEAN MY BRAIN DOES NOT WORK, MY PERCEPTION, UNDERSTANDING AND THOUGHT PROCESSES ARE JUST FINE**, some the CofA **are discriminatory!!!**
2. Most discriminatory comments by Slava G. was stating, **"...reasonable accommodation will NEVER be (used to waive) waived by Public Works for drainage (issues) that effects public safety."** Slava continued, told me applicant could, **"change CofA, can be changed by public hearing to Zoning Administrator, then appeal in public hearing to Planning Commission."** Slava told applicant, **"You (I) need to come to a solution..."** This is disparate treatment, long term discrimination with malicious intent by CCC! I requested RA process and am told I have to use the standard CCC modification/variance process, not the RA process. See laws below.

3. For example, S. Gospodchikov stated “...I don’t know about reasonable accommodations...” at the meeting. Why is CCC sending someone to meet with applicant that doesn’t bother learn RA laws?

This email is my 5th request (email 10/15/2018, email 10/30/2018, spoke with Directors Executive secretary Michele Wara October 30, 2018 to set up a meeting with PW director Brian Balbas. Ms. Wara would not make an appointment, said she would inform the director of my reasonable accommodation request for an appointment and I’ve still heard nothing back. This is not an effective RA communication process. Please see prior email dated November 5, 2018 for additional request for meeting. Again, applicant is requesting a meeting with the public works director under the RA laws, I am requesting assistance. I am available this Wednesday, November 7 between eight and 10am, **Thursday, November 8 anytime, all day Friday, November 9 any time after 1 PM, Wednesday, November 14 anytime all day, Monday, November 19 anytime between 8 AM and 10 AM. Please advise.**

Please pick a date and time and let me know!!!

Mary Rose

From: Mary D Rose <marydrose1@gmail.com>
Sent: Wednesday, November 7, 2018 8:01 AM
To: Brian Balbas PW ccc <bbalb@pw.cccounty.us>; Mike Carlson <mike.carlson@pw.cccounty.us>; admin@pw.cccounty.us
Subject: Re: PW 4th Meeting request, timeline request, Reasonable accommodation policy for Public Works request, Request for assistance

Hi Mike,

Glad we spoke last night around 530 pm for a few minutes.

Summary of key points only:

1. Timeline. Please advise as to when Public Works review and approval will be completed regarding my October 27, 2018 packet submission of drainage additional PW requested detailed information for nexus analysis and reasonable accommodation request for drainage conditions of approval. Applicant only has a 30 day appeal deadline to the board of supervisors, given the directors partial denial re-issued determination letter. Applicants right to appeal to the BofS is being compromised by PW refusal to comply with the RA prompt processing federal and state laws.

2. Request for PW reasonable accommodation policy. Applicant has requested in prior emails PW written “reasonable accommodation internal policy and procedures.” To date PW has not provided.

3. Meeting with PW director. **This email is my 4th request (email 10/15/2018, email 10/30/2018, spoke with Directors Executive secretary Michele Wara October 30, 2018 to set up a meeting with PW director Brian Balbas. Ms. Wara would not make an appointment, said she would inform the director of my reasonable accommodation request for an appointment and I’ve still heard nothing back. This is not an effective RA communication process. Please see prior email dated November 5, 2018 for additional request for meeting. Again, applicant is requesting a meeting with the public works**

director under the RA laws, I am requesting assistance. I am available this Wednesday, November 7 between eight and 10am, Thursday, November 8 anytime, all day Friday, November 9 anytime after 1 PM, Wednesday, November 14 anytime all day, Monday, November 19 anytime between 8 AM and 10 AM. Please advise.

Again, an effective communication process is very important in the reasonable accommodation process.

Warm Regards,

Mary Dunne Rose
925-286-8796

On Nov 6, 2018, at 7:40 AM, Mary D Rose <marydrose1@gmail.com> wrote:

From: Mary D Rose <marydrose1@gmail.com>
Date: November 5, 2018 at 3:42:50 PM PST
To: bbalb@pw.cccounty.us,
John.Kopchik@dcd.cccounty.us, Mike Carlson
<mike.carlson@pw.cccounty.us>
Subject: Fwd: where is the Drainage reasonable accommodation request with applicants Nexis analysis and director's response in the Revised Director's Determination 11/2/2018 letter???

Mike and Brian,

Please see attached revised CCC determination letter below.

On October 27, 2018 applicant submitted my reasonable accommodation request for drainage with Nexus analysis to both Public Works and community development for review and inclusion in the decisions in the revised directors determination letter.

I have followed Contra Costa County's internal reasonable accommodation policy.

Please advise as to why the DCD directors 11/2/2018 determination letter does not include the drainage RA requests & information I sent 10/27/2018??? Contra Costa County had plenty of time to process the information and include their response in the November 2, 2018 revised Determination letter.

Please send me a copy of the process we are currently following for reasonable accommodation requests. I respectfully request under the reasonable accommodation law the written policy (for both

community development and for Public Works) and procedures so I can understand the process.

Greatly appreciate the assistance with this reasonable accommodation request.

Warm Regards,

Mary Dunne Rose
925-286-8796

Sent from my iPhone
xx

From: Mary Dunne Rose <marydrose1@gmail.com>
Sent: Tuesday, October 30, 2018 12:00 PM
To: brian.balbas@PW.cccounty.us;
admin@pw.cccounty.us; jen.quallick@bos.cccounty.us;
mike.carlson@pw.cccounty.us
Cc: marydunnerose@fiduciaryus.com; 'Sean Tully'
<Sean.Tully@dcd.cccounty.us>;
aruna.bhat@dcd.cccounty.us;
John.Kopchik@dcd.cccounty.us
Subject: FW: Drainage Nexus and requests for exceptions Grandview MS-060037 or CV-14-00042

Hi Brian and Michelle,

Drainage CofA 42, 43, 44, 45, 49, 53 and 54 Possible Compromise

Please see attached information regarding the drainage nexus and information requesting Reasonable Accommodation (RA) requests for change, exception, adjustment to a rule, policy, practice relating to drainage CofA **42, 43, 44, 45, 49, 53 and 54** in my appeal for the Board of Supervisors hearing that is being re-scheduled, if CCC PW and CD can't find a compromise. This should give PW everything it needs to create a compromise.

I believe I have given CCC everything necessary to create a RA compromise requests for change, exception, adjustment to a rule, policy, practice relating to **drainage** CofA for my possible upcoming appeal to the Board of Supervisors hearing.

Applicant would like a meeting, RA request, with Brian (and Mike if possible) to discuss the status of the "compromise" and determine if we need to re-schedule the BofS appeal hearing. Would Nov. 6th at 1:30 or 2:00pm work for a meeting with Brian? Would

anytime on Nov. 7th work with Brian? Would anytime between 10:00am to 2:00 pm work for Brian on Nov 8th? This should give CCC time to review the attached documents for the meeting.

Possible Comprise Scenic Easement

In addition, applicant made an offer to purchase the 10 to 16 feet wide of CCC owned land next to my lot on the east side, length of from edge of pavement to the 92 contour, scenic easement line, see attached. Consideration for purchase is \$500.00 and approving the CCC allowing the scenic easement (currently a legal material "taking" without compensation) BofS Andersen thought was important for the long term future of lots. This purchase will be finalized after we settle all CofA issues. Who do I contact to determine the process and start the process moving forward?

Letter from DCD

I believe a letter from CCC DCD will be sent to applicant shortly to assist in the RA re issued denial process. Look forward to receiving and reading!

Please advise.

Thank You for Your Assistance,
Mary Rose
925-286-8796

From: Mary Dunne Rose <marydRose1@gmail.com>

Sent: Sunday, October 28, 2018 10:38 AM

To: mike.carlson@pw.cccounty.us;
aruna.bhat@dcd.cccounty.us; 'Sean Tully'

<Sean.Tully@dcd.cccounty.us>;

admin@pw.cccounty.us;

John.Kopchik@dcd.cccounty.us

Cc: MaryDRose1@gmail.com

Subject: Drainage Nexus and requests for exceptions
Grandview

H Mike,

Please find attached as discussed. Hope this gives you everything you need.

How is the Scenic easement/ purchase land compromise progressing?

Give me a call with any questions!
Mary

#133

Minutes of Meeting at 11:00am on 11/8/2018, A Bhat, Sean Tully and Applicant Mary Rose for half an hour, ending at 11:30am:

From: Mary Dunne Rose <marydrose1@gmail.com>

Sent: Thursday, November 8, 2018 2:15 PM

To: 'Sean Tully' <Sean.Tully@dcd.cccounty.us>; aruna.bhat@dcd.cccounty.us; John.Kopchik@dcd.cccounty.us

Cc: jen.quallick@bos.cccounty.us; 'Gayle Israel' <Gayle.Israel@bos.cccounty.us>;

mike.carlson@pw.cccounty.us; admin@pw.cccounty.us; brian.balbas@PW.cccounty.us;

jen.qualillick@bos.cccounty.us

Subject: RE: Minutes of BofS requested list updated 11-8-2018; for meeting w Deputy Director A Bhat

Hi Aruna,

Thank you for the half hour phone meeting, I understand you had a meeting at 11:30am to get to for other projects.

Minutes of Meeting at 11:00am on 11/8/2018, A Bhat, Sean Tully and Applicant Mary Rose for half an hour, ending at 11:30am:

1. Ms. Bhat said no time to go over the "BofS list" attachment to this email, that BofS Andersen had requested applicant prepare as part of the RA process and meeting with her 9/28/2018.
2. Ms. Bhat as Deputy Director DCD (DDAB) said she has been in meetings all day and has not had a chance to look at her emails and read the updated info applicant sent her today.
3. Discussed the Directors grant of 6 inch height limit on the wheel chair ramp and the Kings Drive project measuring from "natural grade" problems and lawsuit.
4. We discussed DCD Director Kopchik denied applicants 6/5/2018 and all prior appeals and applicants submittal on 10-26-2018 of RA drainage Nexus packet (PW requested more information) to PW/BofS/DCD in his 11/2/2018 2nd reissued partial denial Determination letter. The director had the drainage nexus information and did not even consider and grant approval of the request. Nowhere does CCC RA internal policy say a 2nd determination letter is to be issued. If CCC had a valid RA codified complete RA policy and related in house written procedures and training of staff, applicant would have been informed of all information required at the beginning of this process. Instead, CCC just kept asking for more information and stalling. Communication process is ineffective and error prone.
5. We determined there has been a vast misunderstanding regarding the list between applicant and CCC. Applicant has been working on the "BofS list" with the understanding that this was part of the Reasonable Accommodation process and she would receive documentation of the changes in the Directors Determination Letter.
6. However, Ms. Bhat as Deputy Director DCD (DDAB), told applicant on the phone meeting it was NOT her understanding, instead DDAB believed the process was an "interpretation process of certain CofA". **This is the first applicant was informed this was not part of CCC a RA process when an appeal before the BofS was pending. Applicant disagrees, she has only been using the RA process!!!**
7. DDAB stated on the phone today that no written letter, no legal CCC letter head, no signature of authority will be given to applicant after the "BofS list" negotiations to prove any of the "interpretation" changes to CofA exist in the future; so no legal evidence of any "interpretation" changes. **What??? Is that how CCC treats union agreement negotiations, no documentation of compromises of future legal reference? Or is this more discrimination against a disabled person, CCC actions show we don't deserve any legal, valid documentation because we are disabled? Applicant expects to be treated like other non-disabled persons, without discriminatory treatment.**
8. DDAB stated on the phone today CCC will not be issuing a modified permit, will not be issuing any modified CofA; that the meeting was to find "interpretations" of the CofA with no final official CCC

- written evidence and documentation. Applicant believes this was more stalling, not in good faith negotiations, by CCC.
9. Applicant informed DDAB that she is and has been following the CCC internal RA process this entire time from her original RA request 9/27/2017, and CCC never informed her verbally or in writing, nor has CCC given applicant written policies and procedures for this "interpretations" process.
 10. **Applicant welcomes continuing the "interpretations" process with CCC so she can get a 3rd revised Director Determination Letter on CCC letterhead, documenting the interpretations, signed by the Director. Applicant told and now CCC understands any compromises or changes in interpretations of the CoA need to be in writing, on CCC letterhead and signed by the Department Director, just like other important agreements are documented by CCC with similarly situated non-disabled people.** And of course applicant request CCC follow the RA internal policy procedures, doing otherwise would result in major errors and an ineffective communication processes that could be interpreted as bad faith negotiations.
 11. Applicant requested Ms. Bhat as Deputy Director DCD (DDAB) under CCC's RA (under the Reasonable Accommodation Laws) assistance with "Filing" an official claim forms and a face to face meeting with the proper staff (risk management?) for assistance with the timely filing of the required proper forms to submit a claim against CCC. This was not mentioned in the CCC reasonable accommodation internal policy and applicant cannot find the policy and procedures on how to do this relating to the Fed and State special reasonable accommodations laws, time limits etc. for filing RA claim forms for damages against CCC. Hence, the need to request RA assistance in completing the forms and understanding the process. Please provide detailed written procedures for this process as it relates to federal and state laws surrounding unique, non-standard claims, for reasonable accommodation requests, **along with time requirements and deadlines.** Ms. Bhat said she did not know about this, applicant requested she find contact who can help her and inform applicant.
 12. Ms. Bhat as Deputy Director DCD (DDAB) said she would look at info applicant sent, prior emails and then get back to applicant.

Ms. Bhat, please advise if CCC wants to try to continue with this RA process with the understanding that 3rd revised Director Determination Letter on CCC letterhead, signed by the Director.

Thank You,
Mary D. Rose

PLEASE SET CELL PHONES TO
VIBRATION OR TURN THEM
OFF DURING THE MEETING.

CCC and Applicant Meeting

(MS 060037 78 Grandview Place Walnut Creek CA) Confidential * Monday November 26, 2018 at 1:00pm
One hour Meeting Department of Community Development Contra Costa County (DCD CCC) Muir Dr.
Martinez, CA

Minutes for Meeting 11/26/2018

Attending DCD Director J Kopchik (DCDDJK), DCD Deputy Director A Bhat (DDAB), Mary Dunne Rose Applicant (MDR)
Visitor PW Director Brian Balbas (PWDBB) - MDR and PWDBB set PW meeting for Tuesday Dec 4th at 1:30pm (PWDBB
has conference rest of his week, can't meet).

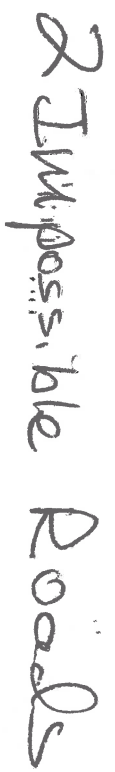
Agenda Topics:

1. **Approve minutes from last meeting on 11-8-2018** Applicant handed out Agenda and attached written minutes that MDR had emailed above CCC personal on 11/8/2018. DCDDJK said CCC doesn't approve minutes for the meeting, he will look into maybe considering issuing letter.
2. **Correct Date Applicant Submitted RA Request is 9/29/2017.** MDR handed DCDDJK email from DDAB confirming, in writing, MDR submitted the original RA request on 9/29/2018. Clarified the original date applicant submitted Reasonable Accommodation Request to DCD A Bhat was 9/29/2017. MDR requested DCDDJK please correct all correspondence to reflect correct date and use correct 9/29/2017 date in future.
3. **When is Applicant Response to Revised Director Denial Letter due to BofS?** This Friday or following Monday Dec. 3, 2018 dates were discussed, 30-day RA internal policy lands on weekend. DDAB said CCC usually allows to go to next working day. Applicant discussed and agreed with DCDDJK that applicant will submit supplemental appeal information no later than Monday 12-3-18 and will move forward with the RA process. MDR needs to call and make appointment with CCC Sean Tully.
4. **Fees Charged for RA Processing** – Applicant asked, "does CCC intend to "back bill" for my project?" DCDDJK said CCC will not go back and back bill, large balloon payment. However, DCDDJK suggested I should apply for a "modifications of conditions of approval, need to put down \$1,000.00 and more will be charged". Applicant has already spent over \$60,000.00, devoted countless hours over the years and gotten nothing. DDAB said modifications of conditions of approval was open hearing, public process. DCDDJK asked MDR, as we are nearing end of RA process, to try not to make additional requests (emails, phone calls) of DCD staff. Applicant understands.
5. **Applicant did indeed provide all information requested by CCC prior to first CCC DCD Deputy Director Denial of RA Request letter.** Applicant handed DCDDJK attached email from CCC Senior Planner Sean Tully stating, "I have all the information that has been requested of me to date. A final determination from the County should be coming shortly." In the first denial letter CCC stated they wanted more information but CCC staff said he had everything.
6. **Time for Answering Emails** – What is CCC policy regarding the standard time for staff to answer RA phone calls and emails? One day, two days a week? No set policy per DCDDJK, professional standards for CCC CD.
7. **Again, Applicant Requests Confidentiality and Privacy in the appeal process to Board of Supervisor.** Applicant again requested she would like head of Planning Commission or CCC Administrator to review to preserve privacy, disabled condition.

8. How is DCD CD implementing the: CCC Consortium Analysis of Impediments to Fair Housing Choice Plan? Original 2010 plan and the 2015 to 2020 Plan. *DCDDJK said CCC can't be doing applicants research. Applicant said OK.* X
9. How is DCD CD implementing the current Action Plan relating to HUD funds such as CDBG Federal grants relating to funding of certain projects? Please include the Fair Housing Education and Enforcement sections and Government Barriers section with impediments discussed and actions taken to address disabled folks and money spent for disabled folks. *DCDDJK said CCC can't be doing applicants research. Applicant said OK.* X
10. How is DCD CD answering the Annual Housing Element Progress Report to Sacramento state officials relating to RA process and fair housing? *DCDDJK said CCC can't be doing applicants research. Applicant said OK.* X
11. **Board of Supervisor List:** *Applicant and DDAB discussed there were some items DDAB was "looking into" and would get back to applicant on the Board of Supervisors list. We discussed the building requirement of impossible 2 roads. DDAB will look into about putting some of the items we compromised/DDAB "interpreted" on in writing. Applicant is firm any compromises/ agreement need to be in writing. See prior Applicant MDR email 11-8-2018 of minutes of 11-8-2018 half hour phone meeting. DDAB said she would see what she could do. Applicant also gave DDAB the Board of Supervisor List for her review.*
12. Additional discussion at end of meeting. *DCDDJK had to go to another meeting. Meeting to end at 2:00. Visitor PW Director Brian Balbas suggested applicant drive home gather her PW information and drive back now for a PW meeting, in the Bay Area Traffic (applicant would not get back until 4:45pm or 5:00pm)!!! Applicant had a client appointment after the meeting for her work. Applicant has sent over 7 emails and many phone call to request meeting date with PW director. Applicant asked PWDBB to set meeting date, MDR and PWDBB set PW meeting for Tuesday Dec 4th at 1:30pm (PWDBB has conference rest of his week, can't meet). This date is past the applicant 30 deadline discussed above #3 for BofS supplemental information appeal packet, too late for input to BofS packet.*

78 Grandview Pl, Wc 6A
C# Mst 060037
(Mary Duane Rose)

NEW 40' R/W 12011 NOV 21 PM 12:47
(2563 OR 175)
CONTRA COSTA
APPLICATION & PERMIT CENTER



78 Grandview Place Discriminating Conditions of Approval (COA) List by Applicant

Compare Applicant COA Project, to Other CCC Approved Similarly Situated Projects Without Discriminatory Conditions of Approval (COA)

Mary Dunne Rose, Owner of property; # MS060037 or CV14-0042 Revised 10/11/2018 Per BofS Andersen request by applicant, then 10-30-2018

Some Laws: 42 U.S.C. § 1981; ADA 42 U.S.C. § 12101; Rehabilitation Act of 1973 (29 U.S.C. § 701)9/30/2018; The Fair Employment and Housing Act and The Unruh Civil Rights Act

SAA = Same as Applicant CoA

NO = Not SAA, Applicant has punitive COA

16-0015 = MS16-0015; Arfa 2 Lot Subdivision COA

15-0009 = MS15-0009; Wiedemann 2 Lot Subdivision COA

13-0007 = MS13-0007; Dyer 2 lot Subdivision COA

SD-4-9376; Westborough 14 units condos

Comparison of Similar CCC Approved Projects

16-0015 15-0009 13-0007 SD-4-9376

Westborough Project Other downstream 14 unit project Information Regarding Drainage.

COA #	COA Description	Applicant Comments	NO	NO	NO	grant of special privilege inconsistent with the limitation on other properties in the vicinity
Westborough 14 unit condos; See PW Data	REZONING: Westborough 14 unit condos; See PW Data	See attached drainage 7/27/2015 letter from PW to Condo Engineer AND see letter received by PW on 8/12/2015 from DK Engineering Consultants for Condo project, page 3 #16, stating "....neglecting the capacity of the inadequate storm drain system."	NO	NO	NO	grant of special privilege inconsistent with the limitation on other properties in the vicinity
Schuh-Garibay letter admitting CCC knows the storm drain system inadequate to DK Consulting and Engineering letter dated 7/27/2015, page 2, #16 stating "...inadequate storm drain system".	Applicants Grandview project is in vicinity. Applicants storm drains end up at the bottom of the hill connected to this storm drain system.	Pg. 3, Variance Findings: See Rezoned, waved zoning M-12 lot sized standards with variance that granted, "...a grant of special privilege inconsistent with the limitation on other properties in the vicinity and the land use district which the site is located." See attached documents	NO	NO	NO	grant of special privilege inconsistent with the limitation on other properties in the vicinity
Westborough 14 unit Condos: Grant of Special Privileges: COA for Condos #47 was standard CCC Division 914-2.004 Code drainage code "...surface waters...to drainage facilities with adequate capacity.	Westborough did NOT have "GUARANTEE ADEQUACY" governmental constraint in any of their COA, see applicants COA #54	STORM DRAIN MAJOR IMPROVEMENT RELATIVE TO CCC granted special privileges regarding not requiring any major offsite storm drain improvement.	NO	NO	NO	Violates CCC General Plan; grant of special privilege inconsistent with the limitation on other properties in the vicinity
See Westborough CCC file and Drainage and Hydrologic Hydraulic study by DK Engineering Consultants for statement that the "...bioretention basins are designed ..low flows. Higher flows will enter the storm drain system and bypass the bioretention basins all together."		CCC General Plan provision 4-Q says, "All new development shall contribute to, or participate in, the improvement of the ...and flood control systems in reasonable proportion to the demand impacts and burdens generated by project occupants and users. (GP4-11)	NO	NO	NO	

Public Works is working on these CoFA.

DCD Director Kopchik denied applicants 6/5/2018 and all prior appeals and her 10-26-2018 RA drainage request to PW/BofS on 11/2/2018 in his 2nd partial denial Determination letter.

Applicant

Applicant expects CCC DCD 3rd determination letter to address well before BofS appeal 30 day deadline (RA law prompt processing). Applicant can't move forward until receives reply from DCD director per CCC internal RA policy.

Applicant sent letter 10-26-2018 Nexus, RA exception packet in response to CCC additional information request. PW is working on resolving.

List of Discriminatory Conditions of Approval (COA) for applicant's project AND "comparison projects" to similarly situated, non disabled persons "CCC approved COA for lot split into two parcels".

If one of the three "comparison projects" has a "NO" in column, then Applicant's COA is considered discriminatory.

If THREE of the three "comparison projects" has a "NO" in column, then Applicant's COA is considered purposely discriminatory as similarly situated non-disabled persons treated differently and applicant penalized.

Total #
of COA
for
project

Applicant has at least 76 conditions of approval, including
GMS Findings page 1, Variance Findings, page 2, Finding for
map page 3-4; COA pages 3-15, Advisory Notes with more
COA pages 16 - 17.

Applicant has almost double COA
compared to similar situated, non
disabled applicants in "comparison
projects"

44 COA

39 COA

45 COA

CCC

Aruna Bhat, DCD representative said in meeting applicant did not have to comply with the "Findings and Conditions" at beginning of Approved Permit Doc. Instead, Ms. Bhat said applicant is responsible for only the CoFA #1 - 54. DCD Director Kopchik denied? by not approving in his 2nd partial denial Determination letter.

Applicant

Applicant agrees to this compromise. It removes the Collect and Convey and Flood control requirements that all drainage must built before file final map. However, applicant insists CCC keep Variance Findings and C. Findings for Approval. Applicant expects CCC DCD 3rd determination letter to address this issue and possible written agreement well before (date of 11/16/2018) BofS appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC internal RA policy

25	Applicant can't obtain building permit until she build 2 impossible roads, see attached map. Renders the disabled friendly home building project infeasible, stops project	Topo map show impossible to build 2 roads, grade too steep issue, from Grandview Place to Panoramic Way through scenic easement. Discriminatory COA to stop project.	NO	NO	NO
CCC	<p><i>Aruna Bhat said in meeting applicant will not need to build the 2 roads from Panoramic to Grandview. Instead, build a driveway from Grandview to new home on new lot.</i></p> <p><i>DCD Director Kopchik denied? by not approving in his 2nd partial denial Determination letter.</i></p> <p><i>Applicant agrees to this compromise. Will build new driveway to new home only. Applicant expects CCC DCD 3rd determination letter to address this issue and written agreement well before (date of 11/16/2018) BofS appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC internal RA policy procedures.</i></p>				
Applicant					
30	Haul routes <u>limited</u> allowed only where proposed grading. (for 2 new roads); no hauling thru approved scenic easement	Only can haul materials where graded for 2 new IMPOSSIBLE TO BUILD roads that must go thru scenic easement, conflicts with COA 25 that must build roads thru easement. Discriminatory COA to stop project.	NO	NO	NO
Done					
CCC	<p><i>Aruna Bhat said in meeting applicant can use the regular roads as a haul route.</i></p> <p><i>DCD Director Kopchik denied? by not approving in his 2nd partial denial Determination letter.</i></p> <p><i>Applicant agrees to this compromise. Applicant expects CCC DCD 3rd determination letter to address this issue and written agreement well before (date of 11/16/2018) BofS appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC internal RA policy procedures.</i></p>				
Applicant					

Must pay for compliance report 45 days before file final map grading permit, applicant must file report to show compliance with EVERY CONDITION OF APPROVAL

Applicant has impossible COA (build impossible road, guarantee drainage, only 2 vehicles on site when building...), can never get final map or grading permit, COA to stop project

yes SSA see
coa 4

yes SSA see
coa 4

yes SSA see
coa 6

CCC

Aruna Bhat said in meeting applicant CCC is working on the CofA applicant believes are objectionable, after RA compromise, we can revisit this. CCC is preparing a Director Determination letter to send applicant, some of the solved CofA will be included.

DCD Director Kopchik denied? by not approving in his 2nd partial denial Determination letter

Applicant

NO AGREEMENT AS SOME COFA ARE DISCRIMINTORY AND IMPOSSIBLE. Applicant expects CCC DCD 3rd determination letter to address this issue and possible written agreement well before (date of 11/16/2018) BofS appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC internal RA policy procedures.

48

Done Site distance COA states, "... Applicant shall provide adequate sight distance at ALL driveway intersections with Grandview Place for a through traffic design speed of 35 miles per hour." This CofA requires additional setbacks and hence more, additional barriers to disabled individual.

Applicant has no rights to go onto other neighbors private property and cut out their landscaping. Applicant would have to tear down next door neighbors home as it's set back is less than 5 feet from property line. CCC is fully aware this is a COA to stop my project.

1. California DMV (the law) states the speed zoning for non-arterial residential neighborhood roads is 25 miles per hour, not 35.

2. At ALL driveway intersection(s) (plural- more then one driveway-in fact ALL driveways) with Grandview Place, at ALL driveway intersections

3. this could increase setbacks in such a manner as to force the home to be built out side the building envelop, on the steep part of the hillside which is unbuildable, stopping project

NO

see coa 26

says only for

their own

driveway

not entire

street

NO

see coa 22

vesting

map shows

two roads,

172 acre

lot split,

only trim

vegetation,

clear site

line on

their

property

only

NO

see coa 29

says only

for their

own

driveway

not entire

street, only

trim

vegetation,

clear site

line on

their

property

only

CCC

PW representative Slava said in meeting applicant need only comply with her driveway in new project, not all driveways intersections on Grandview Place.

DCD Director Kopchik denied? by not approving in his 2nd partial denial Determination letter?

Applicant

Applicant expects CCC DCD 3rd determination letter to address this issue and written agreement well before (date of 11/16/2018) BofS appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC internal RA policy procedures.

13	Applicant to hire tree arborist to create "tree-bonding" project report that <u>must be reviewed and approved by CCC.</u>	No other applicants must hire arborist to create "tree-bonding report" then take to CCC for review and approval. Just harassing discriminatory COA.	NO	NO	NO
----	---	--	----	----	----

CCC
 Ms. Bhat said she would look into.
 Applicant
 Applicant waiting for info from Deputy Director. Applicant expects CCC DCD 3rd determination letter to address this issue and written agreement well before (date of 11/16/2018) BofS appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC internal RA policy procedures.

15B	After grading Trees Arborist shall prepare a 2nd report, applicant to pay, for additional methods of tree protection	Why force applicant to pay for 2nd arborist report? Similarly situated non disabled applicants do not have this govern. constraint. Harassing discriminatory COA.	NO	NO	NO
-----	--	---	----	----	----

CCC
 Ms. Bhat said she would look into 2nd report, no trees impacted.
 Applicant
 Applicant waiting for info from Deputy Director. Applicant expects CCC DCD 3rd determination letter to address this issue and possible written agreement well before (date of 11/16/2018) BofS appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC internal RA policy procedures.

18	<p><u>All planting shall occur prior to issuing the BUILDING permit AND after planting the planting must be reviewed and approved by CCC.</u></p>	<p>Why would CCC required review and approval by ZA <u>after planting, before building permit</u> issued? To hold up my project again and again? Why plant before build (everything will be killed during construction & watering system destroyed), should say <u>occupancy</u> permit, not building permit. Harassing discriminatory COA.</p>	NO	NO	NO; this applicant allowed to decide when to plant, not specified
CCC Applicant	<p><i>Ms. Bhat said she would look into and fix. Applicant waiting for info from Deputy Director. Applicant expects CCC DCD 3rd determination letter to address this issue and possible written agreement well before (date of 11/16/2018) BofS appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC internal RA policy procedures.</i></p>				

17	<p><u>Landscape plans must be submitted to 9 neighbors, 10 days and must be submitted to CCC for approval 30 days before building permit.</u></p> <p>Plant up to 12 trees.</p>	<p>This is discriminatory for disabled person and applicant requested Reasonable Accommodation to remove and was denied by CCC</p>	NO	NO	NO
CCC Applicant	<p><i>Ms. Bhat said she felt this CofA is OK. Just need to mail, Sean Tully to get names, address list. Applicant objects, knows law that County take actions that allows, encourages neighbors complaining, harassing disabled person. This CofA does violate that law. Applicant requests RA that CCC follow law. Applicant will comply to get her home built. Applicant expects CCC DCD 3rd determination letter to address this issue and possible written agreement well before (date of 11/16/2018) BofS appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant expects CCC DCD 3rd determination letter to address this issue and possible written agreement well before (date of 11/16/2018) BofS appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC internal RA policy procedures.</i></p>				

23 One week prior to grading, post list of contacts persons name and phone number for noise, litter control, tree protect, construction traffic, erosion control, 24 hr. emergency phone number

Punitive COA so neighbors or any other who likes to discriminate, can call applicant in middle of night, wake up and harass, work stoppage etc. NO see coa 13, NO see coa 9 and 10 not required to mail to neighbors 23

CCC Ms. Bhat said she felt this CoFA is OK. Just need to mail, Sean Tully to get names, address list.

Applicant Applicant objects, knows law that County take actions that allows, encourages neighbors complaining, harassing disabled person. This CoFA does violate that law. Applicant requests RA that CCC follow law. Applicant will comply to get her home built. Applicant expects CCC DCD 3rd determination letter to address this issue and possible written agreement well before (date of 11/16/2018) BoFS appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant expects CCC DCD 3rd determination letter to address this issue and possible written agreement well before (date of 11/16/2018) BoFS appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC internal RA policy procedures.

24 Dust and litter control program violation requires immediate work stoppage, must create and submit program for CCC review

No other projects have "work stoppage" verbiage; additional burdensome requirements to create and review program, neighbors will call and stop project constantly. Harassing discriminatory COA. NO see coa 9 and 10 NO see coa 15 NO see coa 23

CCC Ms. Bhat said CCC will work with applicant to control, follow the rules, OK to water the site. Ms. Bhat said no need to create "program", just follow the rules and use water and try to keep dust off neighbors homes. Treatment like other applicants, dont want to shut down project, will work with applicant.

Applicant Applicant agrees to this compromise. No expensive "program", ok to use water per A. Bhat, Deputy Director DCD. Applicant expects CCC DCD 3rd determination letter to address this issue and possible written agreement well before (date of 11/16/2018) BoFS appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant expects CCC DCD 3rd determination letter to address this issue and possible written agreement well before (date of 11/16/2018) BoFS appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC internal RA policy procedures.

J	Pay drainage fee for Drainage Area	Applicant SUBSTANTIALLY <u>over</u> <u>billed the drainage fee, paid and</u> <u>now requests refund. CCC told</u> <u>her the bill, IN WRITING ON PW</u> <u>letterhead, she had to pay \$3,940.</u> <u>Applicant paid 2014.</u> <u>Applicant refund ASAP.</u>	yes, applicant of this project allowed to choose to pay the 25 cents per sq. ft. mitigation fee or construct all water capacity improve ments as directed by CCC Flood Control	NO	NO
CCC	CCC overcharged PW Deputy Director M Carlson will look into.				
	Applicant expects CCC DCD 3rd determination letter to address this issue and possible written agreement well before (date of 11/16/2018) BofS appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC internal RA policy procedures.				
Applicant	Applicant still waiting for refund				

page 1. Growth Mang Stand, A.#2	Findings #A.2, Growth Management Standards page 1: states ALL collect and convey requirements and IMPROVEMENTS must be met before file final map	COA says NO final map till all downstream drainage improvements had been completed. This is impossible! See COA 54 and letter from my engineer stating, "PW said...prove (guarantee) that ANY runoff is conveyed to an adequate storm drain facility." See letter, implies I must construct new drainage facilities for all of neighborhood to <u>guarantee</u> drainage adequacy. CCC discriminatory COA will never allow me to build my home. COA to stop project	NO	NO	NO
CCC	Applicant expects CCC DCD 3rd determination letter to address this issue and possible written agreement well before (date of 11/16/2018) BofS appeal 30-day deadline of 12/2/2018 (Director 2 nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC internal RA policy procedures.				
Applicant					

Page 3
C.2 Finding for Ten.
Map
See page C.3. Findings for Tentative Map #2; Project finding, "In lieu of constructing on-site drainage facilities to meet collect and convey requirement..."

Applicant not allowed, stopped from building ANY on-site drainage facilities to satisfy CCC collect and convey rules. So then with COA #54 says I must "guarantee adequacy" of ALL downstream existing drainage facilities. CCC knows the downstream storm drainage are inadequate. See PW letter dated 7/27/2015, page 2, #16 stating inadequate storm drain system" Westborough project. COA to stop project.

NO NO NO

CCC
Applicant
Applicant expects CCC DCD 3rd determination letter to address this issue and possible written agreement well before (date of 11/16/2018) BofS appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC Internal RA policy procedures.

39
Improvement plans prepared by reg. civil engineer must submit to PW with review and fees for all improvements required by CCC Code for CofA, including Traffic signage and striping plans.

See CCC COA 53, 54, J, Findings#2 (cant file parcel map till collect convey COA met). See 'Deferred Improvement Agreement DIA" CCC said applicant must sign if wanted final building permit. Unfair DIA, it violates CCC General Plan and other CCC policies, procedures etc.

Yes SSA Yes SSA Yes SSA
see coa 20, see coa see coa
21 15, 16, 17 24, 25, 26

CCC
Applicant
OK

40
Applicant exception to construct curb, sidewalk, drainage, street light pavement widen on Grandview St.

see coa 22 NO see coa 27

CCC
Applicant
Applicant fully agrees with this CofA.

41	<p>Applicant exception to construct curb, sidewalk, longitudinal and transverse drainage, street light pavement widen on <u>Panoramic Way</u></p>	<p>See COA 42 this condition #41 grants exception and is in direct conflict with COA42</p> <p>CCC discriminates, choose to apply 42 and 43 that shut down project. <u>CCC could have chose #41 that exempted her from required drainage improvements, deferred agreement, street paving</u></p>	na	na	na
CCC Applicant	Applicant fully agrees with this CofA.				

42	<p>Applicant exception to construct curb, sidewalk, drainage, street light pavement widen on <u>Panoramic Way</u> but then wrote and added "provided a deferred improvement agreement for following improvements: <u>COA 43 and COA44.</u></p> <p>Error -staff wrote this COA to conflict with other COA and CCC supervisor approved. CCC needs policy and procedures in place to stop continued discriminatory treatment of people.</p>	<p>See COA 41 this condition #42 is in direct conflict with COA #41 that granted exceptions to all required improvements including drainage on <u>Panoramic.</u> COA written to cause confusion, penalized applicant (huge monetary and time delays / costs) and this is a discriminatory COA to stop project.</p> <p>See applicant "drainage RA requests Nexus submittal packet" to CCC 10-26-2018 in response to CCC request for additional information.</p>	NO	NO	NO
CCC Applicant	<p>DCD Director Kopchik denied applicants 6/5/2018 and all prior appeals and her 10-26-2018 RA drainage request to PW/Bofs on 11/2/2018 in his 2nd partial denial Determination letter</p> <p>Applicant expects CCC DCD 3rd determination letter to address this issue and possible written agreement well before (date of 11/16/2018) Bofs appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC internal RA policy procedures.</p>				

43	Construct 8 feet of pavement widening and transitions, retaining walls, and longitudinal and transverse drainage on frontage of Panoramic Way AND see COA44...	See COA 41 this condition #43 is in <u>direct conflict with COA #41 that granted exception to all required improvements including drainage on Panoramic.</u>	NO	NO	NO
	Error -staff wrote this COA to conflict with other COA and CCC supervisor approved. CCC needs policy and procedures in place to stop continued discriminatory treatment of people.	<u>See applicant "drainage RA requests Nexus submittal packet" to CCC 10-26-2018 in response to CCC request for additional information.</u>			
		COA written to cause confusion, penalized applicant (huge monetary and time delays / costs) and this is a discriminatory COA to stop project.			
CCC	DCD Director Kopchik denied applicants 6/5/2018 and all prior appeals and her 10-26-2018 RA drainage request to PW/Bofs on 11/2/2018 in his 2nd partial denial Determination letter				
Applicant	Applicant expects CCC DCD 3rd determination letter to address this issue and possible written agreement well before (date of 11/16/2018) Bofs appeal 30 day deadline of 12/2/2018 (Director 2 nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC internal RA policy procedures.				
44	Any time CCC wants to call up deferred improvement agreement, applicant must pay for and submit Civil Engineer Improvement Plans AND submit to Public Works for review AND pay many more fees to CCC AND sign a Deferred Improvement Agreement.	See COA 41 this condition #44 is in <u>direct conflict with COA #41 that granted exception to all required improvements including drainage on Panoramic. See applicant "drainage RA requests Nexus submittal packet" to CCC 10-26-2018 in response to CCC request for additional information.</u>	NO	NO	NO
	Error -staff wrote this COA to conflict with other COA and CCC supervisor approved. CCC needs policy and procedures in place to stop continued discriminatory treatment of people.	COA written to cause confusion, penalized applicant (huge monetary and time delays / costs) and this is a discriminatory COA to stop project.			
CCC	DCD Director Kopchik denied applicants 6/5/2018 and all prior appeals and her 10-26-2018 RA drainage request to PW/Bofs on 11/2/2018 in his 2nd partial denial Determination letter				

Applicant expects CCC DCD 3rd determination letter to address this issue and possible written agreement well before (date of 11/16/2018) BofS appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC internal RA policy procedures.

53

Drainage Collect and Convey all storm water on property to adequate storm drainage facility, adequate natural watercourse or existing adequate public storm drainage facility.

See COA 41 this condition #53 is in direct conflict with COA #41 that granted exception to all required improvements including drainage on Panoramic. See applicant "drainage RA requests Nexus submittal packet" to CCC 10-26-2018 in response to CCC request for additional information.

yes, SSA yes, SSA yes, SSA
see coa 31 see coa 27 see coa 33

CCC

DCD Director Kopchik denied applicants 6/5/2018 and all prior appeals and her 10-26-2018 RA drainage request to PW/BofS on 11/2/2018 in his 2nd partial denial Determination letter

Applicant expects CCC DCD 3rd determination letter to address this issue and possible written agreement well before (date of 11/16/2018) BofS appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC internal RA policy procedures.

Applicant must "guarantee adequacy" of all downstream drainage facilities".

Prohibited from using historical drainage system/patterns by this COA.

See attached memo dated 3/26/2014 from consulting firm hired by applicant to solve drainage barriers, APEX Engineering Jon Vizcay, stating he spoke with CCC PW staff Jocelyn LaRocque in March 2014 and he reported Ms. LaRocque said, "even if applicant proved that the runoff from the site was reduced to be equal or below the existing condition by constructing an onsite detention facility that this condition would still not be met because applicant still has to prove that ANY RUNOFF (guarantee) is conveyed to an adequate storm drain facility. CoFA #54 effectively shuts down my project.

Applicant should only be charged the correct amount of 35 cents impervious surface per General Plan like other similarly situated non disabled persons

COA #54 says I must "guarantee adequacy" of ALL downstream existing drainage facilities. CCC knows the downstream storm drainage is inadequate.

See COA 41 this condition #53 is in direct conflict with COA #41 that granted exception to all required improvements including drainage on Panoramic.

For example, 14 condos Westborough 2014 project, in same drainage area as applicant, corner of Tice Valley & Olympic Blvd. was allowed to build the project even though PW letter regarding Westborough storm drainage, dated 7/27/2015, page 2, #16 stating inadequate storm drain system" at Westborough project. This "guarantee adequacy" COA is being use to stop project.

CCC General Plan provision 4-O says, "All new development shall contribute to, or participate in, the improvement of the ...and flood control systems in *reasonable proportion to the demand impacts and burdens generated by project occupants and users.* (GP4-11) See applicant "drainage RA requests Nexus submittal packet" to CCC 10-26-2018 in response to CCC request for additional information.

	NO	NO	NO
"guarantee adequacy" requirement for this project			
"guarantee adequacy" requirement for this project			
"guarantee adequacy" requirement for this project			

Applicant of this project allowed to choose to pay the 25 cents per sq. ft. mitigation fee or construct all water capacity improve ments as directed by CCC Flood Control

CCC DCD Director Kopchik denied applicants 6/5/2018 and all prior appeals and her 10-26-2018 RA drainage request to PW/Bofs on 11/2/2018 in his 2nd partial denial Determination letter

Applicant Applicant expects CCC DCD 3rd determination letter to address this issue and possible written agreement well before (date of 11/16/2018) Bofs appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC internal RA policy procedures.

Drainage Deferred Maintenance Agreement	<p>Drainage Deferred Improvement Agreement” and the fact CCC PW staff told applicant it must be signed for both lot A and B. If it was recorded, CCC <u>could have</u> called it up anytime to require applicant, to force her to build all the downstream improvements, (estimated cost enormous as Panoramia is a very long street), even though she would never be granted a building permit.</p> <p>The Drainage Area Plan and Fees documents states, “Following the adoption of a drainage plan, drainage fees can be assessed against new development within the drainage area. Because drainage fees can only be assessed on new developments occurring within adopted drainage areas, developments built within areas not yet established as adopted drainage areas do not pay standardized drainage fees but must meet the collect and convey requirements of the subdivision ordinance. In most cases, larger development projects are required to make ... mitigation payments, although the requirement may not be consistently applied to smaller projects. (CCC General Plan pg. 7-18)</p>	Required DIA improvements include “1600 square feet of street paving, retaining walls, expensive and extensive drainage, temporary conforms for paving and drainage, pay for engineering to create plans and submit improvement plans and pay fees to CCC for review and pay for entire neighborhood new drainage system.” <i>Whenever CCC determines that there is no further reason to defer</i> , owner will be notified construction is to commence...”	na	na	na
ccc	<p>Per CCC General Plan pg. 7-17 and see 7-18 "...Many of the smaller developments are located in existing urbanized areas and, due to their size, are unable to bear the full cost of the needed drainage improvements. Frequently, these developments are allowed to proceed without contributing to the long-range solutions. An additional problem is the inconsistencies in the amounts of drainage improvement fees required by the various cities and the County." See applicant "drainage RA requests Nexus submittal packet" to CCC 10-26-2018 in response to CCC request for additional information.</p>				
Applicant	<p>DCD Director Kopchik denied applicants 6/5/2018 and all prior appeals and her 10-26-2018 RA drainage request to PW/Bofs on 11/2/2018 in his 2nd partial denial Determination letter.</p> <p>Applicant expects CCC DCD 3rd determination letter to address this issue and possible written agreement well before (date of 11/16/2018) Bofs appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC internal RA policy procedures.</p>				

Applicants governmental, discriminatory constraint; Construction-related vehicle access to the site shall be limited to two vehicles. Says, Construction work will NOT be allowed to resume...

COA discriminatory because it is so <u>burdensome/ impossible to comply with</u> , there are times more than 2 construction vehicles are need on site to comply with other CCC CoFA and programs. 1. The grading vehicles (CoFA #11 with no import or export of fill CoFA will take an inordinate amount of time), 2. the required (CoFA#12(A)) arborist vehicle who needs extra time observing the grading to protect tree and 3. the litter (CoFA #24) vehicle & 4. dust control vehicle (CoFA #28 taking extra time while "conserving water") all are on site and other CCC required COA. Discriminatory COA to harass and stop project.	NO	NO	NO
	see coa 9 and 10	see coa 10 thru 15	see coa 23

CCC

DCD Director Kopchik denied applicants 6/5/2018 and all prior appeals and her 10-26-2018 RA drainage request to PW/Bofs on 11/2/2018 in his 2nd partial denial Determination letter

Applicant

Applicant expects CCC DCD 3rd determination letter to address this issue and possible written agreement well before (date of 11/16/2018) Bofs appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC internal RA policy procedures.

1.1

Grading plan shall not allow import or export of fill material for building of house

(how would no change in fill work with a set back of 20 feet, given topo hill, requiring large retaining walls- perhaps project could not be built to allowed 2500 sq. feet) and also consideration of CCC building height limit code measuring from natural grade

Similarly, situated non-disabled people do not have this CoFA govern. constraint that doesn't allow for sufficient import and export fill material on-site necessary to correctly grade and build a home of this small project size. NO COA for applicant regarding Geology and Soils; CCC knows this is a discriminatory COA to stop project

NO

NO

NO

CCC

DCD Director Kopchik denied applicants 6/5/2018 and all prior appeals and her 10-26-2018 RA drainage request to PW/Bofs on 11/2/2018 in his 2nd partial denial Determination letter

Applicant

Applicant expects CCC DCD 3rd determination letter to address this issue and possible written agreement well before (date of 11/16/2018) Bofs appeal 30-day deadline of 12/2/2018 (Director 2nd revised Determination Letter), under Prompt Processing laws. Applicant can't move forward until receives reply from DCD director per CCC internal RA policy procedures.

Note:
Building height

CCC
Applicant

CCC Code says, "Building height means the vertical distance measured from grade to top of structure directly above. Height may be measured from finished grade when is below natural grade. Height shall be measured from natural grade when the finished grade is higher than natural grade."

If CCC does not grant RA request for side yard and front yard set back, then applicant forced to build towards North with very large retaining walls. Then her 2 story project is stopped due to "Building height measuring" in relation to 28 feet height

na

na

na

Applicants Project		Similar CCC Approved Projects			
COA #	Name	Comments	16-0015	15-0009	13-0007
1	Approval based on exhibits received by CCC				
3	Variance allowed				
5	Applicant must submit & get CCC approval of building plans. House limited to 2500sq ft, 28 feet tall. Must screen neighbors.	The other similar situated projects do not have these building restrictions.	NO see coa 4 and 5	NO see coa 4 and 5	NO see coa 6 and 7
6	Applicant must file and record statement to run with deed such as design, size limit of home, fencing, landscaping	Excessive COA, other similarly situated non disabled do not have this COA	NO see coa 4 and 5	NO see coa 4 and 5	NO see coa 6 and 7
7	Archaeology <u>stop work</u> if find archaeological materials	No work stoppage for 13-0007, they are allowed to "redirect work" not stop work	NO see coa 4 and 5	yes, SSA see coa 7	yes is a coa 13-NO WORK STOPPAGE work redirected

8	Archaeology cultural material such as artifacts, <u>operations stopped, job stopped</u>	Only applicant is forced to endure required "work stoppages"	NO see coa 4 and 6	yes, SSA see coa 7	yes, SSA see coa 14; NO WORK STOPPAGE work redirected
9	Archaeology find human remains <u>stop work on entire job</u>	Only applicant is required to entirely shut down the job. Excessive COA, other similarly situated non disabled do not have this COA	NO see coa 4 and 7	yes, SSA see coa 8, work continues past 30 yards	yes, SSA see coa 8, work continues past 50 feet
10	Pay \$400 for child care		yes, SSA see coa 5	yes, SSA see coa 5	yes, SSA see coa 16
12A	Tree removal, must provide fencing 5 feet outside drip line protected trees	Some other similarly situated non disabled do not have this COA	NO see coa 7 and 8	NO see coa 8 and 9	maybe? SSA see coa 7, 8, 9, 10, 11
13	COA that applicant must post bond for trees	Some other similarly situated non disabled do not have this COA	NO	NO	7a 7b pay bond
14	Remove 4 trees	Applicant forced to replace 3 trees for every removed. Other applicants granted preference to have less ratio of replacement.	NO	NO	NO
15A	Install fencing		NO	NO	NO
15B	Trees Arborist shall prepare a 2nd report, applicant to pay, for additional methods of tree protection	Why force applicant to pay for 2nd arborist report? Excessive, penalizing COA, other similarly situated non disabled do not have this COA	NO	NO	NO
15C	No parking, storing vehicles, equipment in drip line		NO	NO	NO
16	If no trees in 40 feet of development, plans must note		NO	NO	NO

17	Landscape plans must be submitted to CCC for approval, certified in compliance with CCC water conservation ordinance, submitted 30 days before issue building permit with cost estimate. Must give to neighbors be ZA hearing	NO	NO	yes see coa 7a, NO TO GIVE TO NEIGHBORS TO STOP MY PROJECT AND HARRASS AND DELAY PROJECT
18	Replace 12 trees, outside building envelope, for 4 removed	NO	NO	removed 12 trees, replace 18 trees
19	Exterior lights shall shine onto applicants property	NO	NO	NO
20	Contractor comply construction, noise, dust, litter control requirements	NO	NO	yes see coa 23
21	Construction activity hours and holiday schedule	yes, SSA see coa 15	yes, SSA see coa 10	yes, SSA see coa 23
Geology, soils, foundatio n COA per State & CCC Code	NO COA for applicant regarding Geology and Soils, no required soils or geology reports to be review by CCC ZA, building and Peer Review Geologist. NO requirements during on site grading, drainage and foundation work for a geotechnical engineer to provide observation and testing.	NO applicant does not have Geology COA. This project does, see coa 16, 17, 18, 19	NO applicant does not have Geology COA. This project does, see coa 11, 12, 13, 14	NO applicant does not have Geology COA. This project does see coa 12
22	Contractors, subs must fit all internal combustion engines with mufflers	NO see coa 9 and 10	yes, SSA see coa 11	yes see coa 23C

Why is applicant forced to plant 3 trees for every one removed; when other applicant removed 12 tree and only had to replace 18 trees? Excessive ratio tree replacement calculation COA, other similarly situated non disabled do not have this COA that forces higher ratio of tree replacement

CCC left off all COA geotechnical report requirements for specific standards for foundations, soils, geology per Ca Building Code and CCC Code requirements.
Why? Because CCC knew this project would never be built and if it was built CCC did not care if a deformed foot persons home was unsafe.

23	One week prior to grading, post list of contacts persons <u>name and phone number</u> for noise, litter control, tree protect,, construction traffic, erosion control, 24 hr. emergency phone number	Punitive COA so neighbors or any other who likes to discriminate, can call applicant in middle of night, wake up and harass etc.	NO see coa 9 and 10	Yes SSA see coa 13, not required to mail to neighbors	NO see coa 23
24	Dust and litter control program violation requires <u>immediate work stoppage</u> , must create and submit <u>program for CCC review</u>	Other project have NO " <u>work stoppage</u> " verbiage; additional burdensome requirements to create and review program, neighbors will call and stop project constantly	NO see coa 9 and 10	NO see coa 15	NO see coa 23
26	Transporting of heavy equipment required between 9:00am and 4:00pm-only allowed, <u>constrained by 7 hours</u>	Other projects allowed to have 8 or 9 hours. Applicant restricted unfairly to only 7 hours	NO- get 9 hrs. see coa 9 and 11 NO	NO get 9 hrs. see coa 10 and 13 Yes SSA	NO get 8 hrs. see coa 23E Yes SSA
27	Maintain site in orderly fashion		see coa 9 and 10	see coa 12	see coa 23B
28	Project to follow Grading Ordinance dust control including <u>required water conservation rules</u>	To sufficiently comply with adequate dust control, sufficient watering to control dust is required at all times.	see coa 9 and 10 NO	see coa 10 thru 15 NO	see coa 23E NO
31	Before can record parcel map, provide proof of adequate water facilities		NO	NO	NO
32	Before can record parcel map, provide proof of adequate sanitary sewer quantity and <u>quality</u>		NO	NO	NO
33	Must comply with CCC Ordinance for water conservation		NO	NO	yes SSA see coa 21
34	CCC wrote, per CA <u>ENERGY COMMISSION</u> , all toilets shall be low flow		NO	NO	NO
35	Prior to filing final map or get building permit, pay \$2,000 for police service		yes SSA see coa 9	NO	yes SSA see coa 18
36	Fire District if require sprinklers, must do record deed disclosure to run with title		NO	NO	NO

37	CCC requires applicant donate scenic easement; government taking and constraint	CCC paid no compensation for the 40% of land "taking", takings are against the law, compensation owed applicant, never paid by CCC	NO	NO	NO
38	Pay \$ 5,513 for initial application processing by CCC	Applicant forced to pay more than all other applicants	due \$4,800 see coa 2	due \$5,400 see coa2	due \$5,400 see coa 3
45	Proof of Access		yes SSA see coa 24	yes SSA see coa 19	yes SSA see coa 28
46	Encroachment Permit		yes SSA see coa 25	yes SSA see coa 20	yes SSA see coa 28
47	Abutter's Rights		yes SSA see coa 27	yes SSA see coa 21	NO
49	Grandview Road Dedications CCC granted exception for dedication of additional right of way on Grandview Place street		na	na	na
50	Panoramic Way Road Dedications CCC required 5 feet of additional right of way with width of future 50 feet on Panoramic Way frontage		na	na	yes SSA see coa 30
51	Street lights must annex to lighting district		yes SSA see coa 28	yes SSA see coa 25	yes SSA see coa 31
52	Utilities/Undergrounding required		NO	yes SSA see coa 26	yes SSA see coa 32
55	National Pollutant Discharge Elimination System- not required submittal of Plan as less than 10,000 impervious surface, CCC stormwater Management and Discharge Control Ordinance	COF55 conflicts with See page C.3. Findings for Tentative Map #2; Project finding, "In lieu of constructing on-site drainage facilities to meet collect and convey requirement..." , applicant not allowed to build on site drainage facilities	NO	NO	NO

56	National Pollutant Discharge Elimination System	yes, SSA see coa 35	yes, SSA see coa 33	yes, SSA see coa 35
57	Must comply with developing long-term best management practices for reduction or elimination of storm water pollutants.	yes, SSA see coa 35	yes, SSA see coa 33	yes, SSA see coa 35

58	Applicant must comply with "other alternatives approved by the Public Works Dept.	yes, SSA see coa 35	yes, SSA see coa 33	yes, SSA see coa 35
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Advisory Notes

A.	Various notices	yes, SSA	yes, SSA	yes, SSA
B.	Comply with Building Inspection	yes, SSA	yes, SSA	yes, SSA
C.	Comply with health services	yes, SSA	yes, SSA	yes, SSA
D.	Comply with EBMUD	yes, SSA	yes, SSA	yes, SSA
E.	Comply with CCC Fire	yes, SSA	yes, SSA	yes, SSA
F.	Comply with Sheriff	yes, SSA	yes, SSA	yes, SSA
G.	Comply with National Pollutant Discharge Elimination System	Conflicting COA to 55 above. Not required to submit report.		
H.	Pay many fees			
I	Comply with bridge/Thoroughfare fee	NO	yes	yes

Notes Regarding CCC Fair Housing and Discrimination

WPR
2/2/18

Contra Costa HOME Consortium to cooperatively plan for the housing and community development needs of the County. The County administers HOME funds on behalf of all the Consortia cities and the Urban County. The County administers Urban County CDBG funds, Consortium HOME funds, County ESG funds, and a share of the Alameda/Contra Costa allocation of HOPWA funds as a sub-grantee to the City of Oakland.

The Consolidated Plan was created by the Consortium to assess the needs of all Consortium member communities and to guide the use of funds within each individual member community.

Please see past documents also.

2015 -2020 Consolidated Plan CCC Consortium; *The Contra Costa HOME Consortium has made significant progress in meeting the goals and objectives contained in its 2010-15 Five-Year Consolidated Plan.* This 5-year plan has no material mention or future planning for RA for disabled applicants trying to build a house of their choice. CCC doing nothing to stop discrimination against disabled folks who are trying to build a disabled friendly house.

Current CCC Analysis of Past Impediments and Actions Appendix 2; source of document, CCC Analysis of Impediments to Fair Housing Web Site

6. IMPEDIMENT: Lack of knowledge of fair housing rights. 6.1. Action: Support efforts to educate tenants, and owners and agents of rental properties regarding their fair housing rights. CCC did not report any actions. CCC doesn't have goals in this document to help non-rental disabled folks, a large growing population of the seniors in CCC.

8. IMPEDIMENT: Failure to provide reasonable accommodation to persons with disabilities. 8.1. Action: Support efforts to educate tenants, and owners and agents of rental properties regarding the right of persons with disabilities to reasonable accommodation. CCC did not report any actions. CCC doesn't have goals in this document to help non-rental disabled folks, a large growing population of the seniors in CCC.

10. IMPEDIMENT: Lack of formal policies and procedures regarding reasonable accommodation. 10.1. Action: Jurisdictions which have not done so will adopt formal policies and procedures for persons with disabilities to request reasonable accommodations to local planning and development standards. CCC documented action states in this report, "Contra Costa County - The County's Mortgage Credit Certificate program reserves 40 percent of its allocation for households with incomes at or below 80 percent of area median income. Lenders have been cooperative with this program, and 150 Mortgage Credit Certificates were provided to low-income households through 2010 - 2015." **CCC has not adopted formal procedures and is in violation of this plan and the CCC General Plan.**

2016 Analysis of Impediments to Fair Housing Choice Contra Costa County Consortium: *The purpose of an AI is to review conditions in the jurisdictions that may impact the ability of households to freely choose housing and to be treated without regard to race, ethnicity, religion, gender, national origin, source of income, age, disability, or other protected status. The AI reviews the general state of fair housing, the enforcement of fair*

housing law, efforts to promote fair housing, access to credit for the purpose of housing, and general constraints to the availability of a full range of housing types.

Major Goal is to identify impediments to fair housing choice and actions that will take to remove those impediments or to mitigate the impact those impediments have on fair housing choice.

This analysis has identified the following impediments and actions to address those impediments.

4. Disability and elder care issues. Availability and access to housing for individuals with physical and mental disabilities is a rapidly emerging impediment to fair housing. Further, insufficient education and enforcement around issues of reasonable accommodations results in discrimination against individuals with disabilities.

5. Local Building Approvals. Lengthy, complex, and extensive local review and approval processes discourage construction of affordable housing. Local governments sometimes require separate approvals for every aspect of the development process and sometimes stipulate public hearings that invite community opposition, which can have the same effect as exclusionary zoning.

The impediments listed below were identified as obstacles to fair housing in the County's previous Analysis of Impediments to Fair Housing report in 2010.

8. IMPEDIMENT: Failure to provide reasonable accommodation to persons with disabilities.

8.1. Action: Support efforts to educate tenants, owners, agents of rental properties regarding the right of persons with disabilities to reasonable accommodation. Pg 11

8.2. Action: Support efforts to enforce the right of persons with disabilities to reasonable accommodation and to provide redress to persons with disabilities who have been refused reasonable accommodation. Pg 12

Government Barriers See attached documents, see entire report

10. IMPEDIMENT: Lack of formal policies and procedures regarding reasonable accommodation.

10.1. Action: Jurisdictions which have not done so will adopt formal policies and procedures for persons with disabilities to request reasonable accommodations to local planning and development standards. See additional information attached that show CCC has not fully complied with required laws.

CCC 2015 GENERAL PLAN ANNUAL PROGRESS REPORT: The Contra Costa County Department of Conservation and Development (DCD) is a division of the planning agency for the unincorporated area of Contra Costa County and is responsible for proper preparation and administration of the County General Plan (County Ordinance Code section 26-2.808[1]). *Government Code section 65400 requires jurisdictions to discuss the degree to which the adopted General Plan complies with the General Plan Guidelines. The Guidelines provide a definitive interpretation of State statutes and case law as they relate to the General Plan. Additionally, the Guidelines outline the general framework for preparation and revision of a General Plan, Attorney General Opinions. Compliance with Section 65400(b)(1) of the Government Code, this report covering calendar year 2015 has been prepared for the Contra Costa County Board of Supervisors' consideration and acceptance. This report:*

1. Summarizes the status of the Contra Costa County General Plan and describes steps that have been taken to implement General Plan policies in calendar year 2015;

3. Describes Housing Element implementation, specifically the County's progress in meeting its share of the regional housing needs over the current reporting period (current Housing Element cycle) and on the efforts to remove governmental constraints to maintenance, improvement, and development of housing pursuant to Government Code Section 65583;

4. Concludes with a discussion on goals, objectives, and work activities (next year) related to General Plan implementation for calendar year 2016.

- **Anti-Discrimination Program:** objective to Promote fair housing. No updates, nothing done See page 17

- **Special Needs Housing Program:** objective to Increase Supply of Special Needs Housing. CCC built two units for women leaving prison, very low income. See pg. 15
- **Accessible Housing Program:** Objective to Increase the supply of accessible housing. Noting done in unincorporated CCC. Pg. 15
- **Reasonable Accommodation Program:** objective to Increase the supply of special needs and accessible housing. Reported status of program implementation, County assisted one client with translation services. CCC not spending limited funds in best manner and funds should be spent on projects that increase the supply of housing. Pg. 17
- **Infill Program:** CCC uses use the Small Lot Review process to assist applicants in developing infill single-family residences on substandard-size lots and streamline the administrative review process for infill housing in the former redevelopment areas. No infill projects reported. Pg. 16

CCC 2016 GENERAL PLAN ANNUAL PROGRESS REPORT: *The intent of this report is to demonstrate the County's compliance with California Government Code Section 65400(b)(1), which mandates that all cities and counties submit to their legislative bodies an annual report on the status of their General Plan and progress in its implementation.*

A copy of this report will, as required under the statute, be provided to the Governor's Office of Planning and Research (OPR) and the California Department of Housing and Community Development (HCD). A separate report will be provided to HCD in fulfillment of another statutory requirement to report certain housing information, including the County's progress in meeting its share of regional housing needs and local efforts to remove governmental constraints to the development of housing, as defined in Government Code sections 65584 and 65583(c)(3).

- **Special Needs Housing:** Page 13 of report CCC shows it has done nothing in the areas of SNH.
- **Reasonable Accommodations** to increase supply of special needs accessible housing. CCC reported all they did was fund 5 bathrooms and language services. CCC is not complying with the required laws, 5 bathrooms has done nothing to increase housing. Where is CCC spending the money? Pag 14
- **Anti-Discrimination Program:** Objective to "promote fair housing": CCC has not done anything to date for and intend to have an "updated document of Analysis of Impediments to Fair Housing document".

CCC 2017 GENERAL PLAN ANNUAL PROGRESS REPORT: Contra Costa County did no changes, reported no material changes for the General Plan Housing Element Program:

- **Anti-Discrimination Program:** objective to Promote fair housing. Status of Program Implementation reported: The Analysis of Impediments to Fair Housing (AI) was updated 2017. CCC is working on a County wide Assessment of Fair Housing report. See page 14
- **Special Needs Housing Program:** objective to Increase Supply of Special Needs Housing. CCC has done nothing, There were no projects in this reporting period within the unincorporated County. See pg. 16
- **Accessible Housing Program:** Objective to Increase the supply of accessible housing.
- **Reasonable Accommodation Program:** objective to Increase the supply of special needs and accessible housing. Reported status of program implementation, County assisted in the funding of 2 projects that included accessibility improvements for accessible bathroom renovations. CCC not spending limited funds in best manner. Pg. 17
- **Infill Program:** CCC uses use the Small Lot Review process to assist applicants in developing infill single-family residences on substandard-size lots and streamline the administrative review process for infill housing in the former redevelopment areas. No infill projects reported.

CCC FY2017/18 CAPER Consolidated Annual Performance & Evaluation Report CDBG, HOME etc. funds:

The Housing and Community Development Act of 1974, as amended, requires all Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Program entitlement jurisdictions to prepare and submit a Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD) by September 30 of each year. The CAPER provides the County and interested stakeholders with an opportunity to evaluate the progress in carrying out priorities and objectives contained in the County's five-year Consolidated Plan and annual Action Plan. This annual report shows CCC doing nothing to stop discrimination against disabled folks who are trying to build a disabled friendly house. Nothing in report regarding Reasonable Accommodation for building disabled friendly housing of disabled person's choice.

- No signification actions taken by CCC to prevent discrimination against disabled person wanting to build housing of their choice. See page 22 of CAPER
- Only one Project Name EDEN, to promote Fair Housing pg. 65 of CAPER document
- Applicant called EDEN (see pg. 65 Fair Housing funds spent to stop discrimination and train for fair housing) and was told "... ECHO serve peoples with complaints about landlords, tenants, hotels, advertisements. ECHO Cannot help applicant with reasonable accommodations of structure not yet built. " See attached list of phone call log sheet documenting phone calls.
- ECHO CCC funded program will only help rental type discrimination complaints. Refused access to CCC program to prevent discrimination.
- CCC "Objective CD-6 Infrastructure / Public Facilities: Maintain quality public facilities and adequate infrastructure and ensure access for the mobility-impaired by addressing physical access to public facilities." CCC is spending funds on projects that have no Nexus to ensuring access for the mobility-impaired by addressing physical access to public facilities such as the budgeted \$140,000 project at to "Installation of solar panels along the top of a new cantilevered carport structure" see pg. 71 COCOKIDS of CAPER.

CCC Consortium Strategic Plan is incomplete and does not significantly address or plan for Discrimination Prevention, Special Needs Housing Program for disabled folks who want to build housing of their choice and Reasonable Accommodation Program.

FY 2014/15 ACTION PLAN Community Development Block Grant HOME Investment Partnerships Act... Not much done for anti-discrimination and RA for disabled folks building housing of their choice. See pg. 11.

Mary Dunne Rose

From: Gabriel Lemus <Gabriel.Lemus@dcd.cccounty.us>
Sent: Monday, November 26, 2018 10:24 AM
To: M D Rose
Subject: RE: CCC appendix 2 impediments to fair housing; Please send a PDF copy to me
Attachments: APPENDIX 2 Past Impediments and Actions.pdf

Hi Mary,

Attached is Appendix 2 as a PDF document.

-Gabriel

Gabriel Lemus
CDBG Program Manager
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
(925) 674-7882
gabriel.lemus@dcd.cccounty.us

From: M D Rose <trustmdrose@gmail.com>
Sent: Sunday, November 25, 2018 9:05 AM
To: Gabriel Lemus <Gabriel.Lemus@dcd.cccounty.us>
Subject: CCC appendix 2 impediments to fair housing; Please send a PDF copy to me

Hi Gabriel,

Trust you had a wonderful Thanksgiving holiday! It's so nice when we get time off!

See below that I copied and pasted today from the CCC website:

Analysis of Impediments to Fair Housing Choice Document

Contra Costa County Consortium Analysis of Impediments to Fair Housing Choice

Appendix 1: List of Stakeholder Interviews

Appendix 2: Past Impediments and Actions

— Attached → →

I am having a problem with my computer getting the "appendix two: past impediments and actions" listed on the county's website to print out right.

Would ever so greatly appreciate you emailing me a PDF of the "appendix number 2: past Impediments and actions" listed on your website.

Thank you in advance for helping me, hope it doesn't take too much time!

APPENDIX 2
PAST IMPEDIMENTS AND ACTIONS

PAST IMPEDIMENTS	ACTION
<p>1. IMPEDIMENT: Lack of sufficient affordable housing supply.</p> <p>1.1. Action: Provide assistance to preserve existing affordable housing and to create new affordable housing. Assistance will be provided through the Consolidated Plan programs of the Consortium member jurisdictions. These include CDBG, HOME, and HOPWA.</p>	<p>Antioch – Antioch allocates CDBG funds to promote Fair Housing activities. The City of Antioch has historically funded BALA and/or Echo to provide fair housing services to its residents. These agencies provide trainings and workshops to landlords, tenants and other interested parties annually. Both agencies are HUD-approved housing counseling agencies, and satisfy HUD's definition of Fair Housing Enforcement Organization and Qualified Fair Housing Enforcement Organization.</p> <p>Concord – Concord took the following actions to preserve and create affordable housing</p> <p style="margin-left: 40px;">a. Preserve affordable housing – The City reserved \$300,000 in RDA Housing set-aside funds to assist in rehabilitating a 48-unit multifamily complex in the Monument Corridor, however, due to the State Budget elimination of RDAs and subsequent litigation, these</p>

Census Tracts with loan origination rates under 50 percent according to the most recently published HMDA data.	the loss of Redevelopment funding. City staff has contacts with Spanish-speaking loan agents that are also listed on the City's Preferred lender list.
5.2. Action: Member jurisdictions will encourage mortgage lenders to responsibly market loan products to households who wish to purchase homes in Census Tracts with loan origination rates under 50 percent according to the most recently published HMDA data.	Concord - City staff has contact with Spanish-speaking loan agents that are also listed on the City's Preferred lender list to market to both English and Spanish speaking low-income clients. The City also coordinated the subordination of existing loans to assist existing eligible homeowners in the FTHB Program or Rehabilitation Loan Program to achieve better interest rates through a refinance of their homes.
6. IMPEDIMENT: Lack of knowledge of fair housing rights.	
6.1. Action: Support efforts to educate tenants, and owners and agents of rental properties regarding their fair housing rights and responsibilities.	<p>Concord - Concord allocated resources to encourage and facilitate the development of affordable housing, as detailed in this CAPER. To ensure fair access to housing for all in Concord, the City invested \$70,000 in resources for fair housing and tenant/ land lord counseling services through Housing Rights; \$40,000 to provide one-stop services for housing and tenant/landlord issues at the Mt. Diablo Housing Opportunity Center; and additional \$5,000 to provide augmented foreclosure-related housing services. At least 67 percent of all services were provided to extremely low- and very</p>

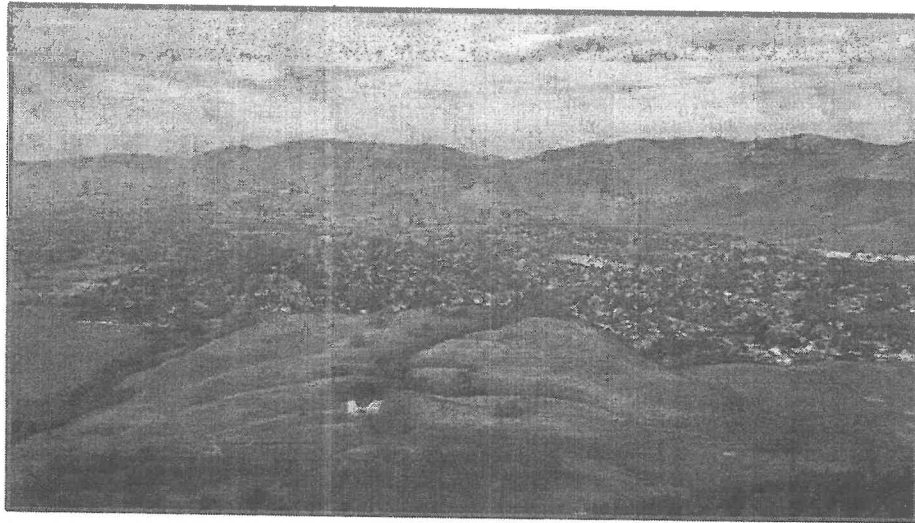
	Pittsburg - Agreements such as a lease or housing agreement executed by the City, SA, HA, etc. specifically addresses language against discrimination.
8. IMPEDIMENT: Failure to provide reasonable accommodation to persons with disabilities.	
8.1. Action: Support efforts to educate tenants, and owners and agents of rental properties regarding the right of persons with disabilities to reasonable accommodation.	<p>Concord - Through 2010-2015, the City contracted with Housing Rights and ECHO to promote fair housing assistance and tenant/landlord counseling to provide reasonable accommodation to persons with disabilities.</p> <p>Pittsburg - PCSI services funded by SA.</p> <p>Walnut Creek - Walnut Creek funds ECHO Housing to provide Tenant/Landlord and Fair Housing services.</p>
8.2. Action: Support efforts to enforce the right of persons with disabilities to reasonable accommodation and to provide redress to persons with disabilities who have been refused reasonable accommodation.	<p>Concord - Through 2010-2015, the City contracted with Housing Rights and ECHO to promote fair housing assistance and tenant/landlord counseling to provide reasonable accommodation to persons with disabilities.</p> <p>Pittsburg - Agreements such as a lease or housing agreement executed by the City, SA, HA, etc. specifically addresses language</p>

		against discrimination.
9. IMPEDIMENT: Lack of information on the nature and basis of housing discrimination.		
9.1. Action: Monitor the incidence of housing discrimination complaints and report trends annually in the CAPER.	<p>Concord - The City monitored incidence of discrimination complaints through review of the quarterly Housing Rights and ECHO reports. No trends have been noted.</p>	
9.2. Action: Improve the consistency in reporting of housing discrimination complaints. All agencies who provide this information should do so in the same format with the same level of detail. Information should be available by the quarter year.	<p>Concord - All Housing Rights and ECHO reports were submitted by quarter year, with breakdowns regarding type of assistance, household composition, household ethnicity and household income, with a brief summary of the quarter and an outreach report, with the types and number of clinics, mailings, or household distributions conducted. The City will implement reporting online in City Data Services in FY 2011-12.</p>	
9.3. Action: Improve collection and reporting information on discrimination based on sexual orientation and failure to provide reasonable accommodation to persons with disabilities.	<p>Concord - During 2010-2015, the City's Housing Program continued to coordinate with Housing Rights and ECHO through quarterly reporting in monitoring trends and incidents of discrimination.</p>	

<p>10. IMPEDIMENT: Lack of formal policies and procedures regarding reasonable accommodation.</p>	
<p>10.1. Action: Jurisdictions which have not done so will adopt formal policies and procedures for persons with disabilities to request reasonable accommodations to local planning and development standards.</p>	<p>Concord - The City has completed this action. The City's Municipal Code, Section 122-213 through -220, pursuant to the federal Fair Housing Amendments Act of 1988, the Americans with Disabilities Act, and the California Fair Employment and Housing Act, provides people with disabilities, reasonable accommodation as necessary to ensure equal access to housing and a process for individuals with disabilities to make requests for reasonable accommodation in regard to relief from the zoning rules, policies, practices and/or procedures of the City.</p> <p>Contra Costa County - The County's Mortgage Credit Certificate program reserves 40 percent of its allocation for households with incomes at or below 80 percent of area median income. Lenders have been cooperative with this program, and 150 Mortgage Credit Certificates were provided to low-income households through 2010 - 2015.</p> <p>Walnut Creek - In 2014 the City of Walnut Creek adopted a Reasonable Accommodation Ordinance that outlines the policy and procedure for requesting reasonable accommodation in the application of local planning, zoning, and building standards.</p>

Analysis of Impediments to Fair Housing Choice


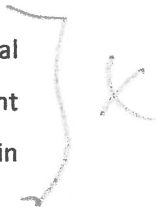

Contra Costa County
Consortium



2016

Impediments Identified

This analysis has identified the following impediments and actions to address those impediments.

1. **Education and public perception.** Inadequate information on fair housing issues and a lack of understanding about the potential extent of housing discrimination exists. 
2. **Housing affordability.** The high cost of housing and extreme burden those costs place, particularly on renters, present a barrier to fair housing choice. Also, low vacancies and lack of affordable housing options contribute to these issues. Concentration of the limited affordable housing supply is also a fair housing concern.
3. **Home purchase loan denials.** Significant disparity between races and ethnicities in loan denial rates exists. Minorities are more likely to be denied loans than whites, even in high income categories.
4. **Disability and elder care issues.** Availability and access to housing for individuals with physical and mental disabilities is a rapidly emerging impediment to fair housing. Further, insufficient education and enforcement around issues of reasonable accommodations results in discrimination against individuals with disabilities. 
5. **Local Building Approvals.** Lengthy, complex, and extensive local review and approval processes discourage construction of affordable housing. Local governments sometimes require separate approvals for every aspect of the development process and sometimes stipulate public hearings that invite community opposition, which can have the same effect as exclusionary zoning. 

4.3. Action: Member jurisdictions will encourage mortgage lenders to responsibly market loan products to lower income (low and very low), immigrant, and minority households. Minority households include Hispanic households.

5. IMPEDIMENT: Lower mortgage approval rates in areas of minority concentration and low-income concentration.

5.1. Action: Member jurisdictions will support home purchase programs targeted to households who wish to purchase homes in Census Tracts with loan origination rates under 50 percent according to the most recently published HMDA data.

5.2. Action: Member jurisdictions will encourage mortgage lenders to responsibly market loan products to households who wish to purchase homes in Census Tracts with loan origination rates under 50 percent according to the most recently published HMDA data.

6. IMPEDIMENT: Lack of knowledge of fair housing rights.

6.1. Action: Support efforts to educate tenants, owners, and agents of rental properties regarding their fair housing rights and responsibilities.

7. IMPEDIMENT: Discrimination in rental housing.

7.1. Action: Support efforts to enforce fair housing rights and to provide redress to persons who have been discriminated against.

7.2. Action: Support efforts to increase the awareness of discrimination against persons based on sexual orientation.

8. IMPEDIMENT: Failure to provide reasonable accommodation to persons with disabilities.

8.1. Action: Support efforts to educate tenants, owners, agents of rental properties regarding the right of persons with disabilities to reasonable accommodation.

8.2. Action: Support efforts to enforce the right of persons with disabilities to reasonable accommodation and to provide redress to persons with disabilities who have been refused reasonable accommodation.

9. IMPEDIMENT: Lack of information on the nature and basis of housing discrimination.

9.1. Action: Monitor the incidence of housing discrimination complaints and report trends annually in the CAPER.

9.2. Action: Improve the consistency in reporting of housing discrimination complaints. All agencies who provide this information should do so in the same format with the same level of detail. Information should be available by the quarter year.

9.3. Action: Improve collection and reporting information on discrimination based on sexual orientation and failure to provide reasonable accommodation to persons with disabilities.

Government Barriers

10. IMPEDIMENT: Lack of formal policies and procedures regarding reasonable accommodation.

10.1. Action: Jurisdictions which have not done so will adopt formal policies and procedures for persons with disabilities to request reasonable accommodations to local planning and development standards.

11. IMPEDIMENT: Transitional and supportive housing is not treated as a residential use subject only to those restrictions that apply to other residential uses of the same type in the same zone, and is not explicitly permitted in the zoning code.

11.1. Action: Jurisdictions which have not done so will amend their zoning codes to treat transitional and supportive housing types as a residential use subject only to those restrictions that apply to other residential uses of the same type in the same zone, and to explicitly permit both transitional and supportive housing types in the zoning code.

employment (63 percent), inadequate access to transportation (59 percent), and inadequate access to public and social services (58 percent).

The results were similar with economic impediments to housing choice. Almost three-quarters (72 percent) of respondents said an inability to secure subsidies for affordable housing developments occurred very frequently, and another 16 percent reported somewhat frequent occurrence. Next was lack of affordable housing developers at 69 percent and high cost of land at 66 percent. Despite these results, impediments related to the real estate market did not receive similar high reported frequency. It seems that stakeholders may find economic impediments to housing choice related to developing affordable housing, but not as much in the homebuyer market.

The survey also asked about impediments to housing choice related to government actions and policies. For the nine possible impediments offered, a majority indicate somewhat or very frequent occurrence for just two of them—lack of fair housing knowledge at the local level (62 percent very or somewhat frequent) and lack of designated officer to handle fair housing issues (53 percent). In addition, exactly half of respondents indicated local land-use controls and zoning prohibiting higher density housing very or somewhat frequently. But the other six impediments did not receive a majority of responses about higher frequency, in contrast to the other areas of impediments on the survey. This could be because the local government respondents and non-profit respondents with close ties to local government are not self-reporting issues related to their own organizations.

In a related item, participants were asked to evaluate the effectiveness of nine different government actions related to fair housing. In almost every case, a plurality of respondents indicated that the action was “somewhat effective.” Most of these items dealt with coordination and locating affordable housing near different services. However, in two cases the plurality chose “not at all effective”: increasing housing choice for Housing Choice Voucher (HCV) recipients (45

- Residential care facilities for the elderly (RCFE) provide care, supervision, and assistance with daily living activities to persons 60 years of age and over and persons under 60 with compatible needs.
- Small family homes (SFH) provide care 24 hours a day in the licensee's family residence for six or fewer children who are mentally disabled, developmentally disabled, or physically handicapped and who require special care and supervision as a result of such disabilities.
- A social rehabilitation facility is any facility that provides 24-hour-a-day nonmedical care and supervision in a group setting to adults recovering from mental illnesses who temporarily need assistance, guidance, or counseling.
- The Transitional Housing Placement Program provides care and supervision for children at least 17 years of age participating in an independent living arrangement.

Reasonable Accommodation

Under State and Federal law, local governments are required to "reasonably accommodate" housing for persons with disabilities when exercising planning and zoning powers. Jurisdictions must grant variances and zoning changes if necessary to make new construction or rehabilitation of housing for persons with disabilities feasible, but they are not required to fundamentally alter their zoning ordinance. Although most local governments are aware of State and Federal requirements to allow reasonable accommodations, if specific policies or procedures are not adopted by a jurisdiction, disabled residents may be unintentionally displaced or discriminated against. All of the jurisdictions examined provide flexibility in development standards to reasonably accommodate the housing needs of residents with disabilities. The degree of formalization varies by jurisdiction.

Twelve percent of resident survey respondents reported that they did not know if they had experienced housing discrimination. It is possible that some victims of housing discrimination do not know enough about the issue to self-report.

Only 21 percent of resident respondents reported an awareness of fair housing trainings and workshops in their communities. Sixty-three percent of stakeholder survey respondents said that inadequate information about fair housing rights was a somewhat frequent or very frequent impediment to fair housing.

Disabled persons are especially impacted by the increase in evictions that resulted from property owners being foreclosed upon beginning in 2008 and 2009. There is little legal recourse for tenants who are evicted as a result of foreclosure. Disabled persons find it more difficult to find housing that can accommodate their needs than nondisabled persons and are more likely to fall into a low - income category, making it more difficult to find new housing that meets their needs and that they can afford.

Several jurisdictions studied have greater percentages of persons who are disabled than the County average of 10.4 percent, which is in line with the state average of 10.3 percent. These jurisdictions include Pinole (14.3 percent), Pittsburg (14.1 percent), Antioch (13.4 percent), Walnut Creek (12.3 percent), Pleasant Hill (12 percent), San Pablo (11.9 percent), and Concord (11.5 percent).

Stakeholders reported that a lack of formal policies and procedures regarding reasonable accommodation remains an issue, especially as applied to small rental property owners. They also noted that transitional and permanent supportive housing faces resistance throughout the County.

could benefit from more information on the availability of home finance and rental subsidy programs (including both tenant-based and project-based subsidies). In order to increase the number of households who are served by these programs, there needs to be additional funding and increased efficiencies in program delivery. Members of the Contra Costa County Consortium could support efforts to increase funding through local, State and federal initiatives; lower development costs of new affordable housing; and allow for innovative housing options such as tiny homes and accessory dwelling units.

Recommendation # 3: Review Home Purchase Loan Denial Figures with Local Lenders

Significant disparity between races and ethnicities in loan denial rates exists. Minorities are more likely to be denied loans than Whites, even in high income categories. The Contra Costa County Consortium should further research the extent of these issues and review this information with Fair Housing Organizations and local lenders. Both members of the Consortium and the Fair Housing Organizations should report the disparate impact to lenders, encourage them to examine loan approval policies and procedures within that context and indicate what affirmative steps, as appropriate, that they might take to address this apparent issue. Members of the Consortium have some established networks such as the Home Equity Preservation Alliance and lists of preferred lenders that may be able to serve as a base for growing outreach on these issues.

Recommendation # 4: Increase Access to Special Needs Housing

The Contra Costa County Consortium should gather more information of this emerging impediment and determine the extent to which the available supply of supportive housing is limited particularly for individuals with physical and mental disabilities. Members of the Consortium should examine and develop more formal policies and procedures regarding reasonable accommodation and better inform landlords, especially small rental property owners. Promoting best practices for alternative types of special needs/elderly housing and considering policy changes may be in order. Shaping community attitudes as described in the first recommendation may also be necessary to confront this barrier.

Recommendation #5: Review Municipalities Planning Code and Offer Incentives

The Contra Costa County Consortium should encourage local governments to examine the review and approval processes that discourage construction of affordable housing with respect to elements that have the unintended consequence of impeding such development. As observed in the findings, local governments sometimes require separate approvals for every aspect of the development process and sometimes stipulate public hearings that result in community opposition, which can have the same effect as exclusionary zoning. Local building and zoning codes could be modified to simplify local processes for building approvals and more effectively encourage construction of affordable housing as well as special needs housing.

X. Fair Housing Action Plan

Based on the Analysis of Impediments to Fair Housing Choice, the Consortium proposes specific goals and action aimed at overcoming barriers to fair housing choice and expanding public awareness of fair housing issues throughout the County. This plan contains long- and short-term goals. Its supporting actions are specific, measurable, attainable and realistic, and they correspond directly with impediments identified in the preceding section. Appropriate maps are available in the AI to support all recommendations.

The plan is informed by a report on the progress and the success of actions to affirmatively further fair housing taken by the County as well as accomplishments of other jurisdictions and organizations that address fair housing issues. As described in the body of the AI, the Consortium has made significant progress in addressing impediments since the last AI was published in 2010. Data analysis, survey results, focus groups, and interview records indicate past barriers are being removed. There is increased investment in affordable housing and the creation of assistance programs for low income households, greater outreach to community partners working to address fair housing concerns, and progress on strengthening policies and local ordinances to

protect rights and encourage best practices. Nonetheless, the following impediments remain and present barriers which this plan is designed to address:

- Inadequate information on fair housing issues and a lack of understanding about the potential extent of housing discrimination exists.
- The high cost of housing and extreme burden those costs place, particularly on renters, present a barrier to fair housing choice. Also, low vacancies and lack of affordable housing options contribute to these issues. Concentration of the limited affordable housing supply is also a fair housing concern.
- Significant disparity between races and ethnicities in loan denial rates exists. Minorities are more likely to be denied loans than whites, even in high income categories.
- Availability and access to housing for individuals with physical and mental disabilities is a rapidly emerging impediment to fair housing. Further, insufficient education and enforcement around issues of reasonable accommodations results in discrimination against individuals with disabilities.
- Lengthy, complex and extensive local review and approval processes discourage construction of affordable housing. Local governments sometimes require separate approvals for every aspect of the development process and sometimes stipulate public hearings that invite community opposition, which can have the same effect as exclusionary zoning.

A set of tables containing the specific goals and actions appear on the following pages.

Goal	Duration	Action Steps	Responsibility	Completion	Deliverable	Comments
Goal # 1: To Increase Public Awareness of Fair Housing Rights	Long-term	a) Contract with Fair Housing Services or consultant(s) to educate County residents, tenants, and owners and agents of rental properties regarding their fair housing rights and responsibilities	Consortium Members	2017	Service contracts with each jurisdiction of the Consortium; assignments related to standardizing public information materials Countywide	Expect to renew contracts every fiscal year; plan joint semiannual meetings with fair housing providers
		b) Update existing guidance on fair housing rights to include recent changes in protected classes and equal access	Fair Housing Services	2017	Content for website and brochures with consistent message and inclusive delivery	Refer to HUD Exchange for updated guidance and coordinate content production from County
		c) Promote and coordinate expansion of outreach to the community regarding fair housing rights	Consortium Lead	2018	Campaign to highlight the single toll-free telephone number for fair housing services; strategies to jurisdictions and pre-prepared content for trade publications	Involve Home Builders, Realtors, Property Management Association, and small landlords
		d) Diversify form and content of outreach	Fair Housing Services	2019	Alternatives to traditional fair housing outreach that reach different populations or present a fresh way of sharing information; also, develop a LAP	Collect best practices and outcomes to share with grantees. (This will be ongoing and updates will be provided annually in CAPER.)

Goal	Duration	Action Steps	Responsibility	Completion	Deliverable	Comments
Goal # 4: Increase Access to Special Needs Housing	Short-term					
		a) Adopt formal policies and procedures, in jurisdictions that have none, for persons with disabilities to request reasonable accommodations to local planning and development standards	Consortium Members	2017	New appeals process within jurisdictions that presently do not offer such protection	Gather more information to determine extent to which the available supply of supportive housing is limited particularly for individuals with physical and mental disabilities; use County policy as model for other jurisdictions
		b) Promote best practices for alternative types of special needs/elderly housing and considering policy changes	Consortium Members	2017	Prototypes of housing designs that permit vulnerable populations to gain access, receive services/age in place (this includes development of accessory dwelling units by reducing fees for new units), placement services for seniors, and expanded use of VASH vouchers	Reflect changes in plans, program descriptions and funding requests for CoC, PHA, etc. (Also, follow new State legislation to further encourage accessory dwelling units)
		c) Educate tenants, and owners and agents of rental properties	Fair Housing Service Providers	2018	Targeted outreach to property owners and representatives that have not received past notification	Include landlords and small property owners with scattered site units

Goal	Duration	Action Steps	Responsibility	Completion	Deliverable	Comments
Goal # 5: To Review Municipalities Planning Code and Publicize Incentives	Long-term					
		a) Examine the review and approval process to identify opportunities to streamline and simplify action on affordable projects	Consortium Members	2018	Report recommending possible changes in zoning, land use and building permit issuance	Confer with both planners, developers and builders
		b) Publicize the density bonus ordinance and encourage developers to utilize the ordinance in order to create affordable housing	Consortium Lead	2018	Media campaign to draw attention to recent successes in the region (e.g. as a 25% parking reduction permitted with the inclusion of very low income rental housing units); updates of promotional material and outreach strategies	Track progress to determine whether further changes are necessary in other jurisdictions and promote consideration of similar incentives
		c) Develop policy for priority review to affordable housing projects as needed	Consortium Members	2019	Model development codes, including one adopted recently in the region which streamlines the review process for many types of development; facilitate information sharing and networking among municipalities	Compile best practices from other states, ask APA and ICMA for best practices

100% Reasonable Accommodation? Why?

CONTRA COSTA COUNTY 2015 GENERAL PLAN ANNUAL PROGRESS REPORT

**Submitted to:
Board of Supervisors
Contra Costa County
April 26, 2016**



**Prepared By:
Contra Costa County
Department of Conservation and Development**

Anti-Discrimination Program	Promote fair housing.	Complete update to the AI after promulgation of new regulations	There are no updates to report this period. The AI as adopted by the Board of Supervisors on 5/25/2010 with a major effort to update the AI initiated in late 2015.
Residential Displacement Program	Limit number of households being displaced or relocated because of County sponsored programs or projects.	Ongoing	There are no updates to report this period.
Residential Energy Conservation Program	Participate in Bay Area regional efforts to reduce energy consumption.	2015: Review examples of guidelines for solar retrofit	A tutorial and checklist for residential solar retrofit building permit applications was established and posted on-line under the Building Inspection Division's e-permit web page.
Neighborhood Preservation Program	Improve the quality of existing housing & neighborhoods.	Ongoing	There were 16 homes within the county that were rehabilitated. 6 low income, 4 very low income, and 6 extremely low income.
Weatherization Program	Assist homeowners and renters with minor home repairs.	Ongoing	305 units have been weatherized in County cities, towns, and communities. 181 units were extremely low income, 84 units were very low income, and 30 units were low income.
Code Enforcement	Maintain & improve the quality of existing housing & neighborhoods.	Ongoing	There were a total of 1128 cases opened with 1059 cases closed. Approximately 85-90% of all cases were residential.
Preservation of Affordable Housing Assisted with Public Funds	Preserve the existing stock of affordable housing.	Ongoing	There were no projects that involved the preservation of affordable housing in the unincorporated County. The County issued \$12.5 million in bonds to the cities of Oakley and Walnut Creek for a total of 85 units.

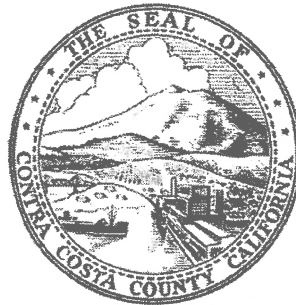
			HOPWA funds to experienced housing developers	development of 138 new rental units in the cities of El Cerrito, Pittsburg, and Walnut Creek. The County also issued \$23,571,320 in tax-exempt bonds for 143 new units in the cities of Walnut Creek and Antioch.
Housing Successor to the former Redevelopment Agency	Utilize County owned property (former redevelopment agency) to develop affordable housing	Disposition agreements by 2020.		The Rodeo Senior Housing Extension project in Rodeo had an Exclusive Negotiating Agreement approved in December. The County issued a Request for Qualifications/Request for Proposal in December for the Orbisonia Heights project in Bay Point. The property at 1250 Las Juntas in Walnut Creek was sold in December to Habitat for Humanity. This property is located within the city limits.
Inclusionary Housing	Integrate affordable housing within market-rate developments.	Ongoing		In-lieu fees were collected for developments within a subdivision. The total fees collected was \$23,249.
Acquisition/ Rehabilitation	Improve existing housing and increase supply of affordable housing.	Ongoing		There were no projects in this reporting period within the unincorporated County. The County issued \$45,464,000 in tax-exempt bonds for 235 units in the Cities of Pinole and Concord.
Second Units	Facilitate the development of second units.	Ongoing		There were 19 building permits issued for second units.
Affordability by Design	Develop affordability by design program to promote creative solutions to building design and construction.	2017		There is nothing to report for this reporting period.
New Initiatives Program	Develop new programs or policies to fund or incentivize affordable housing development	2017		The County is implementing the State's Accessory Dwelling Unit Ordinance.
Special Needs Housing	Increase the supply of special needs housing.	Ongoing		There were no projects in this reporting period within the unincorporated County. The County provided \$487K in HOME funds to support the development of a 30-unit rental project in the City of Pittsburg for homeless veterans and veterans.
Developmental Disabled Housing	Increase the supply of housing available to persons with developmental disabilities.	Ongoing		There were no projects this reporting period in the unincorporated County.
Accessible Housing	Increase the supply of accessible housing.	Ongoing		The County provided funding for a multifamily rental project in North Richmond that will include 4 fully accessible units; 3 physically disabled units and 1 vision/hearing impaired unit. Additionally, the County provided funding for projects located in the Cities of El Cerrito, Pittsburg and Walnut Creek that included a total of 11 fully accessible units; 8 physically disabled units and 3 vision/hearing impaired units.

Reasonable Accommodation	Increase the supply of special needs and accessible housing.	Ongoing	Through the NPP program, the County assisted in the funding of 5 fully accessible bathroom renovations and 1 addition of an exterior stair lift. In addition, the County provides access to language assistance via phone calls, emails, and/or general correspondence to all residents of the County requiring these services.
Council on Homelessness, formerly known as, Contra Costa Interagency Council on Homelessness	Meet the housing & supportive services needs of the homeless	Ongoing	This program is currently known as the Council on Homelessness. They continue to support the development of permanent supportive housing. Hearth Act funds are used for the support of existing permanent supportive housing units or placement of people into permanent supportive housing.
Farmworker Housing	Increase the supply of farmworker housing.	Annually: Include farmworker housing in CDBG, HOME NOFA (See #5 above)	There were none built this reporting period.
First-Time Homebuyer Opportunities	Provide additional homeownership opportunities.	Ongoing	The County provided 54 households with the Mortgage Credit Certificate Program (MCC) throughout the county and cities, a total of \$3,566,301 in MCC funds.
Extremely Low Income Housing	Promote development of housing affordable to extremely low income households.	Annually: Prioritize x-low income housing in funding recommendations	The County continues to provide funding preferences to developers who include units that are affordable to extremely-low income households. There were a total of 225 extremely low income housing projects during this reporting period (See Neighborhood Preservation Program and Weatherization Program).
Sites Inventory	Provide for adequate housing sites, including 'as-right development' sites for homeless facilities	Ongoing maintenance of site inventory.	There are no changes or updates for this reporting period.
Mixed-Use Developments	Encourage mixed-use developments.	2015 & 2016: Review existing ordinance and development patterns.	There are no projects to report.
Density Bonus & Other Development Incentives	Support affordable housing development.	Ongoing	There are no projects to report for this reporting period.
Infill Development	Facilitate infill development.	Biennially:	The County continues to use the Small Lot Review process to assist applicants

			Review site inventory, adjust for planned and completed developments	in developing infill single-family residences on substandard-size lots and streamline the administrative review process for infill housing in the former redevelopment areas.
Planned Unit District	Provide flexibility in design for residential projects.		Ongoing	There are no updates to report during this period.
Development Fees	Reduce the cost of development		Ongoing	There are no updates to report during this period.
Quick Turn-around Program	Develop program to expedite review of small projects, and conditions of approval.		2016	This program continues to be utilized for ensuring expedited review of infill projects and various planning applications including tree permits, variances, and design reviews.
Review of Zoning & Subdivision Ordinance	Periodically review subdivision ordinance to ensure it does not unduly constrain housing development. Revise zoning code to allow emergency shelters by right, single room occupancy housing, transitional and permanent supportive housing, and agricultural worker housing.		Ongoing: period review of zoning and subdivision ordinances	There are no updates to report during this period. The agricultural worker housing, permanent supportive housing, and transitional housing draft zoning ordinance is expected in 2017.
Coordinated County Department Review of Development Applications	Expedite application review through a better coordinated process with other County departments.		Ongoing	The County strives to coordinate and reach-out to other County departments and agencies when processing new applications.
Anti-Discrimination Program	Promote fair housing.		Complete update to the AI after promulgation of new regulations	The Analysis of Impediments to Fair Housing (AI) was adopted by the Board of Supervisors on May 25, 2010. A major effort to update the AI occurred in 2016. The final AI updated document is anticipated to be presented to the County Board of Supervisors in Spring 2017.
Residential Displacement Program	Limit number of households being displaced or relocated because of County sponsored programs or projects.		Ongoing	There are no updates to report this period within the unincorporated County.
Residential Energy Conservation Program	Participate in Bay Area regional efforts to reduce energy consumption.		2016: Draft County guidelines	Solar permits for roof-mounted residential PV systems are available on-line under the Application and Permit Center web page. Instructions for in-person and on-line submittal for expedited review is posted on the County's web page. The number of solar permits issued is 1,563.

CONTRA COSTA COUNTY 2017 GENERAL PLAN ANNUAL PROGRESS REPORT

**Submitted to:
Board of Supervisors
Contra Costa County
March 27, 2018**



**Prepared by:
Contra Costa County
Department of Conservation and Development**

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction CONTRA COSTA COUNTY

Reporting Period 01/01/2017 - 12/31/2017

Table C

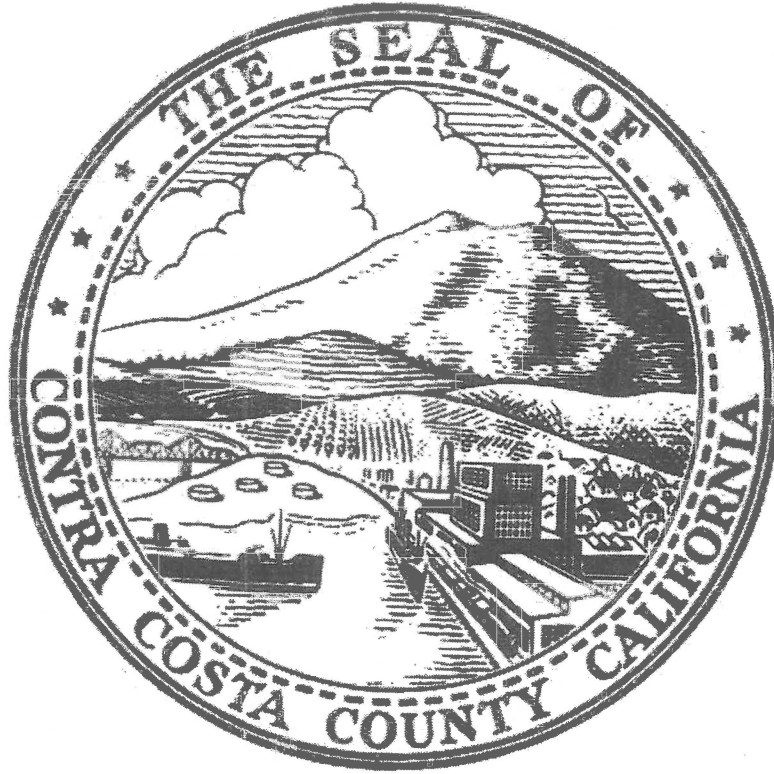
Program Implementation Status

Program Description (By Housing Element Program Names)	Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Review of Zoning & Subdivision Ordinance		Periodically review subdivision ordinance to ensure it does not unduly constrain housing development. Revise zoning code to allow emergency shelters by right, single room occupancy housing, transitional and permanent supportive housing, and agricultural worker housing.	Ongoing	The agricultural worker housing, permanent supportive housing, and transitional housing zoning ordinances were adopted on September 19, 2017.
Coordinated County Department Review of Development Applications		Expedite application review through a better coordinated process with other County departments	Ongoing	The County strives to coordinate and reach-out to other County departments and agencies when processing new applications.
Anti-Discrimination Program		Promote fair housing.	Complete update to the AI after promulgation of new regulations	The Analysis of Impediments to Fair Housing (AI) was adopted by the Board of Supervisors on May 25, 2010. An update to the AI was completed April 12, 2017. The County is currently working on a County-wide Assessment of Fair Housing report and has entered into contract with a consultant to prepare this document.

			(fun	Paul's Commons a 45-unit rental project in Walnut Creek. In addition, the County awarded \$100,000 in CDBG funds for Aging in Place, an 82-unit senior project in Pleasant Hill and \$110,000,000 in tax-exempt bonds for 21 and 23 Nevin a 271-unit apartment in Richmond.
Housing Successor to the former Redevelopment Agency	Utilize County owned property (former redevelopment agency) to develop affordable housing	Disposition agreements by 2020		The Rodeo Senior Housing Extension project in Rodeo is under an Exclusive Negotiating Agreement, which was approved in January 2017. The County also entered into an Exclusive Negotiating Agreement with a developer for a 325-unit multi-family housing development, Orbisonia Heights in Bay Point.
Inclusionary Housing	Integrate affordable housing within market-rate developments.	Ongoing		There were no in-lieu fees collected during this reporting period.
Acquisition/ Rehabilitation	Improve existing housing and increase supply of affordable housing.	Ongoing		The County awarded \$625,000 in HOME funds for the rehabilitation of the Elaine Null Apartments an existing 14-unit rental development in Bay Point.
Second Units	Facilitate the development of second units.	Ongoing		There were 28 building permits issued for second units.
Affordability by Design	Develop affordability by design program to promote creative solutions to building design and construction.	2017		There is nothing to report for this reporting period.
New Initiatives Program	Develop new programs or policies to fund or incentivize affordable housing development	2017		The County updated the Accessory Dwelling Unit Ordinance to streamline internal conversions.
Special Needs Housing	Increase the supply of special needs housing.	Annually: Include a priority for special needs housing in CDBG, HOME, HOPWA NOFA		There were no projects in this reporting period within the unincorporated County.
Developmental Disabled Housing	Increase the supply of housing available to persons with developmental disabilities	Annually: Include a priority for special needs housing in CDBG, HOME, HOPWA NOFA		There were no projects this reporting period in the unincorporated County.

Accessible Housing	Increase the supply of accessible housing.	Ongoing	The County continues to require accessible units in all new construction projects that received HOME or CDBG funding. Accessible units are included in rehabilitation projects when feasible where five percent of the units must be accessible to the physically impaired and an additional two percent of the units must be accessible to the hearing/vision impaired. (See New Construction and Affordable Housing Program)
Reasonable Accommodation	Increase the supply of special needs and accessible housing.	Ongoing	Through the NPP program, the County assisted in the funding of 2 projects that included accessibility improvements for accessible bathroom renovations.
Contra Costa Interagency Council on Homelessness	Meet the housing & supportive services needs of the homeless	Ongoing	This program is currently known as the Council on Homelessness. They continue to support the development of permanent supportive housing. Hearth Act funds are used for the support of existing permanent supportive housing units or placement of people into permanent supportive housing.
Farmworker Housing	Increase the supply of farmworker housing	Annually: Include farmworker housing in CDBG, HOME NOFA (See #5 above)	There were none built this reporting period. The County's Farmworker Housing Ordinance was adopted in September 2017.
First-Time Homebuyer Opportunities	Provide additional homeownership opportunities.	Ongoing	The County provided 24 households with Mortgage Credit Certificate Program (MCC) funds throughout the county and cities with a total of \$1,890,150 in MCC funds.
Extremely Low Income Housing	Promote development of housing affordable to extremely low income households.	Annually: Include a priority for extremely-low income housing in CDBG, HOME, HOP	The County continues to provide funding preferences to developers who include units that are affordable to extremely-low income households. There were a total of 275 extremely low income housing projects during this reporting period (See Neighborhood Preservation Program and Weatherization Program).
Sites Inventory	Provide for adequate housing sites, including 'as-right development' sites for homeless facilities	Ongoing maintenance of site inventory.	There are no changes or updates for this reporting period.
Mixed-Use Developments	Encourage mixed-use developments.	2016/2017: Draft outline of revised ordinance and meet with	The Saranap Village project in the Saranap community was granted planning entitlements for retail with 70 for-sale condominiums, 6 for-sale townhomes, and 122 rental apartment units.

CONTRA COSTA COUNTY
FY2017/18 CAPER
(Consolidated Annual Performance & Evaluation Report)



Community Development Block Grant
HOME Investment Partnerships Act
Emergency Solutions Grants
Housing Opportunities for Persons with AIDS
Neighborhood Stabilization Program

September 26, 2018

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The County will continue its efforts to remove or ameliorate public policies which negatively impact affordable housing development in the County including the following:

- Through the Density Bonus Ordinance, the County is required to grant one density bonus and incentives or concessions when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus that will contain at least one of the following: ten percent of the for lower income households; five percent of the total units for very low income households; a senior citizen housing development, or a mobile home park that limits residency based on age requirements for housing older persons; or ten percent of the total dwelling units in a common interest development for persons and families of moderate income, provided that all units in the development are offered to the public for purchase.
- The Inclusionary Housing Ordinance requires all developers of five or more units to provide 15 percent of the units at affordable costs to moderate, low or very-low income households depending on the type of project. Developers may pay a fee in lieu of providing the affordable units.
- The County will review and develop new regulations to permit the development of agriculturally related structures on agriculturally zoned land without a use permit in order to encourage the provision of onsite farmworker housing.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

The County's efforts to increase and maintain the supply of affordable housing; and to meet the objectives identified in the Consolidated Plan, described in the general narrative sections of this report, are all directed to meeting underserved needs. In addition, the criteria for target population and alleviation of affordable housing needs employed in the allocation of HOME and CDBG funds for housing, establish a priority for projects that reserve a portion of the units for extremely-low income and/or special needs populations.

The following are obstacles to meeting needs of the underserved:

Accessibility to Services: Lack of accessibility to services can be the result of lack of transportation for those in need, services that are not delivered in a culturally appropriate manner or in the appropriate language, burdensome prerequisites to accessing services ("red tape"), and services that are not provided in proximity to those in need. Lack of transportation is a particular challenge for those who do

**CONTRA COSTA COUNTY
FY 2017/18 CAPER
Public Service Projects**

Project ID	Sponsor	Project Name/ Location	Project Objective/Description	Project Status	CDBG Funds Budgeted	FY 2016/17 Expenses	Total Served	Race/Ethnicity (bottom number represents those who identify Hispanic as ethnicity in addition to selecting a racial category)														Income		
								White		Asian		Am. Ind./ Native		Am. Ind./ Pacific		Asian/ White		Am. Ind./ White		Other		50%	80%	% of total
								Hisp.	Non-Hisp.	Hisp.	Non-Hisp.	Hisp.	Non-Hisp.	Hisp.	Non-Hisp.	Hisp.	Non-Hisp.	Hisp.	Non-Hisp.	Hisp.	Non-Hisp.			
17-28-PS	RYSE, Inc. 205 41st Street Richmond, CA 94605 (510) 374-3401	RYSE Career Pathway Program - West County	The purpose of this program is to support economic development by providing a combination of 1) career skill development, 2) paid work experience opportunities, along with 4) academic enrichment and interventions. Primary Performance Measurement: Provide support services and teach basic skills to 230 Urban County youth, in order to enable them to maintain long-term financial stability.	Complete.	\$40,000	\$40,000.00	269	84	1197	10	2	2	0	2	324	3	9081	152	82	35	100%			
17-29-PS	YMCA of the East Bay (Fiscal Agent) 2330 Broadway Oakland, CA 94612 (510) 524-8252	James Morehouse Project at El Cerrito High School - 540 Ashbury Ave. El Cerrito, CA 94530 West County	The purpose of the project is to improve the well-being and success of students in school and reduce barriers to learning by providing comprehensive mental health services to students attending El Cerrito High School. Primary Performance Measurement: Provide mental health services to 110 El Cerrito High School students in order to improve the students' well-being and reduce barriers to learning.	Complete.	\$10,000	\$10,000.00	114	17	33	15	0	0	0	0	0	0	48	44	38	32	100%			
Objective CD - 4 Fair Housing: To continue to promote fair housing opportunities and affirmatively further fair housing.																								
17-30-PS	Eden Council for Hope and Opportunity (ECHO) 770 A Street, Hayward, CA 94541 (510) 581-6380	Fair Housing Services Program	The purpose of this program is to further fair housing by addressing discrimination in Antioch, Concord, Walnut Creek, and urban Contra Costa County; investigating allegations of discrimination; conducting audits to uncover discrimination; and provide training to housing providers. Primary Performance Measurement: Provide services to 80 urban County residents.	Complete.	\$40,000.0	\$32,180.2	91	2812	44	1	43	2	0	0	0	0	63	49	11	23	91%			
Objective H - 1 Housing & Supportive Services for the Homeless: Further "Housing First" approach to ending homelessness by supporting homeless persons achieve housing stability.																								
17-31-PS	Contra Costa County Behavioral Health Services 1350 Arnold Drive, Ste 202 Martinez, CA 94553 (925) 313-7700	CHS-CORE Street Outreach Program Urban County	The purpose of this program is to provide daytime street outreach to the homeless population in Contra Costa County in small multidisciplinary teams that will work collaboratively to engage and stabilize homeless individuals living outside and deliver health and basic need services and aid in obtaining interim and permanent housing. Primary Performance Measurement: Provide street outreach to the homeless population in Contra Costa County via small multidisciplinary teams that will work collaboratively to engage and stabilize homeless individuals living outside, and deliver health and basic need services and aid in obtaining interim and permanent housing to at least 450 Urban County homeless.	Complete.	\$22,224	\$22,289.92	1,864	72366	5118	281	187157	97	4	102	211	21								
17-32-PS	Contra Costa County Behavioral Health Services 1350 Arnold Drive, Ste 202 Martinez, CA 94553 (925) 313-7700	Contra Costa Adult Continuum of Services 2047-A Arnold Industrial Way Concord, CA 94520 - Urban County	The purpose of this program is to prevent homelessness by offering a safe shelter environment with critical support services. Objectives of the program are to give emergency shelter to homeless adults and provide services to help them transition to more permanent situations. Primary Performance Measurement: Provide shelter and supportive services to 150 Urban County homeless men and women to help them regain housing.	Complete.	\$54,000	\$54,000.00	421	18818	1611	7	2826	31	92	1	21	2								

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
AH-1 New Construction of Affordable Rental Housing	Affordable Housing	CDBG: \$ / HOME: \$ / ESG: \$	Rental units constructed	Household Housing Unit	125	104	83.20%	25	0	0.00%
AH-2 Homeownership Opportunities	Affordable Housing	CDBG: \$ / HOME: \$	Homeowner Housing Added	Household Housing Unit	20	12	60.00%			
AH-3 Maintain and Preserve Affordable Housing	Affordable Housing Non-Homeless Special Needs	CDBG: \$ / HOME: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0			0	0	
AH-3 Maintain and Preserve Affordable Housing	Affordable Housing Non-Homeless Special Needs	CDBG: \$ / HOME: \$	Rental units rehabilitated	Household Housing Unit	125	169	135.20%	25	141	564.00%
AH-3 Maintain and Preserve Affordable Housing	Affordable Housing Non-Homeless Special Needs	CDBG: \$ / HOME: \$	Homeowner Housing Rehabilitated	Household Housing Unit	75	70	93.33%	15	24	160.00%

CONTRA COSTA COUNTY
FY 2017/18 CAPER
Infrastructure/Public Facilities Projects/CDBG Administration

Project ID	Sponsor	Project Name/ Location	Project Objective/Description	Project Status	Total CDBG Funds Budgeted	FY 2017/18 Expenses	Total Served	Race/Ethnicity										Income				
								White Hisp.	LatAm Hisp.	Asian Hisp.	Am.Ind/ Native Hisp.	Asian/ Pacific Is. Hisp.	Am.Ind/ White Hisp.	Asian/ White Hisp.	Am.Ind/ LatAm Hisp.	Other Hisp.	30%	50%	60%	80%	% of total	
17-48E-IPF	Contra Costa Family Justice Alliance	West County Family Justice Center Roof Replacement Project	Roof replacement to the West County Family Justice Center building.	Underway. Project is under construction. Expected to be complete by October 2018.	\$ 95,000	\$ -																
17-48F-IPF	Martinez Early Childhood Center, Inc. 615 Arch Street Martinez, CA 94553 (925) 228-2002	Playground Safety Upgrades	Replace playground surfacing with Pour-In-Place rubber safety surfacing for compliance with State licensing requirements. In addition to the installation of shade structures for UV ray protection.	Complete.	\$ 39,806	\$ 36,484	107	41 0	0	0	3 0	2 0	0 0	0 0	0 0	52 52	0	0	0	0	96	88.7
17-48G-IPF	Opportunity Junction	In-Place Capacity/Bathroom Expansion Project	Renovation and reconfiguration of existing bathrooms into four gender-neutral private bathrooms.	Complete.	\$ 95,000	\$ 95,000	37	14 1	7	2	0	2	0	0	2	0	10 10	31	3	0	2	97%
17-48H-IPF	RYSE, Inc.	Acquisition of property located at 205 41st Street, Richmond	Acquisition of real property located at 205 41st Street, Richmond, where RYSE will occupy to continue to operate and provide services to low/moderate income youth that are primarily residents of Richmond.	Underway. Acquisition is complete and administrative review is in process before final payment and official close-out of the project.	\$ 180,000	\$ 175,000	269															
TOTALS					\$ 2,877,323	\$ 532,133.50	0															
Objective CD-4 Administration/Planning: Support development of viable urban communities through extending and strengthening partnerships among all levels of government and the private sector, and administer federal grant programs in a fiscally prudent manner.																						
CCC Conservation and Development Department 30 Muir Road - Martinez, CA 94553 (925) 674-7200	CDBG Program Administration	Provide oversight and administer the CDBG program.	Complete.		\$818,042.00	\$1,093,226.72	n/a															
TOTALS					\$818,042.00	\$1,093,226.72																
Not Applicable																						

This project will serve an area that meets the criteria for an "area benefit" activity.

Phone calls Log to request help with Housing Discrimination by Mary D Rose

MDR said: Requesting legal help for housing discrimination and CCC non compliance with Reasonabel Accommodations RA concerning building a disability friendly house in CCC. The County has imposed Conditions of Approval that are discriminatory, huge barriers to housing of my choice. Been over one year & CCC just denys appeals. Now at Board of Supervisor Appeal level and I need legal help to stop discrimination, ensure fair housing of my choice and proper application of RA civil rights.

Date	Phone #	Entity Name	Comments
11/18/2018	1-510-581-9380	Called Echo Housing	Left message no answer
11/19/2018	1-510-581-9380	Called Echo Housing	MDR spoke with Sandra Martinez from Echo Housing called. She said Echo does counseling for tenant/landlord problems. Said she would have Delia call be back to discuss.
11/19/2018	1-510-581-9380	Called Echo Housing	Delia from Echo Housing said they serve people with complaint about landlords, tenants, hotels, advertisements. Can not help with reasoanble accommodations of structure not yet built.
11/20/2018	1-510-663-4745	Echo Housing	Echo called back, they said they cant help with RA building housing area. Echo deals only with rental , evictions that sort of practice area. She told me to phone Bay Area Legal Aid 1-800-551-5554 .
11/20/2018	925-609-7900	CCC Senior Legal Services	Tina said the don't do the reasonable accommodation in the area of my issues. She said to call Disability Rights CA 1-800-776-5746 , they might help me.
11/21/2018	1-800-551-5554	Bay Area Legal Aid	Called, just rang and rang. Hung up. Thanksgiving week.
11/27/2018	1-800-551-5554	Bay Area Legal Aid	Called BALA , on hold for over 2 hours. Website says, "Get help through the Legal Advice Line, a free legal hotline available to <u>qualified low-income residents</u> living in the Bay Area. The Legal Advice Line provides counsel and advice." Attorney Louie advised MDR that they help with landlord, tenant issues, evictions and even reasonable accommodations with a landlord. But they do not help with County issue "outside their area of practice". MDR requested he check with his manager. He checked and his manager said it was outside of their practice area. Referred me to Disability Rights CA, Oakland, 510-267-1200 . And Independent Living Resources in Concord 925-363-7293.

Strategic Plan

SP-05 Overview

Strategic Plan Overview

The Strategic Plan discusses the priority housing and community development needs of Contra Costa County as a whole and establishes objectives intended to meet those needs as well as strategies to implement the objectives.

Priority needs have been determined as the result of the needs assessment process. Assessment consisted of an analysis of the community setting including housing and population characteristics, consultations, public workshops, and an online survey.

Priority needs have been grouped into four major categories: Housing, Homeless, Non-housing Community Development, and Administration. Housing needs are further divided into affordable housing and special needs housing. Non-housing Community Development is divided into public services, economic development, and infrastructure/public facilities. Administration refers to the general administration of the CDBG, HOME, and ESG Programs.

SP-10 Geographic Priorities - 91.415, 91.215(a)(1)

Geographic Area

Table 49 - Geographic Priority Areas

1	Area Name:	Contra Costa County
	Area Type:	Countywide
	Other Target Area Description:	Countywide
	HUD Approval Date:	
	% of Low/ Mod:	
	Revital Type:	
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	
	Include specific housing and commercial characteristics of this target area.	
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	
	Identify the needs in this target area.	
	What are the opportunities for improvement in this target area?	
	Are there barriers to improvement in this target area?	

General Allocation Priorities

Describe the basis for allocating investments geographically within the state

The Contra Costa County HOME Consortium area is comprised of the unincorporated areas and incorporated cities/towns of the County, with the exception of the City of Richmond. The City of Richmond receives its own allocation of HOME Program funds from HUD and therefore is not part of the Contra Costa County HOME Consortium area. In terms of geographic distribution of investment of HOME funds, HOME housing activities will go towards all eligible areas of the HOME Consortium area to benefit low-income households.

Contra Costa County also receives an allocation of CDBG funds from HUD to benefit residents of the Urban County. The Urban County area is comprised of all the unincorporated areas and incorporated cities/towns of the County, minus the Cities of Antioch, Concord, Pittsburg, Richmond, and Walnut Creek. These five cities receive their own allocation of CDBG funds from HUD and therefore are not part of the Urban County area. In terms of specific geographic distribution of investments, infrastructure improvements and public facilities will be focused primarily in areas with concentrations of low- to

