

Comments of Patricia R. Perry before the BOS on 12-11-12

I live in Saranap near the Sufism Reoriented building project. I have two major concerns:

First, I remain concerned about the safety of the project entry and the 6 foot-high perimeter wall on a blind curve. I want to review that portion of the plans that depict the public right of way and the perimeter of the project before the plans are approved.

Senior county staff has informed me that the public **cannot** see plans submitted to the Public Works Department by Sufism Reoriented. Further, I was told that the public cannot discuss the plans with Public Works staff.

Why can't I see the plans?

Why can't I discuss them with staff?

I have been informed that the County's Administrative Bulletin 120.5 prohibits public review of *draft* building plans, because they are not considered "public records."

This is odd because other departments routinely make these records publicly available for public review and comment. And, on other occasions, I have discussed draft plans with Public Works staff.

Second:

Many weeks ago, I submitted a written request to DCD to review and comment on the project TDM Program. I understood from staff that my request would be honored.

On October 24th I inquired about receipt of the TDM and any other submittals and was informed by email that day that the TDM Program had NOT been received. However, after another inquiry by me on November 8th, I received an e-mail stating that the TDM Program had been received on October 23rd and approved on October 30th.

No one bothered to tell me that they were incorrect when they informed me on October 24th, by email, that the document had not been received.

Instead, the TDM Program was approved in a record five days, despite the fact it is silent on important issues and includes a possibly illegal use of parking lots at a publically owned school.

So, I am here to make four requests:

1. I am submitting a public records request regarding these issues; and
2. I am requesting that the building permit for the Sufism Project not be approved until I am allowed to see the sight distance plans held by Public Works and have an opportunity to comment on them; and

3. To request that DCD contact the Lafayette School District to confirm its statement that the parking lot at the Meher School cannot be used to satisfy conditions of approval for this project.
4. I request the opportunity to comment on the TDM Program due to being misinformed by staff about its submission.

I am not your enemy. I am a concerned resident whose neighborhood has been disrupted by a 66,000 square-foot project on a dangerous curve.

You approved this project **with conditions**. The least you can do is permit me to review records to **verify** that the commitments **you** made to residents are met. Thank you.

CS/SD.1

Patricia R. Perry

30 Meek Place, Lafayette, California 94549

December 11, 2012

HAND DELIVERED

Contra Costa County Board of Supervisors
651 Pine Street
Martinez, CA 94553

Re: County Files LP08-2034 & MS09-0008 (Sufism Reoriented):
Public Safety Concerns; Public Records Request

Dear Board Members:

The purpose of this letter is to document my continuing request to review certain records documenting code conformance for the above-referenced project. Specifically I seek the opportunity to review and comment on the following issues, **before** a county building permit is issued:

1. Sight Distance at Boulevard Way Entry

The entry to this project is on a dangerous blind curve. Because the applicant has repeatedly submitted building plans that do not conform to sight distance standards, I am gravely concerned that this issue might be overlooked and the building permit issued without addressing this essential safety aspect.

It is reasonable for area residents to have access to review building plans, prior to issuance of a building permit, for the purpose of verifying that Conditions of Approval have, in fact, been met. Such access is fundamental to government transparency. To date, my request for such review has been denied, despite the fact that such public access is routinely permitted for other large projects.

In light of these circumstances, and given the serious public safety issues involved, I renew my request to review those portions of the building plans on file with Public Works pertaining to the sight distance at the project's Boulevard Way entry.

2. Transportation Demand Management (TDM) Plan

Per this project's Condition of Approval #8, the applicant must provide evidence of a written agreement with an off-site parking provider. The project's TDM plan, approved by the county on October 30, 2012, incorporates an invalid document submitted by the applicant to satisfy the off-site parking requirement.

This is the second time this applicant has falsely represented to the county that it has a bona fide contract for off-site parking space when, in fact, it does not.

On February 15, 2012, the Lafayette School District sent a letter to Supervisor Gayle Uilkema regarding this issue stating "The Meher School parking lot cannot be counted on to meet any increase in parking needs connected to the Sufism Reoriented sanctuary . . . [the Lafayette School District] is not authorizing The Meher School to enter into a third-party agreement with Sufism Reoriented . . . regarding the use of [its] parking lot."

In October, 2012 the applicant submitted a so-called "license agreement" with The Meher School (on property leased from the Lafayette School District) to provide overflow parking. This document is null and void, as The Meher School is a tenant on Lafayette School District property and, as such, is unauthorized to enter into such an agreement with Sufism Reoriented.

Because review of the TDM Plan relied on false statements, county approval should be rescinded, the file corrected and the matter reconsidered prior to issuance of a building permit.

Further, I seek to review all TDM plans and correspondence for this project received from the applicant since August 1, 2012, including all drafts on file.

Thank you in advance for facilitating a response to my information request from the appropriate county staff.

Sincerely,



Patricia R. Perry

Enclosure:

County Records Request Form

Letter Donna Maxwell, dated December 6, 2012

Letter to Mr. Steve Dexter dated December 10, 2012

cc: Lisa Vorderbrueggen, Contra Costa Times

Request for Public Records

Submittal of this form is not required but it is provided for your convenience.

**Contra
Costa
County**



To Be Completed by Requester

Patricia Perry
Name of Requester

11-Dec-12
Date

N/A
Agency/Company

prpjam@yahoo.com
Email Address

30 Meek Place, Lafayette, CA 94549
Mailing Address

925-944-9753
Phone #

Fax #

Requested Documents/Information:

(please be as specific as possible, e.g., subject matter, key words, date range, County department(s), etc.)

See attached.

FOR OFFICE USE ONLY

(Official Date Stamp)

(Official Date Stamp)

(Official Date Stamp)

Clerk's Initials:

Clerk's Initials:

Clerk's Initials:

Request Received

Notification of Records Availability Given

Request Picked Up, Mailed or Faxed

- ☐ Walk-In
☐ Mail
☐ Phone / Fax
☐ Other: _____

- ☐ Immediate
☐ One Business Day
☐ Other: _____
Comment: _____

- ☐ Picked Up
☐ Mailed
☐ Faxed
☐ Other: _____

Number of Copies: _____ X \$ _____ per page = \$ _____

(reference Administrative Bulletin 120 for fees)

Computer media: _____ = \$ _____

Postage: _____ = \$ _____

Other: _____ = \$ _____

TOTAL: _____ = \$ _____

Total Money Collected \$ _____

Cash / Check / Money Order

Customer Receipt #: _____ **Cashier's Initials:** _____

Please use a separate form for each request!

Records request December 11, 2012
Re: County Files LP08-2034 & MS09-0008
(Sufism Reoriented Project Files)

I wish to review the following records in county offices, to determine what records, if any, I wish to have copied at my own expense:

1. **That portion of the plans for the above-referenced building project regarding sight distance on Boulevard Way.**
 - a. On October 10, 2012 in a meeting with area residents, Warren Lai of County Public Works stated that a building permit would not be issued until the project plans demonstrated conformance with the 250 feet of sight distance required by the approval of the FEIR. The applicant repeatedly has submitted plans since the approval of the FEIR that are non-conforming regarding this critical public safety item. I seek to obtain factual evidence that supports Mr. Lai's verbal assurances, *before* a county building permit is approved, by reviewing that portion of the plans and any other submittals which indicate sight distance by depiction, specific measurements, or in any other way demonstrate how the 250-foot sight distance requirement is proposed to be met.
 - b. I also seek to review all maps, correspondence, emails, meeting notes, etc. regarding sight distance and safety issues related to Boulevard Way, the curve, the project entrance, egress and ingress, vehicular access to the project, shuttle buses, etc.
2. **All material related to the TDM (Transportation Demand Management) program on file for the above-referenced building project, including all drafts and approved documents.**
 - a. I request all versions and submittals regarding the TDM Program since approval of the FEIR on February 29.
 - b. I also request all correspondence, emails, meeting notes, etc. regarding the TDM program and overflow parking at a remote lot. This is to include materials from all county departments and elected officials as well as those submitted at any time by the applicant since approval of the FEIR on February 29.

December 10, 2012

Mr. Steve Dexter
Ms. Donna Maxwell
Office of Supervisor Candice Andersen
Lamorinda Office
3338 Mt. Diablo Blvd.
Lafayette, CA 94549

Subject: Letter Regarding Our Meeting of December 6, 2012

Dear Mr. Dexter:

I appreciate your taking the time to meet with Curtis Trenor and me last Thursday.

What preceded this meeting was that I requested of Mr. Warren Lai, verbally, on several occasions, to view and discuss plans submitted to the Contra Costa County Public Works Department regarding the Sufism Reoriented Sanctuary Project. I was and am interested in the portion of the plans regarding sight distance on Boulevard Way. I have been told by County staff in other departments that they do not have this portion of the plans, only Public Works has it.

When I was told by Mr. Warren Lai that Public Works does not meet with the public, I twice requested the written policy confirming this statement or the statutory reference. In response, I was given a copy of Administrative Bulletin 120.5, dated 5/19/09.

The purpose of this letter is to confirm what you told me at our meeting regarding Contra Costa County's policies.

You read to me from Administrative Bulletin 120.5, dated 5/19/09. You summarized this Bulletin as follows:

The public is not permitted to see draft documents or plans submitted by applicants to the County until after the County has approved the documents or the plans. The reason is that draft documents or plans do not fall under the definition of public documents as defined by California law.

The public is not permitted to discuss with County staff any draft documents or draft plans submitted by applicants until after they are approved because the documents are not public records until they are approved.

You also informed me that this is the County's adopted policy and all departments should be following this policy. If county departments are not following this policy, they are in error and should change their procedures.

When I pointed out to you that the Administrative Bulletin section which you read me had a header labelled "preliminary drafts," you told me that the bulletin applies to all drafts, preliminary or not. (Section IV A 1.)

If I have errored in my interpretation of what you said, please tell me in writing as soon as possible. As you know, I still seek to review plans in the Public Works Department regarding an approval which the County will be granting soon.

Personally, I cannot understand how the County can justify refusing to allow me to see an applicant's plans during the approval process. I have not requested a copy. I have only requested the opportunity to see the plans and also discuss them with a County engineer. The plans in question involve the public right of way for Boulevard Way, not some complex aspect of a plan to which intellectual property rights would apply.

Sincerely,

A handwritten signature in cursive script that reads "Patricia R. Perry".

Patricia R Perry
30 Meek Place
Lafayette CA 94549

cc: Warren Lai, Public Works Department

December 6, 2012

Hand Delivered at Meeting on December 6
to Donna Maxwell, Steve Dexter, Curtis Trenor

To: Candace Anderson

From: Patricia Perry
30 Meek Place
Lafayette, CA 94549
925-944-9753
prpjam@yahoo.com

Subject: Request for Assistance with the Sufism Project Approvals

I would like to bring four issues to your attention.

- 1) Public Works Department policy on public input during the project approval stage.
- 2) DCD lack of notification regarding submittal of the final TDMP.
- 3) DCD setting policy intended by the State to be set by the Board of Supervisors
- 4) Overflow Parking for the Sufism Sanctuary at the Meher Schools

Public Works

Public Works Policy is that its staff cannot talk to the public and show any plans to the public prior to approval by the department. This leaves the public with no possible way to make intelligent comments at a time before approval. How can this be appropriate public policy?

I am asking that you inquire of the Public Works Department why they are unwilling to meet with me and show me the plans regarding sight distance. This is especially important since the department says they follow the Caltrans Design Manual, except for when they do not want to follow it.

The applicant's submittal to DCD shows that the 6-foot perimeter wall is not behind the sight distance lines. We are trying to ensure that the wall is relocated behind the sight distance lines shown in the FEIR.

DCD and the Final TDMP

I requested in writing the opportunity to comment on this submittal. On October 24, I received an email from Sean Tully telling me that no submittal had been received. Later, on November 8, I received an email from Sean Tully telling that the TDMP had been approved and that it had been received on October 23, revised "a few times," and approved on October 30. I was never given the opportunity to comment and I was misinformed about whether the document had been received. Further, I find it highly surprising that the document was revised multiple times in only five business days and then approved so swiftly.

I request that you ask DCD to provide you with date stamped copies of the submittal, the subsequent drafts, and the approval.

DCD and the State Model Water Efficiency Ordinance

The Staff without any direction from the Board of Supervisors decided the action that the County would take regarding the AB 1881. The State's intent was for the elected boards of cities and counties to make this decision. DCD decided, ON ITS OWN, to accept the State Model Ordinance even though some provisions of the existing County ordinance are more stringent. Since the existing County ordinance Water Conservation Ordinance and therefore County policy were more stringent, it was beholden on DCD to request guidance from the Board before acting. So, now we are in a situation where part of the existing County Code is more stringent than the State model ordinance, and the staff refuses to follow it. Who sets policy in this County, the staff or the Board?

On this item I am requesting that you ask the County Counsel to issue an opinion as to the applicability of the existing County Water Conservation Ordinance insofar as to its more stringent provisions. If you agree to do this, the landscape plans should not be approved until this determination is made.

Overflow Parking at the Meher Schools

DCD has received a piece of paper from The Meher Schools purporting to be a license for Sufism Reoriented to use school parking for overflow. This school site is owned by the Lafayette School District and leased to The Meher Schools. It is clear from talking to staff that the staff has no intention of asking the Lafayette School District whether this license is in keeping with School District policy. How can we have good public policy if one agency refuses to contact another agency?

I ask that you either have your staff call the Lafayette School District or ask DCD to contact them and request written verification of its consent to the license before approving the building permit. A copy of the letter from the School District is attached.

Thank you for considering my requests.