

# APPEAL ON CHILD CARE CENTER LAND USE PERMIT COUNTY FILE #CDLP23-02020

## 3001 WOODLAWN DRIVE, WALNUT CREEK

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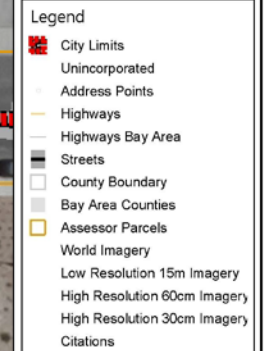
BOARD OF SUPERVISORS

TUESDAY, OCTOBER 8, 2024

# Background

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- An application for the approval of a Land Use Permit to allow a child care center for approximately 48 children located within an existing residential building was submitted to CDD on May 31, 2023.
- On June 3, 2024, the Zoning Administrator approved the Land Use Permit for 48 children and added conditions of approval (COA) #11 addressing impacts to the neighborhood that requires parents or guardians to sign an agreement that states that parking is prohibited in the neighborhood and COA #13 addressing any future exterior signage.
  - Staff received one letter appealing the Zoning Administrator's June 3, 2024, decision from Jason Martin and Christina Greystone on June 11, 2024.
- On August 14, 2024, the County Planning Commission voted (3-1) to deny the appeal and approve the project with the following modifications: land use permit for a child care center not to exceed 30 children, add a condition of approval (COA #35) to require evaluation of no left-hand turn signage at egress onto Woodlawn by the Public Works Department during review of improvement plan and imposition of requirement, if feasible.
  - On August 23, 2024, an appeal was received submitted by the applicants Delaram Mousavi and Nima Rafibakhsh. On August 26, 2024, an appeal was also filed by Jason Martin and Christina Greystone.



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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

General Plan: SH, Single-Family Residential-High Density



Legend

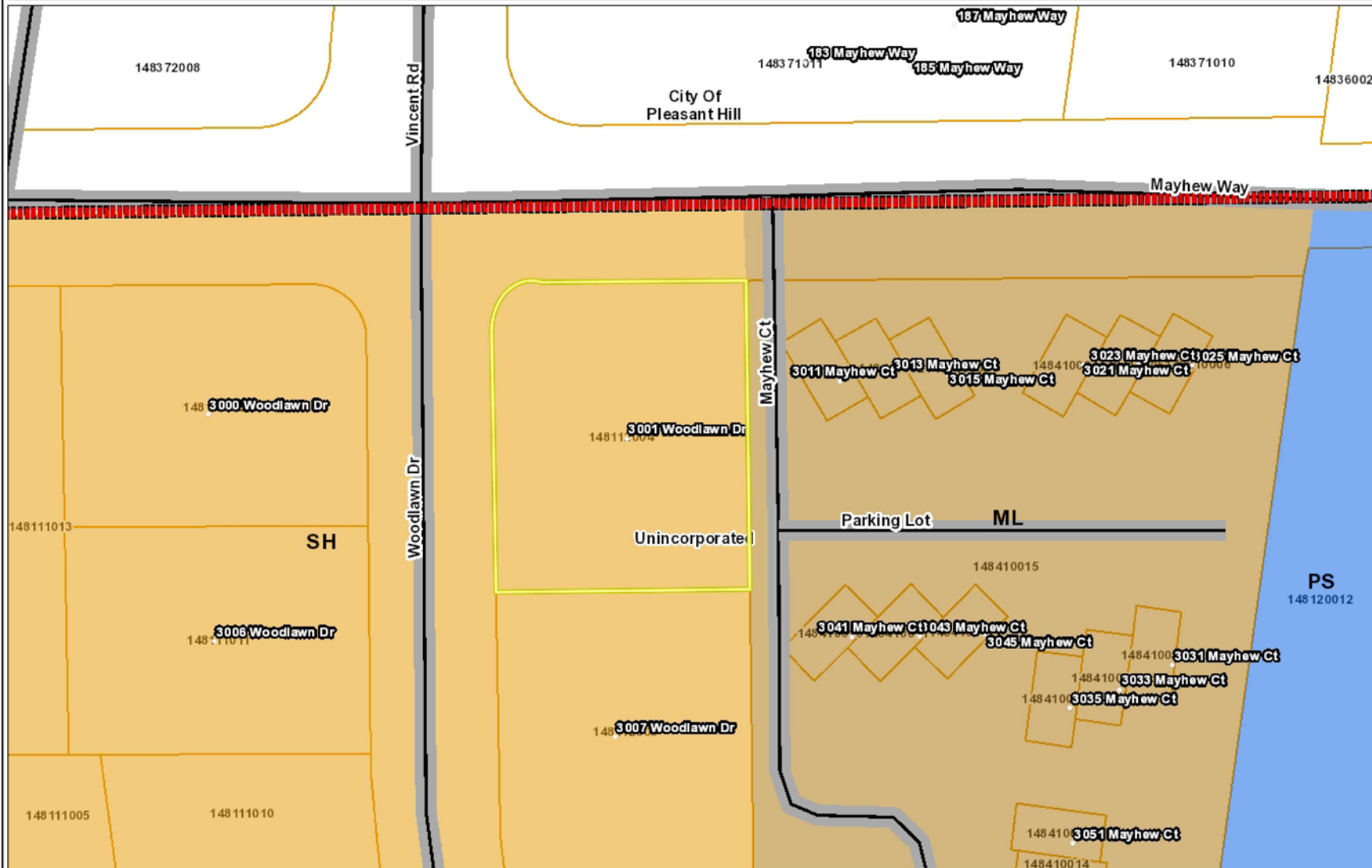
- City Limits
- Unincorporated
- Address Points
- Highways
- Highways Bay Area
- Streets
- General Plan**
  - SV (Single Family Residential - Ver
  - SL (Single Family Residential - Low
  - SM (Single Family Residential - Me
  - SH (Single Family Residential - Hig
  - ML (Multiple Family Residential - Lc
  - MM (Multiple Family Residential - h
  - MH (Multiple Family Residential - H
  - MV (Multiple Family Residential - V
  - MS (Multiple Family Residential - V
  - CC (Congregate Care/Senior Hous
  - MO (Mobile Home)
  - M-1 (Parker Avenue Mixed Use)
  - M-2 (Downtown/Waterfront Rodeo I
  - M-3 (Pleasant Hill BART Mixed Use
  - M-4 (Willow Pass Road Mixed Use)
  - M-5 (Willow Pass Road Commerce
  - M-6 (Bay Point Residential Mixed L
  - M-7 (Pittsburg/Bay Point BART Sta
  - M-8 (Dougherty Valley Village Cent
  - M-9 (Montalvin Manor Mixed Use)
  - M-10 (Willow Pass Business Park h
  - M-11 (Applan Way Mixed Use)
  - M-12 (Triangle Area Mixed Use)
  - M-13 (San Pablo Dam Road Mixed
  - M-14 (Heritage Mixed Use)
  - CO (Commercial)
  - OF (Office)
  - BP (Business Park)
  - LI (Light Industry)
  - HI (Heavy Industry)
  - AL, CIBA (Agricultural Lands & Off
  - CR (Commercial Recreation)

1:564



Notes

Contra Costa County -DOIT GIS

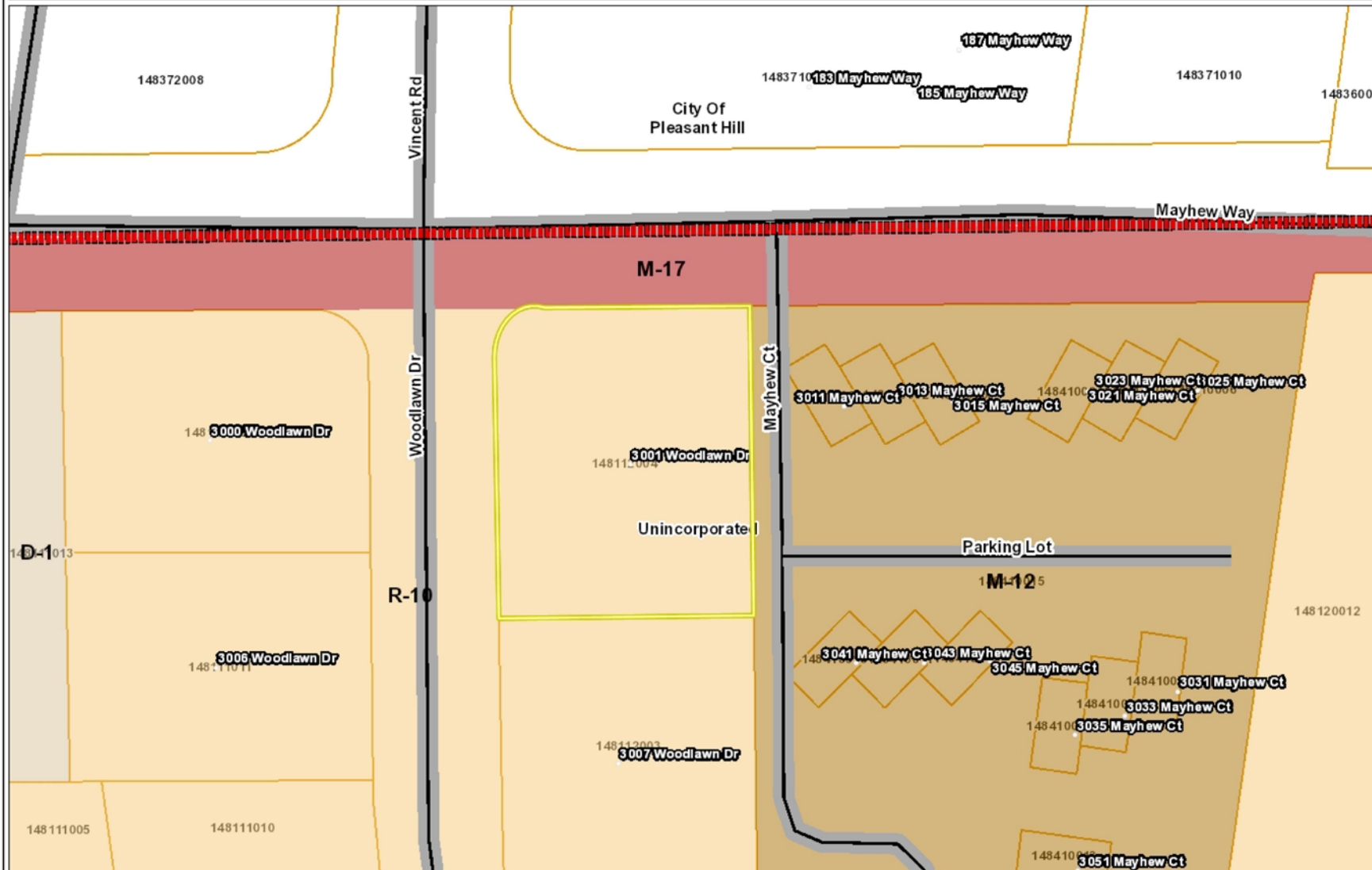


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WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

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Legend

-  City Limits  
 Unincorporated  
 Address Points  
 Highways  
 Highways Bay Area  
 Streets  
**Zoning**  
 R-6 (Single Family Residential)  
 R-6-FH (Single Family Residential  
Combining District)  
 R-6-FH-UE (Single Family Resid  
Urban Farm Animal Exclusion Com  
 R-6-SD-1 (Single Family Resident  
Hillside Development Combining Di  
 R-6-TOV-K (Single Family Resid  
View Ordinance and Kensington Cr  
 R-6-UE (Single Family Residential  
Exclusion Combining District)  
 R-6-X (Single Family Residential -  
Combining District)  
 R-7 (Single Family Residential)  
 R-7-X (Single Family Residential -  
Combining District)  
 R-10 (Single Family Residential)  
 R-10-UE (Single Family Residents  
Exclusion Combining District)  
 R-12 (Single Family Residential)  
 R-15 (Single Family Residential)  
 R-20 (Single Family Residential)  
 R-20-UE (Single Family Residents  
Exclusion Combining District)  
 R-40 (Single Family Residential)  
 R-40-FH (Single Family Resident  
Combining District)  
 R-40-FH-UE (Single Family Resid  
Urban Farm Animal Exclusion Com  
 R-40-UE (Single Family Residents  
Exclusion Combining District)  
 R-65 (Single Family Residential)  
 R-100 (Single Family Residential)  
 D-1 (Two Family Residential)  
 D-1-T (Two Family Residential - Tr  
District)  
 D-1-UE (Planned Unit - Urban Far  
Combining District)  
 M-12 (Multiple Family Residential)  
 M-12-FH (Multiple Family Resident  
Combining District)

1:564



Notes

Contra Costa County -DOIT GIS

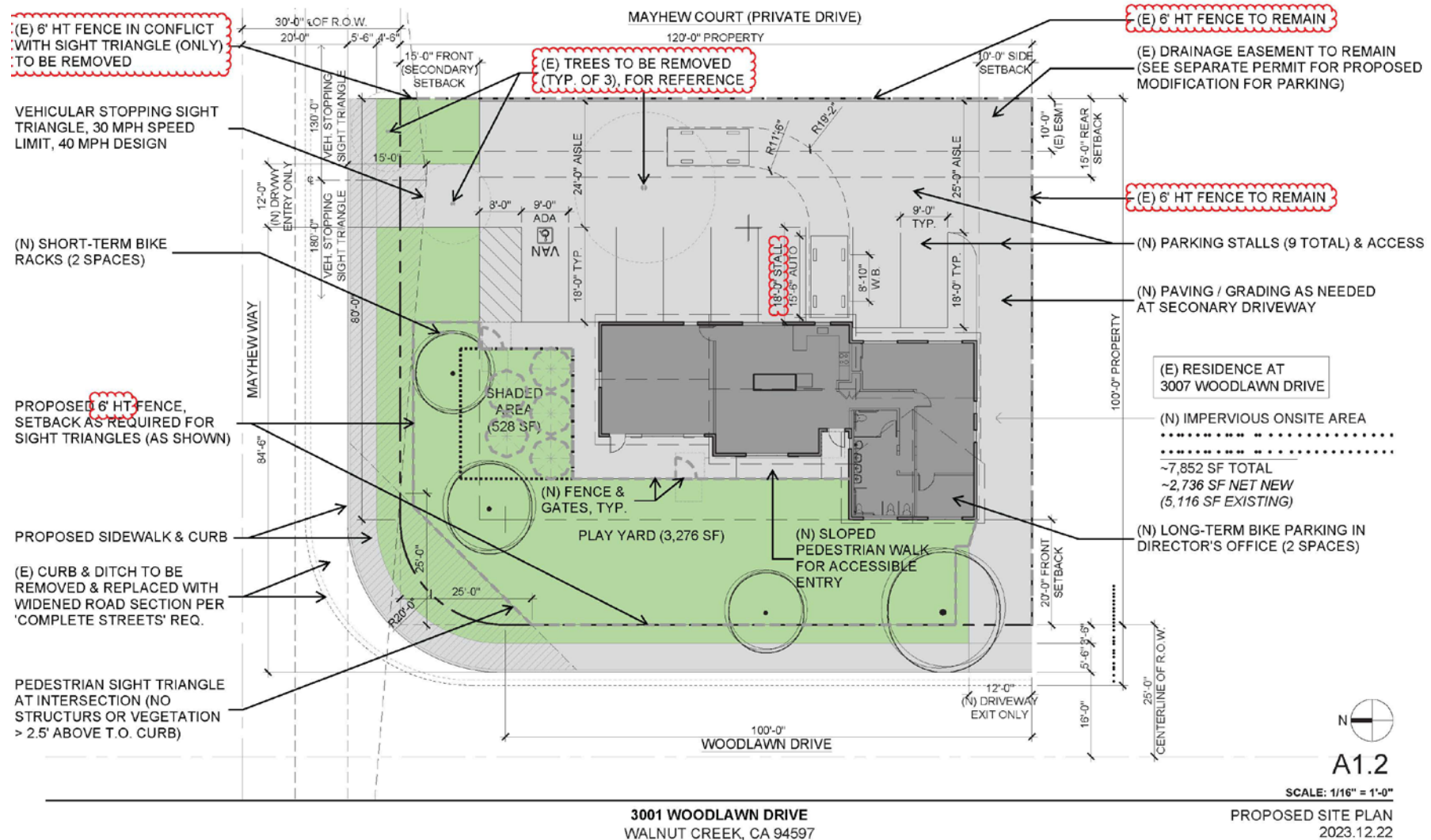
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WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

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# Proposed Child care Center



# Delaram Mousavi and Nima Rafibakhsh Appeal

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- There is lack of justification for capacity limitation and an overreach of the land use permitting process. There is a premature focus on final capacity.
- There is an inconsistency in decision making.

# Jason Martin and Christina Greystone Appeal

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- The project is inconsistent with the General Plan.
- The project is commercial and not consistent with the residential character of the neighborhood.
- There are traffic and safety operational concerns with the project that would require a level of service (LOS) operational analysis. There could be vehicles queuing from the Mayhew Way ingress onto the heavily traveled collector road, especially during peak drop-off and pick-up times. Additionally, vehicles exiting the property onto Woodlawn Drive could face queuing issues at the stop-controlled intersection, leading drivers to disregard the proposed right-turn-only guidance and cut through the neighborhood via Oberon Drive.
- There has been no sufficient analysis of the local drainage system and how the project will mitigate any impacts to the drainage system.
- There is an increase to air pollution due to increase in traffic congestion.
- The project will create nuisance such as generating a considerable amount of noise, and lights from car entering and exiting the property and potential parking lot lights.



# Staff Recommendations

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- Deny the appeals of Delaram Mousavi and Nima Rafibakhsh and Jason Martin and Christina Greystone.
- Approve Land Use Permit County File #CDLP23-02020, based on the attached findings and subject to the attached conditions of approval.

# Questions?

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