

June McHuen

From: Clerk of the Board
Sent: Friday, October 4, 2024 1:29 PM
To: Supervisor John_Gioia; Supervisor Candace Andersen; Supervisor_Burgis; Supervisor Carlson; Supervisor Federal Glover
Cc: Monica Nino; Julie Enea; Danielle Pellegrini; June McHuen
Subject: FW: CDLP23-02020 Appeal

The email below was received in the Clerk of the Board's office.

Best regards,

Stacey M. Boyd
Deputy Clerk
Clerk of the Board
1025 Escobar St., 1st Floor
Martinez, CA 94553
(925)655-2002 (Desk)
(925)655-2000 (Office)

From: Jason Martin <jmartin@ocjones.com>
Sent: Friday, October 4, 2024 12:26 PM
To: Clerk of the Board <ClerkOfTheBoard@cob.cccounty.us>; he Clerk of the <Board@ocjonesandsons.onmicrosoft.com>
Subject: CDLP23-02020 Appeal

Board of Supervisors,

I am in receipt of the agenda and staff findings regarding our appeal of the Planning Commission's ruling on CDLP23-02020. I feel that while day care facilities are in line with the County's General Plan, this location is inappropriate for any commercial endeavor of this scope. I believe that the County's staff has continued to overlook several points in our appeals to both the Zoning Administrator and Planning Commission. I take exception to some of the responses to our latest appeal:

Appeal Point #2 – The project is commercial and not consistent with the residential character of the neighborhood.

Staff continue to assert that the project will only be making minor exterior façade changes, and that the appearance of a single-family residence will remain residential in nature. This is not correct. While the structure itself may only receive minor changes, the nature of the overall property will undergo drastic modifications. How many single-family residences in, not just our neighborhood, but the greater neighborhood in general, have 9 stall parking lots and perimeter fences protecting the front yard? Not one that I am aware of. It is the commercial properties to the north, the pre-school/childcare center to the east. These are not residential in appearance. It is understood that our neighborhood overall is a mixed-use residential, commercial, industrial neighborhood. However, our small residential neighborhood of Woodlawn, Ludell and Oberon are strictly single-family residential homes. This project, at the entrance to our neighborhood, will greatly impact the overall character of our neighborhood.

Appeal Point #3 – Traffic and Safety Operational Concerns

Staff states that Project generating 100 or more new peak hour trips requires a traffic study, and this project will not create that. Some calculation comes up with 37 AM and 38 PM peak-hour trips. As pointed out in our appeal, the 100 new trips are not the only requirement. Also, development projects that add 50 or more new net peak hour vehicle trips to an intersection and projects that create safety or operational concerns. One could reasonably conclude that well over 50 trips through the Mayhew/Woodlawn intersection would be made each day during peak hours as every car would technically be required to leave through the intersection. Staff have laid out an option of the Board of Supervisors adding a condition that a traffic study be conducted between three and nine months *after* the project commences operations. While this would be welcomed if the project is approved, this seems too little, too late. Traffic in the area and the impact that this business will have should be understood prior to operations starting.

Appeal Point #6 – Nuisance

Staff have stated that the location is across the street from commercial space, and near I-680 and the Pleasant Hill/Contra Costa Centre BART station that can be generally noisy. While these are all in the vicinity, I would not consider this neighborhood to be “generally noisy.” Anybody that has spent time in the neighborhood has experienced that the neighborhood is quiet and calm. Many of us are out in the mornings and evenings, walking with our families or pets through the neighborhood, playing outside, riding bikes, or running. We rarely hear noise, yes you can faintly hear BART throughout the day, but the noise is minimal. We have no traffic from any of the commercial businesses in the greater neighborhood on our streets and it is very rare that we have any through traffic. Nearly all traffic on our streets is residents well aware of those using the streets.

While not currently part of the submitted plans, Staff has made a condition of approval that that any parking lot lighting be directed downward and away from adjacent properties. I live next door to the south and do not see how this is possible. We share a fence between the properties along which cars will be exiting. There is no street lighting in the neighborhood, so the parking lot and exit aisle would be very dark and potentially unsafe. I cannot figure how lighting would be aimed that would not have an impact on our property.

Our community has been adamantly against this project from the beginning. Most of the residents have signed a petition against the project, not wanting a business of this magnitude to adversely affect their quiet neighborhood. The impact that this project will have on the neighborhood has not been fully understood by the County nor the Applicants. There are numerous other more appropriate locations for a business in the surrounding areas. I request that the Board uphold our appeal, deny the land use permit, and keep our quiet neighborhood the way it has been since being built some sixty-plus years ago.

Respectfully,

Jason Martin

3007 Woodlawn Drive

October 2, 2024

County file # CDLP23-02020

Dear Board of Supervisors of Contra Costa County,

Overview: The purpose of this letter is to explain the significance of the documents we are providing you in preparation for the meeting on October 8, 2024. These are supplemental to the official packet you receive from your staff. An additional purpose is to highlight key issues and ongoing concerns with the applicants' proposed daycare conversion of the residential home at 3001 Woodlawn Drive in Walnut Creek. Since we are only granted 2 minutes at the public hearing, we are compelled to express ourselves at length in writing so you have a full scope view of this issue. We thank you for taking the time to fully understand and carefully consider our position. First and foremost, we must once again emphasize we are not opposed to or discount the need for appropriate daycare. Our position is, a business of this magnitude, beyond the 14 children allowed in a residential home will negatively impact this quiet, peaceful, serene, well-established neighborhood specific to traffic, safety, and aesthetics. Our quality of life enjoyed for decades for so many will be compromised on a daily basis.

Timeline: You can see from the timeline this process has been going on for over 4 years when the first plan was proposed by the applicants. You can see by the enclosed documents there has been an unwavering opposition by a pronounced majority of residents over this time span. The applicants have submitted 2 different plans both of which the residents oppose by majority with logical, factual, and due diligence to support our rationale for opposition.

Neighbor Meeting with Applicants: Direct feedback to the applicant in a neighborhood meeting dating back to July 2022 with reasonable and appropriate concerns has been communicated. The applicant responses to our concerns were unsubstantiated and not relevant or evidence based to the issues. Additionally, **signature pages from 2022 and 2024 and multiple letters from residents represent neighborhood solidarity** with fact based, logical, and common-sense rationale were submitted to both the Zoning Administrator and County Planning Commission.

Commission Decisions: Further, the decisions made by the same regulatory bodies were completely contradictory to each other. On October 4, 2021, and on July 27, 2022 *the applicants were denied the land use variance for their request for a 30-child day care* by the Zoning Administrator and Planning Commission respectively. Then on June 3, 2024 the Zoning Administrator *approved* the land use variance for 48 children. **We ask- what changed? Why a complete reversal?** Why would their plan for 30 be denied, but then accepted for 48 by the same governing body and then reduced and accepted for 30 by the Planning Commission? These entities have **never been able to explain the rationale for this contradictory decision.**

Appeal Decision: The result of our appeal to the Planning Commission was approval for a 30- child day care. This reflected the staff recommendation, based on the applicant's original request (somewhere along the line they changed to 36 per their letter dated July 2023). However, when offered this option, the applicants adamantly declined this on June 3, 2024. By their own admission (see the letter they wrote in July 2023), they need 48 capacity to meet financial goals. This clearly reflects their sole motivation is financial solvency.

Applicant Position: Of importance for you all to consider is the inconsistent, conflicting, irrelevant, evasive, and lack of fact-based intentions and responses by these applicants. *At the recent Planning Commission appeal meeting they were unable and unprepared to answer most questions posed by several of the Commissioners.* Examples include but are not limited to, not knowing where the garbage cans would be housed, ability to cite the total usable square footage, stating they don't need a kitchen, claiming they don't need fire sprinklers, etc. When they responded their answers were clearly "off the cuff", often not accurate, and did not address the

issues asked of them. While it may not be in the purview of the Zoning, Planning staff, or even yourselves, the fact is *they don't have the square footage to house 48 children* per the criteria set forth by The Department of Health and Human Services Childcare Licensing Bureau (see included document).

In review of their letter from July of 2023 by their own admission to the neighbors, they filed the new application for 48 children capacity, *"to make the business viable"*. Then in their appeal letter to this Board, they talk about their "ultimate goal" of ***establishing a non-profit childcare for children with special needs***. This is an attempt to present themselves as some sort of altruistic citizens and is quite frankly ludicrous. First time we are hearing this as a goal. They can't even tell anyone what the age mix will be for the current project they propose.

What type of special needs- physical, developmental, behavioral? Clearly, they have no idea what it would take to meet ADA requirements, need for licensed professionals, administration and storing of medications, special dietary needs, etc. to establish this type of facility for children of the proposed age group. Children of the age group should in fact be attending early intervention programs, not day cares. *So, are they for profit or non-profit? Evidence of conflicting intentions.*

Other issues:

Max Capacity: If childcare is such a critical need and their driving force, ***why are they not enrolled to full capacity allowable of 14?*** They claimed (see letter) it is in "consideration of their neighbors" and the traffic from 14 children as they await this plan approval. However, their plan for traffic flow and the congestion on Woodlawn Drive, Mayhew, and Oberon with 48 children ***will cause without question*** safety and nuisance issues--By their claim of intention--How does this demonstrate consideration of the neighbors? And this question has never been answered- why not at full enrollment? In addition, please consult Next Door and other apps who have advertised there are many openings for daycare in a home setting.

Woodlawn Street Parking: The applicants claim they will have parents sign a form reflecting compliance with not using Woodlawn to park, for drop off, pick-up, or using it as an exit route from the proposed exit of the plan. This proposed solution is an insult to our intelligence. Currently with only a handful of parents they already drive down Woodlawn as a way to turn around and leave. They can't control the few there is now, how will they enforce this? At one meeting when the issue of traffic congestion was addressed Nima stated, and we quote, he could ***"guarantee"*** there would never be any congestion or traffic problems. This reflects statements made without facts or logic. He can guarantee no such thing. Another claim Nima made was they could accommodate up to 60 children which also reflects untrue and irresponsible statements.

They claim to "love the neighborhood", but the fact is they are not part of this community- they don't live here and have no vested interest other than to make money.

Staffing: Their estimates of staffing needs are not in alignment with ratio requirements. They claimed only 5 staff are needed. How does that make sense? With infants the staff requirement is a 1:2, children aged 3-8 it's 1:4 or 1:6-- but any child over 5-6 will be in school. These numbers don't add up. Will they also next tell us it will become an after-school program?

Traffic trips: The added trips reported by the county staff could not be explained and per Mr. VanBuskirk's comment- that math didn't add up. Only 37 extra trips in total for drop off and pick-up for 48 children was written in the staff report. However, $48 \times 2 = 96$, and that doesn't include their staff, which will be more than 5. Someone needs to investigate this calculation, verify it, and explain it to us. Please see the enclosed photos (exhibit #8) which clearly demonstrate the congestion that already exists on Mayhew and drop-off and pick up time. Any additional trips that will happen as a result of the proposed traffic flow will cause back ups and excessive congestion on Mayhew and Woodlawn Drive.

Applicant Appeal Letter: With regard to the items of their appeal letter to this Board:

Items 1, 2, and 3. These are all the same issue and in fact not valid by virtue of the fact that they lack the physical space to house 48 children per licensing parameters negates their claim the Planning Commission's decision is unsupported by evidence. They should be thanking them for sparing them the expenditures they would incur by identifying the factual limits of this project.

This generates even more questions- will they actually enroll more children than is allowed by licensure? Who will be monitoring this? What is our recourse when it becomes evident this is happening? Who do we report violations by parents adhering to the criteria of the form they sign about traffic flow? If they don't enforce parents' behaviors who does?

4. Their concern with "Inconsistent decision-making" is in fact correct- but if what they want is consistency then this argument works against them. In the case of Donna Allen as they cite, she was in the minority in both cases so this is a moot point and really has no impact on outcome. According to their argument this would mean the latest approvals by Zoning and Planning should be denials to be in alignment with the first application decisions by Zoning and Planning, thus supporting our position as described earlier in this letter. Yet another indication these people are not using logical thinking skills.

Community: To address the comments made by certain individuals outside of our neighborhood who lectured us about not telling parents what is good for their children *we suggest they take their own advice— don't tell us what is good for our neighborhood.*

Other Options: The applicants were told by the Planning Commission by a majority decision of denial in 2023 to seek other sites more appropriate. There remains a plethora of commercial buildings throughout the city available for a business of this nature. For them to claim otherwise is utter nonsense. The pandemic has created an overwhelming vacancy rate of commercial real estate, a fair number of which are right across the street from their property. If they have the funding to make the extensive alterations required for this project, they certainly have the funding to invest in a more appropriate location. Perhaps their 2.1-million-dollar home they reside in another part of Walnut Creek would be more suitable and thus welcomed by those neighbors. We are NOT NIMBY as portrayed in a biased and one-sided article published by a local newspaper- we are simply trying to preserve our quiet, quaint, and safe neighborhood where collectively many have lived for 30+ to over 60 years. It is unfair to allow one household be so disruptive in the face of such overwhelming opposition by the community of neighbors who will be directly, significantly, and negatively impacted.

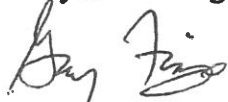
Summary: This continued persistence to pursue this inappropriate project demonstrates a complete lack of regard and consideration for the *overwhelming majority of 75% of the residents who have repeatedly presented valid and fact-based data to support the opposition.* This is one property owner who has subjected this neighborhood to chronic stress and undue time to deal with this process over a 4-year period. We are disappointed in the lack of application of common sense, logic, facts, and understanding of the negative impact this FOR-PROFIT business will impose. *Respectfully, we request this board denies their appeal and overturns any approval that would allow the variance to move forward the proposed project for any number of children beyond the 14 allowed by current regulation.*

Sincerely,

Colleen Fiammengo

A cursive handwritten signature of Colleen Fiammengo, written in dark ink.

Gary Fiammengo

A cursive handwritten signature of Gary Fiammengo, written in dark ink.

Evie Hayes

A cursive handwritten signature of Evie Hayes, written in dark ink.

Scott Hayes

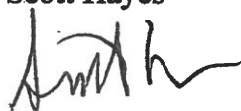
A cursive handwritten signature of Scott Hayes, written in dark ink.

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Exhibit#4. Applicant Letter to Neighbors – New Application Submitted for 48 kids – received July 2023

Exhibit #5. Neighborhood Response to Applicant Letter – 31Households – July 22, 2023

Exhibit #6. Dept of Public Health and Human Services Child Care Licensing Bureau –Day Care Square Foot requirements per child – Indoor 35sq ft/Outdoor 75sq ft.

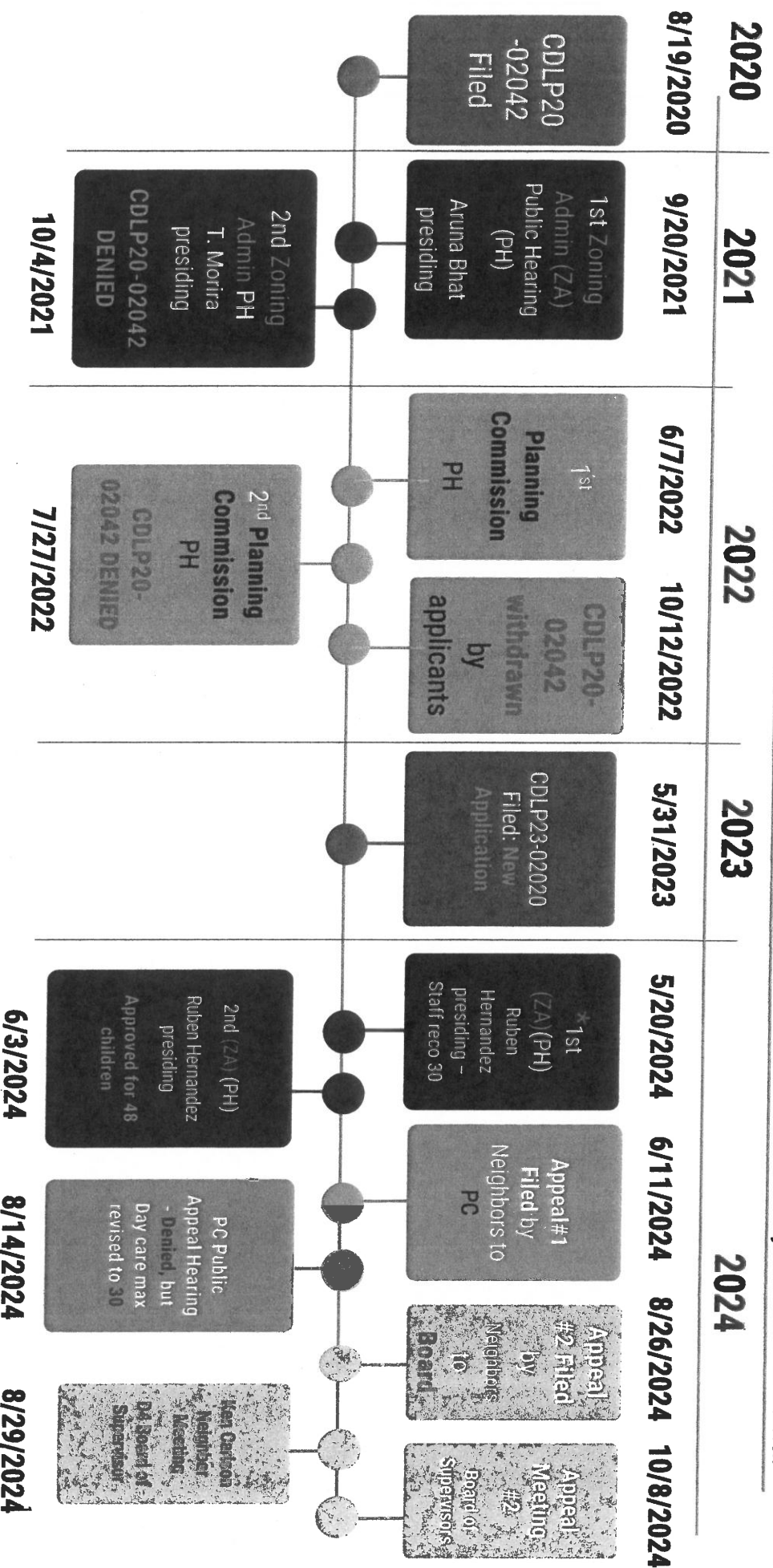
Exhibit #7. Neighborhood Opposition Signatures – 32 Households, 58 signatures – June 2024

Exhibit #8. Mayhew Way/Woodlawn Traffic Photos – Morning/Evening Commute

Exhibit #9. Few Submitted Neighbor Opposition Letters

Daycare Expansion Timeline

*Staff recommendation was to approve variances for 30-child project.
Applicants rejected staff recommendation stating approval for 48 children
 PC denied appeal but scaled back daycare back to 30 children



3001 Woodlawn Neighborhood Meeting 2022.07.23 11am

Applicant provided a brief overview of the (2) new alternate plans proposed (and submitted via email to County Planning / Public Works) in response to feedback from the Planning Commission hearing 6/8/22, showing a new ingress (only) driveway for onsite parking / vehicle circulation from Mayhew with egress (only) driveway onto Woodlawn Drive. Enclosed is a copy of the neighbor check-in & handwritten notes (which have been typed below for clarity) – notes are organized by person providing the feedback and are a summary taken by the architect and not 'word for word'.

Initial Group Question: What are the proposed fence extents, height & type? ***Proposed extents/height/type would be similar to existing (located at property line), ~6'-7' (as County ordinances allow) & vertical wood slat design to match existing.***

Colleen F.

Concerned with impact on neighborhood from egress onto Woodlawn

Proposed sidewalk does not serve any purpose. ***The proposed sidewalk has been incorporated based on comments from Public Works to comply with the 'Complete Streets' program which will be an extension of the sidewalk on Mayhew and eventually Woodlawn will be upgraded (by the County) to connect as well.***

Estimates business will gross ~\$55k / month and thinks that is plenty of money to be able to rent an available empty retail location somewhere else. ***Applicant has worked with a realtor to try and locate an available retail location and has not found a spot to date that would work. Most locations do not have room for a playground for the children and would require it be built in the parking lot (thereby competing with required parking).***

Does not feel respected because previous property owner [at 3001 Woodlawn] kept their yard immaculate and the current yard condition is not that way [and because applicant did not approach neighbors sooner with proposed project for discussion ahead of application?]. ***Applicant feels the current yard condition is acceptable but would be happy to discuss further. Applicant says we are neighbors and if a neighbor is not happy with something, it is fine if we knock the door and ask for a change. We would have changed things if we were asked to.***

What assurances are there that condition of yard will be improved? ***Applicant is open to hiring a landscaper to maintain the landscape frontage (with the proposed project).***

How does the applicant feel about how much resistance & hostility (about project, not towards applicant) there is towards this proposal? ***Applicant says it is very unfortunate and he wished this could be resolved.***

What will peak hours look like? When (4) stalls are taken by the employees [3 teachers + 1 director] and only (5) stalls remain available [Note: current plans proposed 9 stalls where 8 are required], what will happen when those (5) stalls are full? Will parents cue onto Mayhew or will they do laps onto Woodlawn and back around? ***Architect asked if the neighbors would have confidence in an independent traffic / vehicle movement study provided by a third-party traffic engineer.***

Will there be a stop sign @ egress driveway? ***Applicant asked if neighbors would like a stop sign? This can be provided if the County allows.***

[Resistance to supporting project] is not about change, it is about the direct impact to her & the neighborhood.

Melanie L.

has 6-7 children enrolled and has been waiting to enroll more during the time this application is under review in consideration of the neighbors, due to the potential parking impact on the neighborhood since the current residence only has the existing driveway and no new parking is required for the 14 children.

Is there a plan for how to keep the property secure during nights/weekends [when not in operation / no one is there]? Architect noted that the applicant would likely have a video / security system to be able to monitor the property.

Jason M.

Biggest concern is the traffic & esthetics of the proposed business.

John C.

He believes if applicants can address the traffic, childcare is an amenity for the neighborhood, if it does not negatively impact the neighborhood. It can be a positive selling point.

He believes the new plans seem to be the traffic solution.

7 & REGARDING FENCE TYPE, EXTENTS & HEIGHT

COLLEEN F.

- > CONCERNED W/ IMPACT ON EGRESS OUTTO WOODLAWN
- > SIDEWALK DIN SERVE ANY PURPOSE
- > \$\$\$ NO EST. NEEDED TO RENT ANOTHER (RETAIL) LOT

MELANIE

- > CONCERNED W/ QTY OF KIDS. WILL THERE BE A CAP W/ APPROVAL: 30-36
= WOULD YOU CONSIDER LOWERING TO 20? (2 CLASSES OF 10-12) 24 MAY? PROPOSED
- > IS THERE A WAY TO REDUCE FROM 9 PROPOSED STALLS TO 8 YEAH TO PRESERVE (E) PARK?
- > WOULD LIKE TO SEE THAT A GARDENER IS HIRED TO MAINTAIN THE PLANTING
- > 0 FRUITS OF DAYLACE? 7-6 OR 8, WHAT IS THE PROPOSED AGE GROUP?
NOT INFANTS

GARY

- > CONCERNED W/ TRAFFIC & SAFETY W/ INCREASED # KIDS ADDED
- > WOULD HAVE LIKED TO HAVE BEEN APPROVED / ENGAGED SOMEBODY IN PROCESS
- > LARGE EMOTIONAL IMPACT ON NEIGHBOURS
- > CONCERNED W/ ONE WAY IN ONE WAY OUT TRAFFIC
- > FEELS LIKE SERVICE REQ IN A ROAD HOLE

CHRISTINA

- > CONCERNED W/ REMOVAL OF (E) TREES / LANDSCAPE FOR (W) PARKING
- > WOULD YOU CONSIDER OPERATING W/ ONLY 14? NO CHANGE TO PARKING, ETC
- > IS THERE A PLAN FOR YOU TO KEEP PROPERTY SERVICE DURING NIGHTS / WEEKENDS?

COLLEEN F.

- > DON'T FEEL EXPECTED. YARD IS NOT PAVED & IMMEDIATE LIKE PREVIOUS RESIDENTS
B/C YARD CONDITION & B/C IN GET APPROVED SCENARIOS LEFT IT
- > WHAT ASSURANCES ARE THERE THAT CONDITION OF YARD WILL BE IMPROVED?
- > HOW DO YOU FEEL ABOUT HOW MUCH RESISTANCE & HOSTILITY THERE IS TOWARDS THIS PROT.
- > CAN THE MAIN / ONLY ENTRANCE BE VIA PARKING / PATH (I.E. THEY COULD PARK ON WOODLAWN BUT MAY BE DETERRED B/C THEY HAVE TO WALK AROUND TO DRIVEWAY)
- > WHAT WILL PARK STALLS LOOK LIKE? WHEN 4 STALLS ARE TAKEN BY B.M.P. & ONLY 5 ARE OPEN (BUT USED) WHERE WILL CARS LIVE AND/OR WILL THEY DO LAPS?
- > WILL THERE BE A STOP SIGN @ EGRESS DRIVEWAY?
- > IT'S NOT ABOUT CHANGE, THE LACK OF COLLEEN'S SUPPORT IS ABOUT THE DIRECT IMPACT TO HER & THE NEIGHBOURHOOD

JASON

- > BIGGEST CONCERN IS TRAFFIC + ESTHETICS OF BUSINESS, IF APPROVED IT WOULD BE A NICE COMMUNITY AMENITY

EMAIL ALL PAST PLANS + CURRENT AUT.

Meeting 7/23/22 Sign-In

John d

Colleen Cooper

Colleen Flammengo

Gary Flammengo garyf49@icloud.com

Christian Greystone csgreystone@yahoo.com

JASON MARTIN

ajones@com
jmart@yahoo.com

MAURIE

john@restorationsys.com

July 23, 2022

For the owners of
3001 Woodlawn Dr.

My husband and I were planning to attend your meeting today. Unfortunately, he has taken ill the past two days with stomach flu. I don't wish to leave him alone due to his age (85ys).

However, we wish to reaffirm our position 3001 Woodlawn Dr. is not an ideal location for a day care center due to the surrounding traffic congestion, which would only worsen.

Although we cannot be present at your meeting, we support the families on Woodlawn Dr. who are in agreement that the day care center can fulfill its needs to the community in a more suitable location than the one here.

I thank you for having this meeting. We will be present in spirit and with good thoughts. Diana Piombo
Nick Piombo

P.S.

Our home for 59 years

3025 Woodlawn Dr.
Walnut Creek, CA 94597

Request to expand current residential day care to approximately 30(+) children by

DELARAM MOUSAVI AND NIMA RAFIBAKHSH (Appellants and Owners), County File #CDLP20- 02042:

The subject property is located at 3001 Woodlawn Drive in the unincorporated Walnut Creek area.

(Zoning: Single-Family Residential, R-10) (APN: 148-112-004)

We, the neighbors would like to uphold the Zoning Administrator's decision of Oct 4, 2021 to deny a land use permit to allow this daycare to expand to approximately 30(+) children within an existing residence, with variances to the front and secondary front yard setbacks, and variances to the off-street parking standards.

There is an upcoming Planning Commission Meeting on Wednesday, July 27th to review another plan submitted by the owners of this property.

The following signatures are from neighbors who are opposed to the land use permit and the variances as required to expand the existing day care.

Name	Address	Date
Nick Concho	3025 Woodlawn Dr.	7-19-22
Diana Diombo	3025 Woodlawn Dr.	7-19-22
Kathleen Dotson	3030 Oberon Dr	7/19/22
Dean Jaramaki	190 Ludell Dr	7/20/22
Debra Mianian	190 Ludell Dr	7/20/22
Chen Hacin	3022 Ludell Ct.	7/20/22
Chad Sami	3022 Ludell Ct	7/20/22
Liz Rivard	3010 Ludell Ct	7/20/22
Kathrina Boe	178 Ludell Drive WC	7/20/22
CECILE B. CABASAL	3000 WOODLAWN DR WC	7/20/22
Gary Fiammengo	3024 Woodlawn Drive, WC	7/20/22
Gillian Fiammengo	3024 Woodlawn DR W.C	7/20/22
Jerrold Dotson	3030 Oberon Drive WC	7/20/22
CHRISTINE MCCracken	206 LUDSELL DR WC	7/21/22
KEVIN MCCracken	206 WIDELL DR. W.C. CA	7/21/22
Tom Pettit	200 Ludell Dr.	7-21-22
Debra S. Castello	200 Ludell Dr. W.C.	7-21-22
Nike Pettit	3015 WOODLAWN DR.	7/21/22
Melanie Larzel	3015 Woodlawn Drive	7/23/22

Name	Address	Date
Carrie L. Waters	172 Ludell Dr. Walnut Creek, CA 94597	7/21/22
Thomon Waters Jr.	172 Ludell Dr. Walnut Creek, CA 94597	7/21/22
Thom J. Waters	" "	7/21/22
John M. Waters	3007 WOODLAWN DR	7/21/22
Ken Chan	3007 WOODLAWN DR	7/21/22
Ken Chan	3017 LUDSELL CT.	7/22/22
John Chan	3012 Woodlawn Dr.	7/22/22
Colleen Chan	3012 Woodlawn Dr.	7/22/22
Patricia Chan	3012 Woodlawn Dr.	7/22/22
Kristin Chan	148 Mayhew Way Walnut Creek	7/22/22
Nick Chan	148 Mayhew Way Walnut Creek	7/22/22
Angelica Kavanagh	3012 Woodlawn Dr.	7/23/22
Jared Critchfield	147 LUDSELL DR	7/23/22
Tim Walker	166 LUDSELL DRIVE, W.C.	7/24/22
Wesley Chan	166 Ludell Drive, WC 94597	7/24/22
Kelly Watanabe	3004 Ludell Ct. WC 94597	7/24/22
José Alfredo Ornelas	3031 Oberon Dr. Walnut Creek	7/23/22
BEN LARSON	154 LUDSELL DR, WC, 94597	7/23/22
Teresa Manuel	148 Ludell Dr, 94597	7/23/22
Tyson O'Brien	207 Ludell Dr. 94597	7/23/22
Tami O'Brien	207 Ludell Dr. 94597	7/23/22
Janice Nguyen	201 Ludell DR, 94597	7/23/22
Die Hayes	184 Ludell Dr 94597	7/24/22
Scott Hayes	184 Ludell Dr. 94597	7/24/22
Trevor Lawrence	3011 Ludell Dr 94597	7/24/22
Jessica Lawrence	3011 Ludell Dr. 94597	7/24/22
SCOTT WATANABE	3004 LUDSELL COURT 94597	7/24/22

[illegible]

Our Dear Woodlawn Dr, Ludell Dr and Ludell Ct Neighbors,

Sent July 2023
to neighbors

This is Delaram and Nima, the residents of 3001 Woodlawn Dr. We are writing this letter to inform you that we recently resubmitted our application for a child care center to the Contra Costa County planning department. As you can see in the attached plan, we submitted the exact plan we discussed in our meeting in our backyard last year, without any changes. The only change is the capacity where we added 12 children which sets the maximum to 48 children instead of the initial submission of 36. The increase to the capacity is not by any means a sign of offending our dear neighbors. We needed to make this adjustment to make the business viable due to the higher starting cost caused by newly added driveway, and overall the higher cost of child care service after the pandemic.

We really, really hope you do not see the "resubmission of the application" as a move to disturb the neighborhood. We love our neighborhood and we never want to cause any sort of disturbance. The original permit process was extremely hard and painful for us. We needed to take some time before resubmitting in order to mentally recover from it. However, we do believe in what we are doing and the service we are, and will be providing to the community.

We will be happy to hear your thoughts and concerns. We will be available after Monday the 10th. Please feel free to reach out to us at:

Email: nima1367@gmail.com

Cell: 415 755 0809

Address: 3001 Woodlawn Dr.

Warm Regards,

Delaram and Nima

Nima Rafibakhsh and Delaram Mousavi
dba Jumping Lollipops Daycare
3001 Woodlawn Drive
Walnut Creek, CA 94597

Date: July 22, 2023

neighborhood response to
their July 2023 letter

Re: Subject of your recent letter/plans -- (whatever identifying info from the letter you received)

Dear Nima and Delaram,

We appreciate that you have a heart for children and have seen the need for quality child care. We also laud your entrepreneurial spirit.

We are not convinced that you are actually our neighbors—meaning that you live in and contribute to this community.

We, the people that live in this community, have lived here for years to decades. We have raised children in this neighborhood, we know and care about our neighbors. We have spent lots of time and money on our homes, improving them, maintaining them. This is a small neighborhood with limited access where it is safe to walk, greet our neighbors and have conversations.

Regardless of any single iteration of your plans, it is clear to us that you do not actually live at this address (or ever plan to), and therefore be a part of this community. What is clear is that you are attempting to convert a single-family dwelling into a for-profit business. A business that will bring significant traffic and disruption to this neighborhood. With that traffic from your existing smaller business, we, as your "neighbors" have already been negatively affected by blocked driveways, trashcans being disturbed or moved, increased traffic making the roads Oberon, Ludell Drive and Ludell and Woodlawn less safe, and, of course, more noise, particularly for your nearest neighbors.

Rather than endearing the neighborhood to your continued efforts to convince us otherwise, this third effort has only alienated us further and galvanized our continued opposition to it. For you to claim that it is not intended to offend the neighbors, or to disturb the neighborhood, seems dubious to us and these words ring hollow. Especially, in light of our overwhelming opposition to it in the previous two attempts when it was shut down initially in September/October 2021 before the Zoning Administrators; and again in June, 2023 before the Planning Commission. At the latter hearing, we recall specific and direct language to "find another space, another location" for your daycare business.

Collectively, we as a neighborhood, and as voters and property owners and tax payers, will continue to oppose your plans to convert this single-family home into a profit-making business.

We ask that you consider other very viable options for your business. Just across Mayhew is a commercially zoned area with lots of space available. There is ample parking, easy access, and a likelihood of landlords willing to accommodate minor changes to house such a daycare operation. There are other similar options within a mile radius, all with similar characteristics of what appears to be proper zoning, parking, easy access. With any of these options, you could fulfill your dream of a larger day care operation without negatively impacting this neighborhood with traffic and noise.

We respectfully ask that you withdraw your plans from the planning commission and cease trying to run a business out of the single-family dwelling at 3001 Woodlawn Drive.

Respectfully,

Residents:

Cecile Cabasal
Taylor
Jason Martin/Christina Greystone
Melanie Larzul/Mike Plette
John and Colleen Cooper
Wini and Jeannie Vasquez
Nick and Diana Plombo
Gary and Colleen Fiammengo

3000 Woodlawn Drive
3006 Woodlawn Drive
3007 Woodlawn Drive
3015 Woodlawn Drive
3012 Woodlawn Drive
3018 Woodlawn Drive
3025 Woodlawn Drive
3024 Woodlawn Drive

Janice Nguyen
Jason and Tami O'Brien
Christine McCracken
Tom and Dolores Portello
Lawanda and Stewart Franklin
Sara Lalji/Dhruv Raturi
Scott and Evie Hayes
Kibblay
Carrie, Numon and Moni Waters
Vicki Grunian
Christy Deem
Ben Larson
Tenea Manuel

201 Ludell Drive
207 Ludell Drive
206 Ludell Drive
200 Ludell Drive
196 Ludell Drive
190 Ludell Drive
184 Ludell Drive
178 Ludell Drive
172 Ludell Drive
166 Ludell Drive
160 Ludell Drive
154 Ludell Drive
148 Ludell Drive

Ken Chen
Trevor and Jessica Lawrence
Scott and Kelly Watanabe
Liz Rivard
Scott and Sheila Bergum
Gil and Arlene Garcia

Jerrold and Kathleen Dotson
Alfredo Ornelas
Matt Nunes
Nick and Kristin Ciano

3004 Ludell Court
3011 Ludell Court
3017 Ludell Court
3010 Ludell Court
3016 Ludell Court
3022 Ludell Court

3030 Oberon Drive
3031 Oberon Drive
142 Titania Court
148 Mayhew Way

**Department of Public Health and Human Services Child Care Licensing
Bureau**

**Day Care Facility
Square Footage Report / Floor Plan**

EXPLANATIONS OF CALCULATION OF SQUARE FOOTAGE

To determine the registration/license capacity the areas designated for children's activities must be measured. Calculations regarding the number of children allowed in the facility are derived from these measurements.

37.95.705 GROUP AND FAMILY DAY CARE HOMES, BUILDING REQUIREMENTS

(1) The day care home must have a minimum of 35 square feet per child of indoor space, not including food preparation areas of the kitchen, bathrooms, toilets, offices, staff rooms, corridors, hallways, closets, lockers, laundry areas, furnace rooms, cabinets, and storage shelving spaces, as well as 75 square feet per child of outdoor play space.

37.95.610 DAY CARE CENTERS, SPACE

(1) A day care center must have sufficient indoor and outdoor space for the number and ages of children in care.

(2) Calculation of the required minimum 35 square feet of space per child must exclude food preparation

areas of the kitchen, bathrooms, toilets, offices, staff rooms, corridors, hallways, closets, lockers, laundry

areas, furnace rooms, cabinets, shelving, and other storage spaces.

(3) In facilities licensed after June 2, 2006, this requirement shall be deemed to have been satisfied if

each designated area for children's activities contains a minimum of 35 square feet of usable floor space per child that will be in the room at any one time, as calculated in(2).

TO CALCULATE A ROOM'S SQUARE FOOTAGE:

- Measure the room's length and the room's width. **Do not include non-usable space (furniture) such as bookshelves, entertainment centers, coffee tables and end tables.*
- Once the length and width have been determined, these two calculations need to be multiplied.

Other spaces that cannot be included in these calculations are bathrooms, hallways, and kitchens

Dining areas may be counted, as children use this space for purposes of eating and table activities. Chairs, couches, beds and other furniture, which are occupied by the children, can be countable space.

Outside space is sometimes irregularly shaped. In this case, divide the area into "blocks" and measure the square footage of each block separately, taking the width and length of the area and multiplying the two. Then add the individual areastogether.

With the above guidelines, please measure the countable space in your facility and record the findings on the form provided.

Neighbors	Address	Signature	Date
Cecile Cabasal	3000 Woodlawn Drive	<i>Cecile Cabasal</i>	6/24/2024
Taylor Peterson	3006 Woodlawn Drive	<i>Taylor Peterson</i>	6/25/24
Jason Martin/Christina Greystone	3007 Woodlawn Drive	<i>Jason Martin</i>	6/25/24
Melenie Larzul/Mike Plette	3015 Woodlawn Drive	<i>Melenie Larzul</i>	6/23/24
John and Colleen Cooper	3012 Woodlawn Drive	<i>John Cooper</i>	6/25/24
Wini and Jeannie Vasquez	3018 Woodlawn Drive	<i>JEANNIE VASQUEZ</i>	6-24-24
Nick and Diana Plombo	3025 Woodlawn Drive	<i>Nick Plombo</i>	6-24-24
Mike Plombo	3025 Woodlawn Drive	<i>Michael Plombo</i>	6/23/24
Gary and Colleen Flammengo	3024 Woodlawn Drive	<i>Gary Flammengo</i>	6-24-24
Janice Nguyen	201 Ludell Drive	<i>Janice Nguyen</i>	6-30-24
Jason and Tami O'Brien	207 Ludell Drive	<i>Jason O'Brien</i>	6/30/24
Shannon Green/Talia Manos	207 Ludell Drive	<i>Shannon Green</i>	6/23/24
Christine McCracken	206 Ludell Drive	<i>Christine McCracken</i>	6/22/24
Tom and Dolores Portello	200 Ludell Drive	<i>Tom Portello</i>	6/23/24
Lawanda and Stewart Franklin	196 Ludell Drive	<i>Lawanda Franklin</i>	6/23/24
Sara Lalji/Dhruv Raturi	190 Ludell Drive	<i>Sara Lalji</i>	6/22/24
Scott and Evie Hayes	184 Ludell Drive	<i>Scott Hayes</i>	6/24/24
Kubliay Demir	178 Ludell Drive	<i>Evi Hayes</i>	6/23/24
Carrie and Moni Waters	172 Ludell Drive	<i>Kubliay Demir</i>	6/23/24
Vicki Gruman	166 Ludell Drive	<i>Carrie Waters</i>	6/23/24
Christy and Mike Deem	160 Ludell Drive	<i>Vicki Gruman</i>	6/27/24
Ben and Rashna Larson	154 Ludell Drive	<i>Christy Deem</i>	6/27/24
Tenea Manuel	148 Ludell Drive	<i>Ben Larson</i>	6/27/24

Neighbors	Address	Signature	Date
Scott and Kelly Watanabe	3064 Ludell Court	<i>[Signature]</i>	6-23-24
Liz Rivard	3010 Ludell Court	<i>[Signature]</i>	6-24-24
Scott and Sheila Bergum	3016 Ludell Court	<i>[Signature]</i>	6-23-24
Gil and Arlene Garcia	3022 Ludell Court	<i>[Signature]</i>	6-23-24
Jerrold and Kathleen Dotson	3030 Oberon Drive	<i>[Signature]</i>	6/23/24
Alfredo Ornelas	3031 Oberon Drive	<i>[Signature]</i>	6/23/24
Matt Nunes	142 Titania Court	<i>[Signature]</i>	6/23/24
Nick and Kristin Clano	148 Mayhew Way	<i>[Signature]</i>	6/23/24
Dexter and Pat r Louie	186 Mayhew Way	<i>[Signature]</i>	6/23/24

Jennifer Louie
Dan Kubasak
Jessica and
Tavor Lawrence

3011 Ludell Court
" "
" "

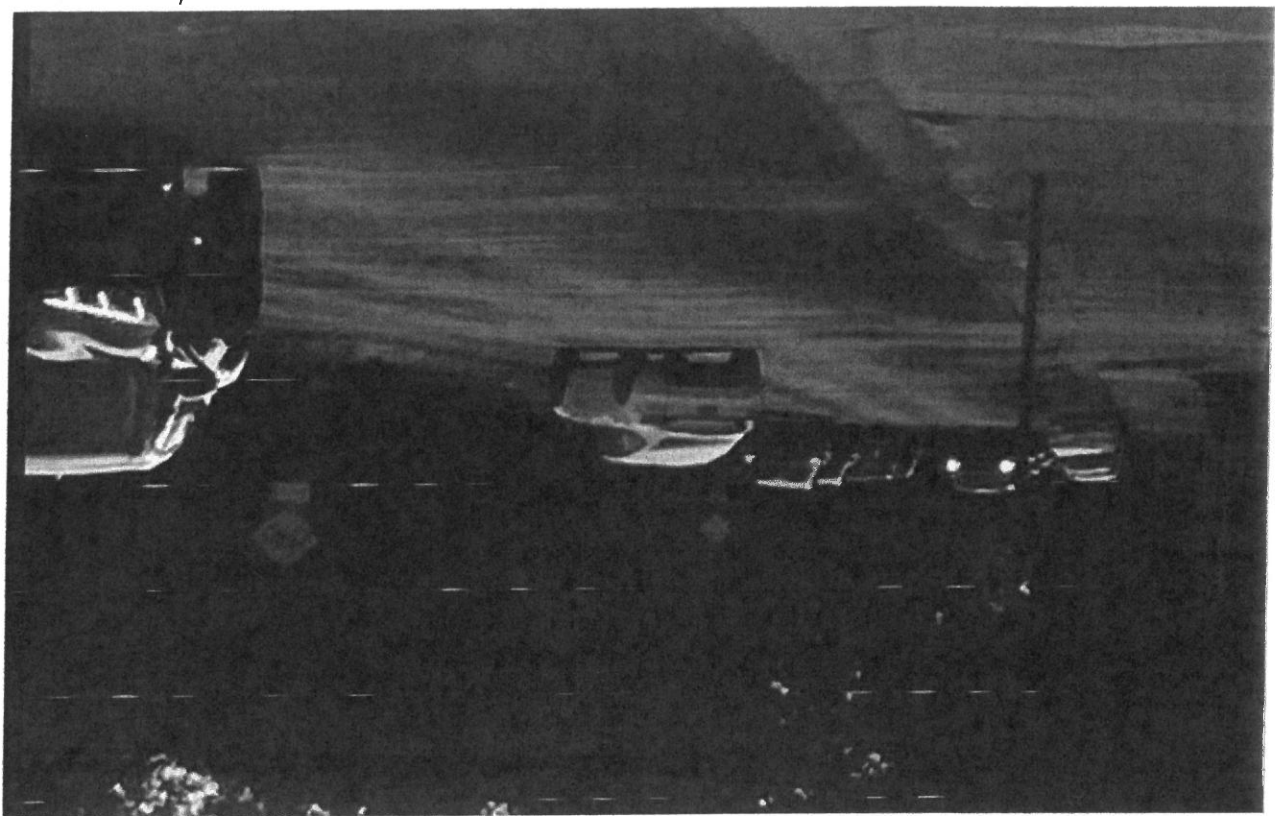
" " "
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tenant
tenant

6/23/24
6/23/24
6/23/24
6/23/24

mayhaw/woodburn
intersection
next to daycare

Aug 22 7:47am



mayhaw/woodburn
intersection

Sept 4th 5:46pm

Sept 6th 5:35 pm

Mayhew/Woodlawn
intersection



Oct 1 7:40am Mayhew Way

----- Original Message -----

From: Kathleen Dotson <kldotson@comcast.net>

To: "planninghearing@dcd.cccounty.us" <planninghearing@dcd.cccounty.us>

Date: 08/13/2024 7:10 AM PDT

Subject: #CDLP23-2020 - opposing the proposed Day Care Center at 3001 Woodlawn Drive

Dear Planning Commission,

I am writing in support of the appellants Jason Martin and Christina Greystone in opposition of the proposed Day Care Center at 3001 Woodlawn Drive.

I was disappointed in the response from the Department of Conservation and Development, Community Development Division (CDD) Staff. I will below provide responses to a couple of their responses to provide color. Their response is, of course, biased to the fact that they already recommended the project and therefore appear to simply be justifying their recommendation.

My responses are related to a) appropriateness of the site and b) property value comments.

A. Appropriateness of the site: Nima Rafibakhsh and Deleram Mousavi (Nima and Dele) have proposed turning a single family dwelling into a commercial operation - Day Care Center. Nima and Dele seem to be very good with children and I am confident that they are good providers of day care. I do not believe turning a single family dwelling within a quiet neighborhood into a large commercial operation is appropriate.

- As the CDD staff indicated, there are large mixed use/ commercial properties close by (Appeal Point #7). We agree and had recommended directly to Nima and Dele via an earlier letter from the neighborhood that there were several properties close by that would be a better fit for their planned commercial operations and that would not impose on the quiet neighborhood about which they claim to care deeply. For example, the Gymboree building on the corner of Hookston and Bancroft would seem to be a logical place for a large Day Care Center - easy access, lots of parking, enclosed back area for outdoor activities.
- Traffic (Appeal Point #4) - while the proposed project is innovative in that they are proposing to create a wrap-around driveway - entrance from Mayhew and exit on Woodlawn, the exit on Woodlawn would directly affect Woodlawn traffic, adding between 37 and 48 exits from Woodlawn to Mayhew in the morning and again in the evening. The morning exits would likely correspond to when residents of the neighborhood are also commuting to their jobs, thereby creating traffic congestion and quite likely dangerous conditions trying to exit and cross Mayhew.
- Further, the CDD staff indicates in their response to Appeal Point #11 that the proposed driveway would "be advantageous to drivers leaving Mayhew Court" - again this seems particularly astonishing - it is possible that the residents turning right on Mayhew might somehow have an advantage by traffic backing up on

Mayhew due to the many cars turning into the proposed driveway to the project site. However, for those turning left, there is no advantage and, in fact, due to the anticipated traffic buildup at certain times of the day, visibility to thru traffic will be limited and could increase the danger of exiting the existing driveway.

B. Property Values (Appeal Point #6) - the CDD Staff indicates that they believe this project will increase or at least not adversely affect surrounding property values. Increasing the quality of local public schools would likely increase property values in this area. I am having a hard time understanding how the addition of a commercial day care center in a quiet neighborhood, with its attendant traffic congestion and noise pollution is thought to increase property values. For those of us that work from home, even part-time, the noise from a commercial operation such as that proposed, will affect daily activities. I agree that a day care facility with 6 - 10 children is potentially residential in nature. A commercial operation such as the one proposed, with 48 children, is not residential in nature.

In summary, I am opposed to the proposed commercial operation at 3001 Woodlawn and believe that there are many more appropriate sites readily available within a mile of the existing location where Nima and Dele could provide this much needed service to families, near and far.

Respectfully,

Kathleen Dotson
3030 Oberon Dr.

August 14, 2024
RE: #CDLP23-02020

Dear Planning Commission Board Members,

As we have been riding this roller coaster for nearly 4 years my hope is to be as concise as possible while ensuring key issues are highlighted once again. We know you have received multiple correspondence and input from all the key stake holders in the matter of #CDLP23-02020. We have read all the material submitted by neighbors opposing approval of the variance granted by the Zoning Administrator, continue to strongly oppose their approval, and offer the following additional points for your consideration. We are not going to cite each individual item in the staff's rebuttal report because Jason Martin already did so professionally, eloquently, and on point. We may address some appeal points.

- First and foremost, I will again repeat what our objections are NOT about- *We do not oppose childcare centers or the need to have more
*We make no judgement about or doubt the applicant's skill or expertise to provide this service
*What our objection is about: This project in this location, as denials by both the previous ruling by the first ZA and this board reflect, is an inappropriate location for the magnitude of this size.
- Why are we even here again at this juncture? No one has ever answered our question- why and how are these applicants allowed to submit yet another application for the same project that has been rejected? Please answer this question.
- This project far exceeds the original plan to now accommodate 48 children which was denied the first time by both the ZA and this Board. What changed/got improved in the plan that would warrant approval?
- The ZA staff needs a dictionary to better define "minor" changes (sarcastic yes-acknowledged and my sincere apologies, but this insults our intelligence and warrants one of my favorite questions for them- are you stupid or do you think we are?). There is *nothing* "minor" about what this project proposal reflects. Creating parking spaces, increasing volume to 48 (the applicants also claimed they could have up to 60!), making the front yard the back yard, increasing traffic volume on both Mayhew and Woodlawn Drives, creating unsafe traffic conditions (I have been passed on the left of this two-way street when going the speed limit by people who are speeding). There is nothing "minor" about this project.
- The rebuttal says the county is not required to have the applicant to provide minimum square feet for indoor activity. If the applicants said they intended to have 1000 children apply that would not be considered? What this reflects is the county making a decision that doesn't account for all the facts regardless of what is "required". How can a reasonable and logical decision get made without a complete and accurate fact base? As an operating room nurse for 40 years, to ignore the health and safety implications of a project with this magnitude is irresponsible regardless of what is "required" by the county- where is the common sense and ethical standards?

- The impact of traffic flow into our quiet low traffic neighborhood will be significant. What the staff at the ZA failed miserably to consider is the other point of entry on Oberon from Mayhew. There is no question this point of access will be used as Mayhew gets backed up. This means cars will enter on Oberon from Mayhew, either from the west or east, turn left on Ludell, then left on Woodlawn resulting in cars lining up down Woodlawn Drive. This in turn will create a significant additional volume of traffic flow that to date *does not exist*- so any increase should not be allowed. The applicants will have no control over these parents and a signature on some arbitrary form is ludicrous.
- As a resident here for 32 years and on the verge of retiring we decided to make major improvements to our property both inside and out versus moving because we enjoy a quiet and peaceful existence here. We have many elderly people, children, and those with disabilities living here who feel safe and secure being able to walk throughout the neighborhood without worrying about looking for and worry about the volume of cars this project will bring just to walk down the street. In our case alone, my husband will be returning home this Friday following open heart surgery and is prescribed to walk the neighborhood several times a day as part of his recovery and lifelong health maintenance. We should not be concerning ourselves with “looking both ways” for parents speeding down our street because they are late- and there *will* be someone late out a group of 48 every day or using our street as the turnaround or exit route- this is already happening with only a handful of clients.
- The staff also failed to address the impact of all the vehicles that will be onsite making all these “minor” changes to the structure. Where will they park? How long will this take? What about the noise, congestion, and traffic disruption this will cause?
- The applicants had expressed to a neighbor that Covid negatively impacted their finances and this is the way they can make up and gain ground. Well, we ask, how is that our problem? It seems they made a bad investment and now expect the rest of us to suffer the consequences of that decision by accepting this inappropriate site for this project. It was denied at 24, they wouldn't accept the ZA proposal at 30, evidently need 48 to financially recover, and proposed they could even do 60. This is absurd.
- From a more general perspective and the view from 30,000 feet:
 - How can this project even be considered for approval when this board with all the same members previously was in the majority denied their appeal from the first ZA decision, and with very clear language, verbalized the applicants needed to find another place because this was an inappropriate location?
 - What happened that this ZA approved the variances when the prior ZA denied it with sound valid rationale? The optics of that are there is someone who screwed up and is trying to “save face”, bow to political pressures, avoid accountability for error and we as a neighborhood become those who pay the price.
 - Where is the logic, common sense, and consideration on their part for the majority of neighbors who oppose this transformation of our neighborhood and the negative impact we have expressed and can validate with fact it will have on all of us. This reflects their disrespect, lack of concern for our wellbeing, and self-serving motivation to proceed.

- As several of your members pointed out last time; These applicants have many other more suitable and appropriate options- several right across the street on Vincent Drive- why did they not heed your words and find another location? My guess is, as noted, they are making their problem our problem, and that is simply wrong.
- We are well versed in the need for regulatory language being the guiding variable for these decisions, but we have demonstrated the staff rebuttal is lacking, selective, and inaccurate on many fronts with regard to regulations. We ask this board- where are the ethical principles, concepts of democracy and majority rule, logic, common sense, concern for the greater good, and human decency in upholding the ZA approval and rejecting our appeal? We ask that you uphold our appeal and rule as you did before because there is no sound rationale for doing otherwise- deny their request, overturn the ZA decision, and do the right thing.

Thank you for your consideration,

Colleen A. Fiammengo RN MSN PHN CNOR
Gary A. Fiammengo

e-mail to Jennifer
5-16-2024

Jennifer:

Thank you for returning my calls this past week and for the time we've spent discussing the aforementioned project. We had initially spoken last year in July 2023 when we were notified by the applicants of their plans of filing for a new application.

The primary purpose of this e-mail is to reiterate our continued opposition to this second application for a childcare center at 3001 Woodlawn Drive. It includes a list of the 32 homes who have been available and have opposed the project since the beginning (going back to the original filing in October 2021 when it was initially rejected by the Zoning Administrator, and again in June-July 2022 by the Planning Commission). These single-family residences populate Woodlawn Drive, Ludell Drive, Ludell Court, Oberon Drive and Titania Court, which total 43 homes. Those opposing this project represent an overwhelming majority. It has been a grass-roots effort by this neighborhood community.

The requirement to notify residents within the 300 ft. radius from 3001 Woodlawn reaches only a fraction (only Woodlawn and a couple on Ludell Drive) of the total number of residences in this development dating back to mid-1950's. While we are aware of the requirement to notify residents within 10 days of the Public Hearing; the reality is that only residents in that 300 ft radius have received the notice and it arrived in our mailboxes just 7 days before the hearing. This is frustrating knowing it was first filed in July 2023 and completed in January 2024. Given these circumstances--the limited range of who gets the public hearing notice and the short amount of time to prepare a response, is disappointing and stressful, but it is what it is.

I am submitting my concerns in writing because from prior experience in earlier public hearings, the allotted time for comments is insufficient given the importance of the matter to this community.

The position of the significant majority of residents remains essentially the same as it's always been--a project of this size and scope is *unsuitable* for a single-family home in a residential neighborhood. The negative impacts of converting this property to accommodate that many children *or any number* of children beyond the 14 allowed for a residential home and care providers are significant and numerous. These include but are not limited to:

1. The physical renovations (that would include a 9-car parking area on the Mayhew side and an outdoor play area in the front of the property facing Woodlawn) most definitely affect the aesthetics and character of all the remaining 7 houses on Woodlawn Drive.
2. Increased traffic activity & congestion throughout the neighborhood (of which the applicants/operators have no control over what their clientele does, contrary to their claims that any such traffic issues would not be problematic).
3. The potential safety issues to both pedestrians and motorists, especially given the direct adjacency to Mayhew Way, always busy in both directions in mornings and late afternoons (especially with commute traffic to/from the nearby Pleasant Hill BART station).

You have indicated that the Staff Recommendation is to approve the project for 30 children from how it is now scheduled for 48 children. Our collective question is: If the project was rejected in 2021-2033 for that number of children, why is the recommendation now to approve it? The neighborhood opposed it then for that number of children and still do. Our position has not changed. What is different? What has changed from the County side? How long does this go on? These questions are the first things all our neighbors ask when this topic comes up.

In our minds, these continuing efforts by the applicants have become a nuisance. This has caused a collective sense of irritation and emotional stress for all of us each time this re-surfaces and demands our immediate attention; not to mention the distraction of such short notice to respond yet again.

Respectfully,

Gary Fiammengo

List of Neighbors Continuing to Oppose the Approval of the current Land Use Permit:

Cecile Cabasal	3000 Woodlawn Drive
Taylor Peterson	3006 Woodlawn Drive
Jason Martin/Christina Grayston	3007 Woodlawn Drive
Melanie Larzul/Mike Piette	3015 Woodlawn Drive
John and Colleen Cooper	3012 Woodlawn Drive
Anjelica Kavanaugh	3018 Woodlawn Drive
Wini and Jeannie Vazquez	3018 Woodlawn Drive
Gary and Colleen Fiammengo	3024 Woodlawn Drive
Nick, Diane and Mike Piombo	3035 Woodlawn Drive
Janice Nguyen	201 Ludell Drive
Jason and Tami O'Brien	207 Ludell Drive
Christine McCracken	206 Ludell Drive
Tom and Dolores Portello	200 Ludell Drive
Lawanda and Stewart Franklin	196 Ludell Drive
Sarah Lulji/Dhruv Raturi	190 Ludell Drive
Scott and Evan Hayes	184 Ludell Drive
Kubilay Demir	178 Ludell Drive
Ken Chan	3017 Ludell Court
Trevor and Jessica Lawrence	3011 Ludell Court
Kelly and Scott Watanabe	3004 Ludell Court
Liz Rivard	3010 Ludell Court
Sheila and Scott Bergum	3016 Ludell Court
Gil and Arlene Garcia	3022 Ludell Court
Carrie and Moni Waters	172 Ludell Drive
Vicky Gruman	166 Ludell Drive
Christi and Michael Deem	160 Ludell Drive
Ben and Rashna Larson	154 Ludell Drive
Tenea Manuel	148 Ludell Drive
Kathleen and Gerald Dotson	3030 Oberon Drive

Jose Alfredo Ornelas
Matt Nunes
Kristin and Nick Ciano

3031 Oberon Drive
142 Titania Court
148 Mayhew Way

May 23, 2024

Ruben Hernandez
Deputy Director, Contra Costa County Department of Development

Dear Mr. Hernandez,

We are writing to respond to the open comment period extended until June 3, 2024 as it relates to the property located at 3001 Woodlawn Drive, Walnut Creek, Ca 94597 Day Care Expansion Application #CDLP23-02020. My husband and I attended, via online, the meeting zoning meeting on May 20, 2024 at 1:30 pm.

Our names are LaWanda and Stewart Franklin and we are the property owners of 196 Ludell Drive, Walnut Creek, CA 94597.

Our objections to the day care facility's expansion are listed below:

- At the hearing, Mr. Mousavi indicated the children can be brought to the facility at any time during the day. This practice of dropping off children at any time throughout the day does not meet the requirements/findings set forth in traffic policy 4-C. The document indicates the children would be brought to the facility during peak hours.
- Mr. Mousavi indicated the property size is 2000 sf. However, the property size is 1459 sf. The house is too small to convert into a large day care center.
- The nine parking spaces would be utilized by staff; thereby decreasing the spaces to four, at best, causing the overflow parking to be on Woodland Drive which would be dangerous.
- On April 18, 2024, at approximately 5:15 pm, my husband was coming home from work proceeding down Woodland Drive. One of the Day Care's clients parked on Woodland attempting to place the child and her belongings in the car while the child wandered out in the street. My husband stopped for a few minutes. He finally asked the woman if she would retrieve her child out of the street. The woman was flippant with him and told him to wait. This could have been detrimental in another scenario where the parent is not paying attention and the child is struck by a car. Not everyone is as patient as my husband.

We thank you for your time and we hope you reconsider approving the application.

Sincerely,

LaWanda and Stewart Franklin

May 20, 2024

Zoning Administrator
Contra Costa County Conservation and Development
30 Muir Road
Martinez, CA 94553

Subj: CLDP 23-02020

Administrator,

My name is Jason Martin, we live at 3007 Woodlawn, directly next door, to the south of the applicants. We have lived in the community for 8 years now, and we have been actively involved with this project since the neighborhood first became aware of it in 2021, speaking with members of the neighborhood, providing any information or insight that we can. In speaking with our community, it is clear that an overwhelming majority are opposed to the project.

Speaking for ourselves, our position is not now, nor has it ever been anti-childcare. We recognize the need for childcare, and respect my neighbor's desire to provide that to the community. My position is that any business bringing additional traffic to Woodlawn Drive and the surrounding neighborhood, will have a detrimental effect.

The proposed plan causes several potential issues that will negatively impact our small quiet community:

1. Increased traffic on Mayhew and Woodlawn Drive – As everyone is aware the property is currently allowed up to 14 children. Doubling or tripling this amount will undoubtedly have an impact on Mayhew Way, Woodlawn Drive, Mayhew Court and potentially Oberon and Ludell. As proposed, the project calls for a driveway off Mayhew Way, directly next to the driveway for the condos at Mayhew Court and a parking lot with 9 stalls. However, with 5 employees, one could reasonably assume this only leaves 4 for drop-offs and pick-ups. Any congestion within the parking lot will surely spill out on Mayhew Way and likely impact Woodlawn Drive, Oberon Drive and Mayhew Ct.
2. Safety – Woodlawn Drive is already a short narrow neighborhood street. The only traffic we see on Woodlawn is residents and those going to the daycare now. Our street has no sidewalks, thus many of us residents walk and bike in the street. Adding a sidewalk directly in front of the property will not do much to mitigate this. With the exit being out to Woodlawn, I see potential for a backup at Mayhew and people turning left to drive through the neighborhood to leave from Oberon, creating more traffic and greater risk to those that walk, bike and play in the neighborhood.
3. Potential property damage – This is personal to me since I share a fence with the property. The proposed exit is along our north/south border, with only about 10 feet between the building and our shared fence. I'm concerned that all it will take is a minor distraction for someone to accidentally hit and damage or knock down a portion of the fence.
4. Aesthetics of our neighborhood – The proposed plan essentially flips the orientation of the house 180 degrees. A 6' high fence is proposed around the perimeter of the property,

including what is currently the front yard. This would be vastly different from every other house in the neighborhood, giving the property much more of a commercial/industrial look rather than residential.

Our community has been opposed to this project from the start. We have seen each of the County's committees that it has gone before reach a similar conclusion. While childcare is vitally important, the proposed location is less than ideal and the land use permit was ultimately denied. I know these conclusions were reached with a great deal of consideration, including multiple meetings at each level. We appreciate that the previous Zoning Administrator took the time to visit and observe the neighborhood during heavily trafficked times and considered the impact the project would have as well as a member of the Planning Commission relating his experiences with the child-care locations and his opinion on the suitability of the location. If you are not familiar with our small tucked-away community, please come and observe for yourselves the impacts a project of this magnitude will have.

I respectfully request that the Committee carefully consider the best interests of our small community and the impacts that the proposed project will have and deny the land use permit application.

Respectfully submitted,

Jason Martin & Christina Greystone
3007 Woodlawn Drive

June 3, 2024

Dear Mr. Hernandez,

At the last meeting Delaram and his wife, who are requesting a variance to allow for a 48 child day care center reported they could not only accommodate 48 children, but up to 60. He quoted the parameters of 35 square feet needed per child indoors and 75 square feet per child of outdoor space.

Knowing this size of that house and property I did some research to verify this information and found in fact these are the correct numbers. However, what was failed to be reported was these numbers refer to **usable** square footage. Therefore, what was reported to you was false. That house does not have 2000 square feet of usable space to accommodate anywhere near this many children.

Attached is a government resource which outlines what space cannot be counted when making the calculations. What the actual square footage would be is far below what these people are reporting to you and your colleagues. This tells us we cannot take Delaram's word for anything they report

As you can see from the document measurement by a Child Care Licensor will get done to verify their measurements so one of my questions is, what is the true square footage?

Other questions I have:

1. Can they produce a report from the agency who calculates the space to validate what the usable space they are reporting to this Commission?
2. How many times will these people be allowed to submit this request and why was it allowed again after both the Zoning Commission and the Land Management Committee denied the variance? Why are we going down this road again?
3. If they are allowed (which clearly would be an egregious mistake given all of the opposition by the residents and prior rulings by the county and the health concerns I posed and the physician, Dr. Louie validated) what are our rights to protect our neighborhood from this inappropriate plan to have a business of this magnitude? We will pursue all avenues of the appeal process including the Board of Supervisors.
4. Have you considered what is the process for monitoring whether or not they comply with the parameters of the number of children they are allowed to take in? Who is to say they comply with the numbers the house actually could accommodate?
5. They reported drop off and pick up is open and varies at the discretion of the parents, however this is not true per their own website. There are structured drop off and pick times clustered within just a 1 hour window. So again, how can we take Delaram's word for anything they report?

6. I must again ask- how could they possibly maintain the sanitation of the bathrooms, play spaces, kitchen, toys etc. Not to mention the spread of illness given the number of parents who no longer vaccinate their children or send their children sick to day care, or requiring the staff they hire be vaccinated?

7. Why is the staff offering approval for this variance when both the prior Zoning Commission and the Land Use Management Board denied it based on all the rationale we are providing again. What has changed? Nothing. Why would this commission even entertain their request which was previously denied?

I must again emphasize what allowing this business to proceed at a level beyond 14 children would do to negatively impact the safety, aesthetics, charm, and sense of security of the neighborhood and it's residents.

These people claim to "care" about this community, but they don't. They are clearly only interested in their own financial gain. If they were so concerned they would not continue to pursue this avenue given the repeated and ongoing opposition. They would do what was recommended, find another site appropriate to the magnitude of this size of business.

An additional piece of information I found interesting after some additional research. They have two houses listed as their primary resident within 10 miles of each other. How can they live in 2 homes at once? While I admittedly don't know the regulations for this, I do know as one who owns rental property, when applying for property loans one can only have 1 primary residence. This is suspect to me regarding how they do business. So yet again, how can we take Delaram's word for anything they report?

Respectfully,


Colleen A. Fiammengo SNIV, MSN, BSN, PHN, CNOR

Hayes, Evie

Subject:

FW: Proposed 30 Child Day Care - 3001 Woodlawn Drive, Walnut Creek -
#CDLP23-02020 - previously CDLP20-02042 - Request for Denial

Begin forwarded message:

From: Evie Hayes <evie.hayes@sbcglobal.net>
Date: May 19, 2024 at 9:35:25 AM PDT
To: planninghearing@dcd.cccounty.us, Jennifer.Cruz@dcd.cccounty.us
Cc: Evie Hayes <evie.hayes@sbcglobal.net>
Subject: Fwd: Proposed 30 Child Day Care - 3001 Woodlawn Drive, Walnut Creek -
#CDLP23-02020 - previously CDLP20-02042 - Request for Denial

May 19
2024

Hello,

My name is Evie Hayes, I live at 184 Ludell Dr and live around the corner from 3001 Woodlawn - this is my fourth email request the denial of the proposed existing residential daycare expansion to 30+ children for #CDLP23-02020. Please refer to additional emails in this chain sent on July 25, 2022, June 7, 2022 and September 29, 2021 under CDLP20-02042.

I will not be able to attend the public meeting on May 20th and am sending an email in advance to the Planning and Zoning Committee.

I am also a resident in this neighborhood and I stand in solidarity with the neighborhood residents who have signed a petition and who are opposed to this expansion for the following reasons:

- **Health/Safety concerns for the children**
 1. 30+ children in a +1400 square foot home presents a very unhealthy environment and is not an adequate space to provide care, education or resting environment for children of all ages who have different needs at these young ages. I am concerned about sanitary conditions given the square footage of the house and size of the lot.
- **Traffic flow/congestion on Woodlawn Dr and Mayhew Way**
 1. Parking for the site - not enough parking spaces, proposed space would be difficult to navigate for cars trying to park and then exit

by going around the side of the house. Parents would have to park on Woodlawn Drive, the proposed backside of the house to pick up their children causing delays/congestion and impacting to us neighbors who live there by folks who will be coming in/out of our neighborhood, many times a day. An incremental 30+ cars, multiple times a day is significant for our small neighborhood.

2. Unnecessary risk/delays on traffic flow to other locals who drive through Woodlawn Drive to go to school, work, BART, Grocery store, etc.
 - We will now have to wait for more traffic to clear because of the proximity of the proposed daycare entrance on Mayhew Way and exit on Woodlawn Drive. It will cause a lot of congestion in a very busy spot that is also diagonally across from Vincent Rd.
 - The intersection of Mayew Way with Vincent Rd directly across from Woodlawn is already currently challenging to navigate as well as the condo complex right next to the daycare on Mayhew Way. Further expansion would exacerbate this existing problem.
3. Mayhew way is already heavily traveled and congested at many times during the day. The new proposed access to the property from Mayhew way will cause more delays for the neighbors, pedestrians who walk to the Iron Horse Trail, vehicles that have to stop at the flashing lights next to the trail and add further vehicle backups going down Mayhew Way to Oberon Dr.
4. Residents of the Condo complex next door currently have issues with trying to exit their property – this will become a bigger issue – there are just too many vehicles that would be trying to access such a small space on Mayhew Way and will create a bottleneck.
- Unwise investment of capital given the proposed reconfiguration of the property
 1. Turning back of the house to front – the redevelopment to the property and parking proposed is not adequate. There would be ~40 vehicles that would need to enter site from Mayhew way, parking spots would be taken by 4-5 staff members, leaving few spots for parents that would need to enter/exit the site.
 - Clearly, this type of plan is not appropriate for this land parcel and does have major impact on our neighborhood.
 - This proposed child care expansion has been denied twice where commissioners on the Planning and Zoning Commissions have told the owners to seek another site. Why is this under review yet again after two previous denials? Their property plans remain the same so why is this request under review yet again?
 - It would take a lot of money to reconfigure the property, that just doesn't make sense and would cause significant disruption for several households in the area during construction, while staying open to provide care to the current children.

2. This expansion is to make their current business a viable one – the owners have shared that they need to increase headcount for their business model to be successful. There are so many other properties in the area that are available and more appropriate to accommodate a childcare of this size.
- Would the Childcare licensing board allow for a childcare of this size at this location? Do they have approval on this front as well?

Please reconsider this proposed childcare expansion and deny the request for all the above said reasons. As someone who has lived in this neighborhood for 30 years and knows the area and dynamics very well and more so than the current daycare owners who have been there a few years, this is the right decision for all parties.

Evie Hayes (on behalf of my 5 member household) – 184 Ludell Drive, Walnut Creek, CA 94597

From: Evie Hayes <evie.hayes@sbcglobal.net>

Date: July 25, 2022 at 8:56:45 PM PDT

To: planninghearing@dcd.cccounty.us,
margaret.mitchell@dcd.cccounty.us,
Aruna.Bhat@dcd.cccounty.us

Cc: Evie Hayes <evie.hayes@sbcglobal.net>

Subject: Fw: Proposed 30 Child Day Care - 3001 Woodlawn Drive, Walnut Creek - CDLP20-02042

July 25
2022

Hello,

My name is Evie Hayes and this is my third email requesting the denial of the proposed expansion of the existing residential daycare from 15 children to 30+ children located at 3001 Woodlawn Drive, Walnut Creek - #CDLP20-02042

I am one of 50 neighbors that has signed a petition against the expansion/conversion of this site now for the second time since learning about this residential site plan change.

The current owners of the current residence have shared a revised site plan that creates a very unsafe, disruptive and inappropriate land use that would significantly impact our neighborhood, including the very busy and adjacent street - Mayhew Way and are more concerning than the original plans they had submitted.

The revised plans include:

- A new driveway off of Mayhew Way is also proposed to allow for vehicles entering the property to what is now the backside of the house.
 - The driveway would be parallel to the existing driveway for the adjacent condo complex right next door which would create another hazard to the area.
 - In addition, cars would have to cross the existing and functional canal that runs parallel to the property site. Some sort of a structure similar to a bridge would need to be built which seems like a very expensive and massive undertaking to allow for a newly created access to the property.
 - Currently, it is very challenging for the neighboring condo complex tenants to enter/exit their properties off of busy Mayhew Way and another driveway there would further exacerbate the problem and result in more traffic congestion in that area.
- Building a fence around the property which is currently the front of the house and enclosing the yard on Woodlawn Dr to change the front of the house, into the back of the house. This would create obstructed views for other neighbors who are trying to back out of their driveways onto Woodlawn Dr. as well as safety issues for pedestrians and regular traffic in the neighborhood.
- The revised plan does not have enough designated parking spots for families to be able to drop off/pick up their children appropriately. Currently, the new plan

calls for a total of 9 - 4 for staff and the remaining 5 for parents.

Other considerations - The current owners do not appear to live in the residence and have informed neighbors that they would definitely not live on the property if the project plan is approved by the county. Why would they want to operate a day care center within our neighborhood if they do not plan to live there, when there are so many alternate sites that are better suited for this type of business? Why try to run a business in our neighborhood which is residential? Its clear from their actions, that they do not care about the impact on the neighborhood or the disruption this would cause in our residential area.

The current residence has turned into an eye sore with overgrown weeds, bushes and trees that do require ongoing maintenance. If the owners truly cared about the neighborhood, and their business, they would take care of their property.

I recognize the need for child care and am not opposed to the operation of a day care within this residence as is which is approved for 14 children. I am opposed to the proposed expansion to 30+ children - Its not the right land use and the site is way too small for the intended use.

Based on the new plans, it doesn't make any sense to allow this project to move forward and can't believe these people would actually spend a ridiculous sum of money to convert the property, against the will of the 50 neighbors who are all opposed.

Please, please, please The county board member should uphold the original denial of this project.

Per Margaret Mitchell's Staff Report for the upcoming July 27, 2022 meeting which states:

The R-10 residential zoning district code, as currently written, does not allow day care centers of 15 or more children, even with a land use permit.

a day care of 15 or more children is not an allowed use in the R10 zoning district, and the application for a day care of approximately 30 children cannot be processed at this time.

Per State law, large family child care homes up to 14 children are permitted by right. No land use permit is required for large family child care homes. ***Day care centers for 15 or more children are not a permitted use in the R-10 zoning district,*** and therefore, the County Planning Commission cannot approve the project.

Aruna Bhat originally denied the project back in Oct 2021 after conducting a site visit and listening to the public comments. Our neighborhood has come together and collected 50 signatures of residents who stand together in opposition of this proposed project. This is more than double the 23 signatures that were original collected at the onset of this project request.

We hope the the Planning Commission take into consideration the neighborhood collective petition and uphold this denial given it is against the R-10 residential zoning code and state law daycare centers of 15 or more children are not permitted. The site plan/intended use is completely non-sensical and will create a difficult, and unsafe environment for the surrounding area and neighborhood community 5 days/week.

Thank you for your consideration of this request.

Evie Hayes

28 yr resident

Ludell Drive

----- Forwarded Message -----

From: Evie Hayes <evie.hayes@sbcglobal.net>

To: margaret.mitchell@dcd.cccounty.us
<margaret.mitchell@dcd.cccounty.us>

Sent: Tuesday, June 7, 2022 at 06:10:38 PM PDT

Subject: Fw: Proposed 30 Child Day Care - 3001 Woodlawn Drive,
Walnut Creek - CDLP20-02042

line 7
0072

resending to correct email address. it was mis-spelled on
the public hearing notification.

----- Forwarded Message -----

From: Evie Hayes <evie.hayes@sbcglobal.net>

To: planninghearing@dcd.cccounty.us
<planninghearing@dcd.cccounty.us>; margaret.mitchell@dcd.cccounty.us
<margaret.mitchell@dcd.cccounty.us>

Cc: Evie Hayes <evie.hayes@sbcglobal.net>

Sent: Tuesday, June 7, 2022, 01:55:51 PM PDT

Subject: Fw: Proposed 30 Child Day Care - 3001 Woodlawn Drive,
Walnut Creek - CDLP20-02042

Hello, I am reaching out in opposition to the appeal
regarding #CDLP20- 02042: 3001 Woodlawn Drive in the
unincorporated Walnut Creek area. (Zoning: Single-Family
Residential, R-10) (APN: 148-112-004). I have lived in this
neighborhood for ~30 years and disapprove.

I had previously sent an email back in September 2021 in
opposition and stand firmly that the request for a 30 kid
daycare at this address should continue to be denied. I
know that several other neighbors (+20) who had previously
signed a petition that was shared this with the Planning

committee late last year are still in agreement and do not approve of this in our neighborhood.

The revised plans are still inadequate - They are not suitable for the location site or land use. The only option is to consider another site outside of our neighborhood that is better suited and zoned for such a large daycare.

Thank you for your careful consideration and review! Please help us take care of our neighborhood!

Evie Hayes

184 Ludell Dr

Walnut Creek

—— Forwarded Message ——

From: Evie Hayes <evie.hayes@sbcglobal.net>

To: planninghearing@dcd.cccounty.us
<planninghearing@dcd.cccounty.us>

Sent: Sunday, October 3, 2021, 10:06:42 AM PDT

Subject: Fw: Proposed 30 Child Day Care - 3001 Woodlawn Drive, Walnut Creek - CDLP20-02042

Oct 3
2021

Passing this along in case it was not received or sent to correct email previously. Thank you.

—— Forwarded Message ——

From: Evie Hayes <evie.hayes@sbcglobal.net>

To: Aruna.Bhat@dcd.cccounty.us <aruna.bhat@dcd.cccounty.us>

Sent: Wednesday, September 29, 2021, 12:37:06 PM PDT

Subject: Proposed 30 Child Day Care - 3001 Woodlawn Drive, Walnut Creek - CDLP20-02042

Sept 29
2021

Dear Ms Bhat,

My name is Evie Hayes and I live at 184 Ludell Drive, around the corner from the home that would like to convert to a 30 child day care center at 3001 Woodlawn Drive, Walnut Creek.

I have lived in my current home with my husband since 1994 and raised three beautiful boys. We have wonderful neighbors here who look out for each other and have worked on improving the neighborhood over the years. Years ago, I launched the Neighborhood Watch program when we had issues with property theft and home break-ins that brought us all together, created unity and a greater sense of community. I do not know the current residents who bought this home - there has not been any contact from them or interest in engaging with the neighbors and was shocked to hear that they were running a daycare from their home.

I just became aware of the proposed plan to convert 3001 Woodlawn from a 6 child to 30 child care daycare center and have several concerns that I would like to share based on my personal experience based on my three boys attending an in-home child care from when they were infants up to preschool age and how long I have lived in the neighborhood.

- The current residence at 3001 Woodlawn is too small to accommodate so many children - 6 is more than enough given the home is less than 1500 sq ft, 4 bedrooms and the fact that the owners plan on living in the home. Really?? Yuck!
 - Their current plan does not include adding any additional rooms to expand the existing structure. This is insane. Its all about parking and sidewalks to accommodate additional cars and access. This makes no sense for a RESIDENTIAL HOME of this size or location. This is not the right place for this type of center or living arrangement.
- The home is on a very busy corner, that is next to a major secondary street (Mayhew Way) that is VERY

BUSY for several hours in the early morning and evening commute hours.

- There is an 80 day child care up the street that already creates a huge backup as well as the Iron Horse bike trail and folks taking the back way to get to the PH BART station through Las Juntas. Currently, it is very challenging to turn from Woodlawn onto Mayhew way going in either direction due to heavy traffic during these key times and even throughout the day and often need to leave much earlier than we used to in order to not be late in getting to work or other locations.
- The current families who drop off/pick up their children park on both sides of the street in front of the residence and rarely use the driveway. This is already a problem with congestion that has impacted the neighbors next to this house. Some of the parents drive down the street and make U turns so they can park in front of the home because the driveway can be challenging to get out of given the corner location and with lots of cars turning from Mayhew Way.
- Experience with in home child cares - My three boys attended an in home child care where there was dedicated space for the daycare on a completely separate floor of the house that was completely dedicated and separate from the main living area. You would never have known that there was a daycare at this site. It was well maintained and provided great care.
 - I personally would not feel comfortable placing my child in a child care center at this location given its too small, there are no play structures or adequate spaces for so many children. You cannot properly take care of 30 children in this location or environment
 - Trying to convert this home into a commercial property and live there at the same time would be an injustice to the existing neighborhood and would create an eyesore and bring in many strangers into our small neighborhood.
- Woodlawn Drive cannot accommodate an additional 30 or so cars each morning and afternoon, 5 days/wk. Its not right or fair to all the other families who have settled here. Think about the constant

stream of vehicles having to pull in/pull out of this home in the morning and afternoons....This poses a huge danger to us all as well as the families of these children who attend this day care.

Just yesterday, upon my return from the grocery store, one of the families attending this daycare, abruptly pulled into a driveway of another neighbor in order to turn around and park in front of this home. They didn't realize I was driving right behind them and had to slam on my brakes in order to not hit them. There were no other cars in the driveway at that time where they could have parked. This was not the first time either

I am opposed to this proposed child care in our neighborhood and appreciate your careful and thoughtful consideration of neighborhood feedback that you will hopefully deny this request for the above said reasons. There is not one positive reason that I can think of to have a child care at this residence. Thank you for your consideration and attention to this matter!

Evie Hayes

REMINDER: This message came from an external source. Please exercise caution when opening any attachments or clicking on links.

REMINDER: This message came from an external source. Please exercise caution when opening any attachments or clicking on links.

From: Gary Fiammengo garyf49@icloud.com
Subject: FW: letter to Board of Appeals
Date: Jun 8, 2022 at 1:00:41 PM
To: evie.hayes@sbcglobal.net

Forwarding from Mike and Melanie. This is excellent.

Gary Fiammengo
garyf49@icloud.com
925-285-8601 Mobile

From: Mike Piette <mikepiette@gmail.com>
Sent: Wednesday, June 8, 2022 10:59 AM
To: jmartin@ocjones.com; CSGreystone@isecinc.com; garyf49@icloud.com
Subject: letter to Board of Appeals

Hi all,

I thought I would just pass along our email to the appeal board and, of course, we'll attend the meeting (right in the middle of the Warriors game, ugh). Here we go again.

June 8, 2022

Contra Costa County Planning Commission Board of Appeals

Regarding file #CDLP20-02042

Dear Board Members,

We would like to address the above referenced appeal for a residential daycare center that has been proposed at 3001 Woodlawn Drive. For context, we live two houses away from the proposed site and on the same side of the street at 3015 Woodlawn Drive. On October 4, 2021, the Zoning Administrator, in our view properly, denied the land use permit. The proposed alternative site plan does nothing substantial to change the reasons for denial and in fact is, in some ways, worse.

Our concerns are as follows:

- 1) The alternative site plan indicates 9 parking spots. Due to California daycare regulations mandating staff/child ratios of 1:4 or 1:6 (depending on the child's age) 5-8 of those spots will be taken by staff members. This leaves 1-3 parking spots for the 30 parents trying to drop off their children. Even allowing for some staggered drop off times, this is practically not workable.
- 2) Related to point number 1 above, is that Contra Costa County zoning regulations call for a 20 foot width for a two-way driveway. Asking for a variance to cut that width in half to ten feet and continuing to call it a two-way driveway is illogical at best. Which leads to the next point.
- 3) The proposed driveway is on Mayhew Way. It should be noted that Mayhew Way is a busy thoroughfare with frankly little-to-no speed limit enforcement. Whatever the reason may be

who, aside from driving well beyond the speed limit, will pull off onto the dirt shoulder and pedestrian dirt path (and once, while I was walking on it with my three-year-old son) in order to pass cars turning north off Mayhew. It's a street that is already impacted with traffic and this proposed driveway is only going to exacerbate an already unsafe situation.

4) The proposed sidewalk for the project might be called The Sidewalk to Nowhere. If one zooms out from the proposed plan to the surrounding neighborhood, it becomes apparent that there is no sidewalk on the west side of Mayhew Way across the street from Woodlawn Drive, nor is there a sidewalk on Woodlawn Drive or the surrounding neighborhood streets. Unless one is coming from the east side of Mayhew, there is really no practical or safe pedestrian approach to this proposed site.

5) We also have a concern about traffic flow. We think, no matter that there is a proposed driveway on Mayhew Way, parents may just decide to take the easiest path, which is to drop off children on Woodlawn Drive, either by driving down Woodlawn and making a u-turn at the end of the block or, also likely, by driving the horseshoe route of turning off Mayhew Way onto Oberon Drive, left on Ludell Drive and another left onto Woodlawn Drive, all of which increases traffic flow in sidewalk-less, quiet residential neighborhoods.

6) A 7 foot fence with zero setback on Woodlawn negatively changes the aesthetic of the neighborhood.. We live in a neighborhood of single family homes, set back from the curb and adding a fenced in compound detracts from the feel of the neighborhood, not a small point for those who live here.

7) At the hearing, after which this proposal was subsequently denied, none of the people who spoke in favor of this enterprise actually live in this neighborhood. And one person who spoke in favor owns a preschool on Mayhew Way and is clearly a self-interested business person. All of those who spoke in opposition, wrote emails or letters in opposition, or signed the neighborhood letter in opposition live in this neighborhood, many of them for several decades. Many of the people in this neighborhood have spent considerable amounts of time and money improving their homes with the reasonable expectation that they are going to continue to live in a quiet residential neighborhood. I hope the Board doesn't take that lightly and continues to deny this ill-conceived project.

Sincerely,

Mike Plette
Melanie Larzul



**CONTRA COSTA COUNTY
Board of Supervisors**

Today's
Date:

10/8

CIRCLE ONE:

General Public
Comment

or

Agenda Item #

REQUEST TO SPEAK (2-minute limit)
CITIZENS PARTICIPATION

There are opportunities for citizens to make comments or present information to the Board of Supervisors.

When you are recognized by the chair to speak, approach the lectern and give your name followed by comments.

Personal information is optional. This speaker card is part of the public record for this meeting.

After completing this form place it in the box near the podium.

Your Name: Gillian Wadsey Representing: _____
Address: 424 Mayken Way Phone or Email: gillian.wadsey@gmail.com

SUBJECT MATTER TO BE PRESENTED:

☐ *I do not want to speak but would like to leave comments for the Board to consider (Use the back of this form)

Please write comment here if you wish not to speak.

Traffic on Mayken Way is already over capacity and cannot handle further daycare traffic. There have been multiple traffic collisions in our 45 years of home ownership and on a daily basis we are heavily t-boned or rear ended just trying to get in or out of our driveway. We have a daycare aged baby who will be going to daycare in a commercially zoned location. Childcare is important, but not of this size in a residential neighborhood. Please repeal the land use permit # CDP23-07620



CONTRA COSTA COUNTY
Board of Supervisors

Today's
Date:

10/8/24

CIRCLE ONE:

General Public
Comment
or
Agenda Item #
D2

REQUEST TO SPEAK (2-minute limit)
CITIZENS PARTICIPATION

There are opportunities for citizens to make comments or present information to the Board of Supervisors.

When you are recognized by the chair to speak, approach the lectern and give your name followed by comments.

Personal information is optional. This speaker card is part of the public record for this meeting.

After completing this form place it in the box near the podium.

Your Name: Susan Peters Representing: The Neighborhood
Address: Walnut Creek Phone or Email: _____

SUBJECT MATTER TO BE PRESENTED:

Appeal of Land Use Permit for Large Family
Child Care Center at 3001 Woodlawn Dr.
Approve the appeal by neighbors / Deny the Child Care
Plan

☐ *I do not want to speak but would like to leave comments for the Board to consider (Use the back of this form)

Please write comment here if you wish not to speak.

The plan for this child care center is poorly planned and presents health and safety risks to the children and families it purports to serve. This plan is a set up for failure for the business owners that are being passed from one agency to another for approvals. The plan begs for inter jurisdictional planning and decision making as outlined in the county general plan. The space is too small for the number of children and staff needed. Parking is inadequate for the number of staff needed. Traffic study during peak hours should have been conducted. The plan for entry and egress is dangerous (too narrow and one-way). Please deny this poorly conceived plan and assist the business owner in locating an appropriate facility that meets state and local guidelines so they may provide this valuable service.