

June McHuen

From: Josh Eckhaus <josh.eckhaus@gmail.com>
Sent: Tuesday, July 15, 2025 6:15 PM
To: Clerk of the Board; Jennifer Ostrander; LYNN STANTON
Subject: Fwd: Land Use Permit #CDLP23-02046 PLEASE DENY

APPELLANT SUBMISSION

To: Clerk Of The Board, Contra Costa County

Re: CDLP23-02046 Carnelian Expansion - Appeal to CCC Board Of Supervisors on July 22,2025

Subject: PERSONAL LETTER FROM APPELLANTS SUBMITTED AT FIRST ZA HEARING ONE YEAR AGO

clerkoftheboard@cob.cccounty.us, Jennifer Ostrander <jbostrander@gmail.com>, LYNN STANTON
<lassiewc@yahoo.com>

----- Forwarded message -----

From: **Gayle Israel** <Gayle.Israel@bos.cccounty.us>

Date: Mon, May 20, 2024 at 9:34 AM

Subject: Re: Land Use Permit #CDLP23-02046 PLEASE DENY

To: Josh Eckhaus <josh.eckhaus@gmail.com>, Jen Quallick <Jen.Quallick@bos.cccounty.us>, Jennifer Ostrander <jbostrander@gmail.com>

Dear Jennifer and Josh,

Thank you for your email on the matter. Our Deputy Chief of Staff, Jennifer Quallick, will be attending the meeting by Zoom and will be available after the meeting to answer any questions or comments you may have. Please email her as necessary at the address included above.

Best regards,

Gayle Israel

Gayle Israel

Chief of Staff

Office of Supervisor Candace Andersen

Contra Costa County, District 2

309 Diablo Road

Danville, CA 94526

(925) 655-2300

gayle.israel@bos.cccounty.us

This message is being sent on a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Josh Eckhaus <josh.eckhaus@gmail.com>

Date: Sunday, May 19, 2024 at 6:55 PM

To: DCD PlanningHearing <PlanningHearing@dcd.cccounty.us>, Supervisor Candace Andersen <SupervisorAndersen@bos.cccounty.us>, Jen Quallick <Jen.Quallick@bos.cccounty.us>, Jennifer Quallick <Jennifer.Quallick@bos.cccounty.us>, Everett Louie <Everett.Louie@dcd.cccounty.us>, Jennifer Ostrander <jbostrander@gmail.com>, Gayle Israel <Gayle.Israel@bos.cccounty.us>

Subject: Land Use Permit #CDLP23-02046 PLEASE DENY

Dear Supervisor Andersen,

As a staunch advocate for your constituent's rights, we are appealing to your offices to support our effort to DENY Land Use Permit #CDL23-02046.

We, Jennifer Ostrander and Josh Eckhaus, are the owners of 2370 Warren Road, Walnut Creek, CA and share a 100-foot property line with the applicant, Carnelian Holdings LLC, located at 2374-2380 Warren Road, and we would be directly and irretrievably harmed if this expansion is approved in current form.

In addition to the many reasons submitted separately by our neighbors, we are clearly and firmly objecting to this application because:

- Applicant has represented that the subject RCFE encompasses a total of 18 beds (inclusive of the existing 6), however there are actually 30 residents already on site in two additional connected lots – and the three residences are integrated and operate seamlessly as a single business with shared resources and no boundaries under the same licensee. There is nothing “small” or residential about this business and these deceptive omissions require a complete re-evaluation of the application that accounts for 48 residents at the facility – not 18 - and should on it’s own be grounds for outright denial. See EXHIBIT “A”
- Applicant’s business complex sits adjacent to a critical corner junction for two of the three (Flora Ave and Warren Rd) for 2 of the 3 egress points egress points for over 800 of families living between Warren Road and Dewing Lane. If public access is blocked by applicant’s efforts to evacuate over 48 seniors in an emergency, hundreds of people will have only one way out (Nicholson Road to Boulevard Way). We see no evidence this has been considered in this application process and have asked for CCCFPD input directly. See EXHIBIT “B”
- We fear the entire neighborhood’s safety would be compromised in a fire or earthquake related emergency with the additional complexity of moving 48 seniors in any sort of safe or orderly fashion. No traffic study or CCCFPD fire safety evaluation has been done. Attached is a related example of another RCFE application which lists 19 separate (but similar) fire safety measures required by CCCFPD that are simply assumed to be compliant here. See EXHIBIT “C”
- Our private side yard would gain nine windows looking directly into our home. Our right to a peaceful life would be completely violated (California Civil Code 3479) and we would be subjected to constant observation and interruption. See EXHIBIT “D”
- The resale value of our home would decrease immensely as soon as a prospective buyer is greeted with a wall of curious senior residents. Our retirement plans depend on sustainable asset valuation and this would ruin us financially – through no fault of our own and without any due consideration for our rights.
- Heavy construction for 12+ months would shutter our home offices which sit 10-feet from our property line and this would deprive both of us who work from home, and many of our neighbors, of income as a result.

- Contra Costa County's Off-Street Parking Ordinance (Chapter 82-16) requires one space per every three beds, which would equal to six (6) parking spaces for this 18-bedroom facility. The truth is, there will be 42 patients in the facility and they will require 14 parking spaces instead of 6. A parking variance is requested to add 6 new spaces.

- Applicant states that there will be "two (2) full-time caretaker staff in the morning and one (1) full-time caretaker staff at night" but the truth is that the facility employs over 19 people (see PHOTO EXHIBIT A4) who must park on the street since there is not nearly enough on-site parking to accommodate all the staff, care workers, visitors and deliveries moving around the clock. Page 8 Item 3 of the staff report - does not work for 14 spots (or 19 employees)

- Multiple government agencies – including Contra Costa County Building Inspection Division, Contra Costa County Environmental Health, Contra Costa County Public Works Department – Traffic, Contra Costa County Fire Protection District, Central Sanitary District, City of Walnut Creek, Saranap Community Association, Contra Costa Mosquito & Vector Control District – have not yet responded with feedback to this application and their review is critical and should be obtained prior to approval.

- Applicant has acted in egregious bad faith by failing to inform (let alone consult) us or any of our neighbors in advance that this project even existed and forced us to react with 3-days notice to an effort that has clearly been in process for over one year – unbeknownst to any of us.

- Our quality of life would be severely impacted and the sunsets (any afternoon sun, actually) that we have enjoyed for 20+ years would be wiped away in the name of corporate profiteering. Our children would be afraid to be in the yard for fear of being ogled by a senior and we would be in direct earshot of all manner of noises that we could not avoid – and would be less than 20-feet away, separated by a thin fence.

- Finally, the prospect of being looked upon by strangers inside of our own home - with no defense or recourse – is never something we will agree to – and is probably why our decades-long neighbor chose to ambush us with this betraying news.

We strongly believe the application CDLP23-02046 should be rejected on it's own merits – including misstating critical occupancy information and risking public safety. We are prepared to take legal action to protect our investment – but more importantly, to protect our families health and happiness.

We will attend the zoning board hearing on Monday, May 20 at 1:30 to relate these concerns to the board and have attached additional supporting documents containing detailed exhibits to advocate for a pause in the approval proceedings pending resolution of the above.

Thank you for your support on this urgent matter,

Jennifer Ostrander & Josh Eckhaus

2370 Warren Road

Walnut Creek, CA 94595

Josh.eckhaus@gmail.com

925-588-4699

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2374 Expansion Opposition 05202024.pptx

June McHuen

From: Josh Eckhaus <josh.eckhaus@gmail.com>
Sent: Tuesday, July 15, 2025 6:20 PM
To: Clerk of the Board; Jennifer Ostrander; LYNN STANTON
Subject: Fwd: Letter to zoning administrator
Attachments: Carnelian Brief JAN2025.docx

APPELLANT SUBMISSION

To: Clerk Of The Board, Contra Costa County
Re: CDLP23-02046 Carnelian Expansion - Appeal to CCC Board Of Supervisors on July 22,2025
Subject: LEGAL BRIEF WITH CITATIONS - ORIGINALLY SUBMITTED JAN 2025
clerkoftheboard@cob.cccounty.us, Jennifer Ostrander <jbostrander@gmail.com>, LYNN STANTON <lassiewc@yahoo.com>

TABLE OF AUTHORITIES		
Case Name	Citation	Relevance
Walnut Acres Neighborhood Assn. v. City of Los Angeles	235 Cal. App. 4th 1303 (2015)	Land use and zoning disputes regarding conditional use permits
US v. Nelson	Dist. Court, ND California (2013)	Federal case impacting local zoning enforcement
Topanga Assn. for a Scenic Comm. v. County of Los Angeles	522 P.2d 12 (Cal. Supreme Court 1974)	Requirements for administrative findings in land use decisions
Levi Family Partnership, LP v. City of Los Angeles	241 Cal. App. 4th 123 (2015)	Development and zoning conflicts
Desmond v. County of Contra Costa	21 Cal. App. 4th 330 (1993)	Conditional use permits in Contra Costa County
Bowman v. City of Berkeley	Cal. Ct. App. (2004)	Housing density and land use policy
City of Walnut Creek v. County of Contra Costa	101 Cal. App. 3d 1012 (1980)	Jurisdictional land use issues
Horn v. County of Ventura	596 P.2d 1134 (Cal. Supreme Court 1979)	Due process in zoning decisions
Orinda Assn. v. Board of Supervisors	182 Cal. App. 3d 1145 (1986)	Environmental impact considerations in zoning decisions
Jacobson v. County of Los Angeles	69 Cal. App. 3d 374 (1977)	Zoning variance challenges
Tustin Heights Assn. v. Bd. of Supervisors of Orange County	339 P.2d 914 (1959)	Zoning ordinance disputes
Sead v. City of Berkeley	24 Cal. App. 4th 1206 (1994)	Conditional use permit revocations
Statutes & Regulations		
Code	Section	Relevance
Contra Costa County Ordinance Code	Title 2, Division 26, Chapter 26-2.2008	Standards for conditional use permits
Contra Costa County Ordinance Code	Title 8, Division 84, Chapter 84-4	Zoning regulations for R-6 & R-10 residential districts
Contra Costa County Ordinance Code	Title 8, Division 816-8.1202	Tree protection regulations
California Health and Safety Code (HSC)	§ 1569.2(d), § 1569.15(3)(d)	Licensing provisions for Residential Care Facilities for the Elderly (RCFE)
California Health and Safety Code (HSC)	§ 13100 - 13158.10	Fire safety regulations enforced by the State Fire Marshal
California Code of Regulations (CCR)	22 CCR § 87108, § 87155, § 87158, § 87161, § 87202	Application procedures for community care facility licensing
California Government Code	§ 65915(b)(1)	Density bonuses and zoning incentives

June McHuen

From: Josh Eckhaus <josh.eckhaus@gmail.com>
Sent: Tuesday, July 15, 2025 6:29 PM
To: Clerk of the Board; Jennifer Ostrander; LYNN STANTON
Subject: Fwd: CDLP23-02046
Attachments: Planning Commission Appeal letter.pdf

APPELLANT SUBMISSION

To: Clerk Of The Board, Contra Costa County

Re: CDLP23-02046 Cernelian Expansion - Appeal to CCC Board Of Supervisors on July 22,2025

Subject: PLANNING COMMISSION APPEAL

clerkoftheboard@cob.cccounty.us, Jennifer Ostrander <jbostrander@gmail.com>, LYNN STANTON
<lassiewc@yahoo.com>



----- Forwarded message -----

From: Lynn Stanton <lassiewc@yahoo.com>

Date: Mon, Apr 21, 2025 at 10:21 AM

Subject: CDLP23-02046

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

Please find attached my letter in support of the Eckhause/Ostrander appeal of CDLP 23-02046 in pdf format.

Thank you,

Lynn Stanton

To the Planning Commission,

I live on Warren Road in Walnut Creek and I am writing to you in support of the Eckhaus/Ostrander appeal of the Carnelian Expansion Project. I ask that you deny the Carnelian's application both because it is a business use that is incompatible with a single-family residential neighborhood, as well as because it requires a variance for which they have demonstrated no "special circumstances" and no showing that they would be deprived of a right enjoyed by other property owners that would qualify them for the variance.

Zoning

A zoning scheme, after all, is similar in some respects to a contract; each party forgoes rights to use its land as it wishes in return for the assurance that the use of neighboring property will be similarly restricted, the rationale being that such mutual restriction can enhance total community welfare.

Orinda Association v. Board of Supervisors [182 Cal. App. 3d 1146]

Residential Care Facilities for the Elderly were statutorily created to be, and typically are, 6 beds in a single family home. In this way they can seamlessly blend into a single family neighborhood. The Carnelian, however, is currently a 30 bed facility contained within three adjacent buildings. This application lists only one of those buildings, the one at 2374 Warren Road, but the impact on the neighborhood cannot be evaluated without taking into account the effects that the Carnelian as a whole has on the neighborhood.

While "residence" might be in the name of the Carnelian's service, they are without a doubt a business. If a "Residence Inn" wanted to install a large hotel on our residential street I'm confident that we could agree that this would be an incompatible use. The use of the word "residence" is not proof by itself of compatibility. And the Carnelian is running a big business. Already, as a 30 bed facility, the Carnelian has an outsize impact on the neighborhood as compared to any of its neighbors. The size of its staff and inadequate parking offsite for even the full-time staff means that many of their full time staff park on the street. Then the large volume of part time staff, as well as the many visiting nurses, social workers, doctors, and family visitors means that the streets are often already filled with cars parked on both sides.

No single family residence uses that much street parking. And no single family residence has deliveries every week via big rig (Costco 18-wheelers, C&L Produce, Horizon Oxygen to name a few) that, since there is no off-street loading area, double-park in the street and create a hazard in a neighborhood like ours with narrow streets and almost no sidewalks. Additionally, the facility also has frequent emergency vehicles that also have to double-park in the street in order to respond to the Carnelian's calls. Now, they want to increase that impact on the neighborhood by 40%.

This is too big a business for our small residential street. The quality of the care provided at the facility and the desirability of having more senior care beds available in our county is irrelevant to the fact that locating a business of this size here on a small single family residential street is inappropriate and will have a negative impact on neighbors' property values, ability to safely walk and bike in the neighborhood, and is an unfair burden on the neighborhood which has already borne the impacts of a large 30-bed facility as it is.

Variance

The Carnelian has requested a variance for the width of their driveway in order to accommodate the required parking spaces for their expansion. The Zoning Administrator should not have granted that variance because they had no basis for granting it.

The grant of variances to owners of property covered by comprehensive zoning plans is governed by Government Code section 65906, which states: "Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Orinda Assn.[182 Cal. App. 3d 1163]

The Zoning Administrator did not find that there were any "special circumstances" based on "size, shape, topography, location or surroundings" that deprived the owners of "privileges enjoyed by other property" as it must by law.

An administrative grant of a variance must be accompanied by administrative findings. A court reviewing that grant must determine whether substantial evidence supports the findings and whether the findings support the conclusion that all applicable legislative requirements for a variance have been satisfied.

Topanga Association for a Scenic Community v. County of Los Angeles [11 Cal.3d 506]

Those required findings have not been made here. The staff report describes the location of the building and the addition and then declares that the need for six striped parking spaces means that they need a variance and so one should be granted. "Due to the location of the the existing development on-site, the strict application would deprive the subject property of having a dedicated parking area, which is a right enjoyed by other properties."

This argument is inadequate and specious. First, the property has already been described as having parking spaces, so it is not being deprived of having dedicated parking as enjoyed by other properties. It is only being deprived of having six striped parking spaces which is NOT a right enjoyed by any other properties in the area.

Secondly, the report identifies NO "size, shape, topography, location or surroundings" of the subject property that constitute "special circumstances". Using the word "location" to describe the development on the property is not a magic charm to invoke variances. The Board of Appeals in Orinda Association made clear the kind of special circumstances finding necessary for a variance:

Government Code section 65906 emphasizes disparities between properties, not treatment of the subject property's characteristics in the abstract.

Orinda Association v. Board of Supervisors [182 Cal. App. 3d 1146]

and there would be no evidence to support such findings since there is no special circumstance depriving the Carnelian of privileges enjoyed by others. The driveway in question is a typical driveway for the neighborhood, and the lot is a typical lot-there is no creek, public utility easement or other non-typical physical property of the lot-so there is no notable difference in size, shape, topography, location or surroundings.

The only reason the Carnelian needs six striped spaces is because it is trying to expand its business into a size which is too large for it's residential neighborhood location.(The plan even with the variance cannot accommodate six full-size spaces but seems to be trying to use mostly compact spaces.) The fact that its lot is not big enough to accommodate six spaces is an indication that the business is too big, not that there is any unfairness to the Carnelian that requires a variance.

Conclusion

As the California Supreme Court noted in Topanga, a zoning scheme is like a contract, and the Saranap neighborhood has a reasonable expectation that its residential zoning means that businesses will not be allowed on our small street with the exception of small in-home businesses like small daycares and 6 bed RCFEs. At 30 beds, regardless of how you draw the lot lines around the property, the Carnelian is much larger than any other RCFE located on a residential street. If they were operated on a 3 or 4 laned road that wouldn't be a concern. But increasing this business to 42 beds requires the neighborhood to accept a big business with all it's big rig deliveries, large volume of staff and visitor parking and commercial level number of parties on our little street. This is not a fair burden to place on those of us who live in the neighborhood.

June McHuen

From: Josh Eckhaus <josh.eckhaus@gmail.com>
Sent: Tuesday, July 15, 2025 6:31 PM
To: Clerk of the Board; Jennifer Ostrander; LYNN STANTON
Subject: Fwd: The Carnelian Planning Commission Hearing on Land Use Permit - April 23, 2025
Attachments: 20250422045933831.pdf

APPELLANT SUBMISSION

To: Clerk Of The Board, Contra Costa County

Re: CDLP23-02046 Carnelian Expansion - Appeal to CCC Board Of Supervisors on July 22,2025

Subject: PLANNING COMMISSION FORMAL APPEAL

clerkoftheboard@cob.cccounty.us, Jennifer Ostrander <jbostrander@gmail.com>, LYNN STANTON <lassiewc@yahoo.com>



----- Forwarded message -----

From: **David Bowie** <dave@bowieschafferlaw.com>
Date: Tue, Apr 22, 2025 at 4:55 PM
Subject: The Carnelian Planning Commission Hearing on Land Use Permit - April 23, 2025
To: Everett Louie <Everett.Louie@dcd.cccounty.us>
Cc: Josh Eckhaus <josh.eckhaus@gmail.com>

Dear Mr. Louie: Please find attached a letter on The Carnelian public hearing before the Planning Commission. Would you please distribute this to the Commissioners. Thank you. Dave Bowie

David J. Bowie, Esq.
Bowie & Schaffer, Attorneys at Law
2255 Contra Costa Blvd, Ste 305
Pleasant Hill, CA 94523

Office (925) 939-5300
Fax (925) 609-9670

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

From: bowieschafferlaw@gmail.com <bowieschafferlaw@gmail.com>
Sent: Tuesday, April 22, 2025 5:00 AM
To: David Bowie <dave@bowieschafferlaw.com>
Subject: Message from "RNP002673F76458"

This E-mail was sent from "RNP002673F76458" (MP 3055).

Scan Date: 04.22.2025 04:59:33 (-0700)
Queries to: bowieschafferlaw@gmail.com

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April 21, 2025

Contra Costa County Department of Conservation and Development
Planning Commission
c/o Everett Louie
30 Muir Road
Martinez, CA

Subject: CDLP23-02046 Appeal of Land Use Permit Approval for RCFE Facility in R-10
Zoning District

Dear Members of the Planning Commission:

I represent Joshua Eckhaus and Jennifer Ostrander – and others of their Warren Road neighborhood. Joshua and Jennifer reside at 2370 Warren Road in unincorporated Walnut Creek. Their property is immediately adjacent to a portion of the Carnelian, a Residential Care Facility for the Elderly (RCFE). The Carnelian operates its RCFE from buildings and improvements spread across and over three separate and distinct legal parcels – commonly designated as 2374 and 2380 Warren Road and 170 Flora Road. All three parcels are owned by Carnelian Holdings, LLC,. Despite the three separate parcels, The Carnelian is operated and administered as a single facility. It represents itself to the public as a single entity with amenities shared amongst all of its residents regardless of the particular unit to which each might be assigned. An example of but one project amenity housed on a single parcel but available to all residents is “Grandma’s Garden”, located at 2374 Warren Road. According to the Carnelian, Grandma’s Garden is a critical amenity widely enjoyed by all of its residents.

At present, The Carnelian houses 30 residents within its facility. It has filed this application for a land use permit to increase that capacity by 12 additional residents. To house the additional residents, The Carnelian proposes to construct a new two story building at 2374 Warren Road – immediately adjacent to the private back yard that Joshua and Jennifer currently enjoy. In a very real sense, the development/expansion proposal will negatively impact my clients’ use and enjoyment of their own version of “Grandma’s Garden”.

As filed, the land use permit application is curiously misleading. It expressly pertains to only one of the three parcels owned by Carnelian Holdings, LLC – and thus to only a portion of the facility. The increase in capacity remains at 12 residents; however, the increase is characterized as an increase from 6 existing residents to 18. Because the application pertains to only one of three parcels which together comprise the entire RCFE, the location and design of project improvements are constrained and project alternatives are generally unavailable. The size and configuration of the parcel and the existence thereon of Grandma's Garden impose limitations in terms of development and the construction of additional housing. Had the entirety of the RCFE facility been the subject of the land use permit application, alternative development plans might have been developed and the impacts on neighbors and the neighborhood mitigated as the present requirement for a variance might have been avoided entirely.

The point of the pending Carnelian application is to increase resident capacity. The manner in which that might be done is the subject of the land use permit and the discretion of this Planning Commission. The issue is not whether or not The Carnelian provides a community service related to elderly care. It is how best to further a common goal to provide residential elderly care while mitigating the impacts of required development so as to make the resulting project most complementary to the existing neighborhood and zoning district. It also requires a balancing of interests of neighbors with the concerns for proper care.

My clients and their neighbors do not oppose the requested increase in capacity sought by The Carnelian as long as the means of increased capacity are consistent with code requirements and required findings can be made. They have urged the consideration of new construction of a single story rather than a two story structure. A single story constructed unit would preserve their own back yard privacy and exterior garden enjoyment. Unfortunately, The Carnelian has refused a single story solution primarily due to its desire to preserve Grandma's Garden as an amenity for the Carnelian community. It contends that a single story construction designed to preserve Grandma's Garden would only accommodate 8 additional residents and that this would be unsatisfactory. (Of course, a single story expansion would be workable if Grandma's Garden was either relocated or reduced in size. Most project applicants would propose to do precisely that since there is no entitlement to a two story building or to shift the burden of loss of use of garden space from project applicant to adjoining neighbors.) My clients and their neighbors have also proposed that the Carnelian consider the construction of its required two story building to accommodate resident capacity at the common boundary line it shares with the condominium project parking lot accessible from Flora Road. That structure in that location would obviously preserve Grandma's Garden AND preserve the neighbors' own backyard equivalent to it - with no adverse impacts on the adjacent parking lot. The Carnelian has refused to consider this alternative as it obviously deems any development offsite from the particular parcel at 2374 Warren Road to be outside the scope of its application.

The present application is artificial and misleading in its request for a land use permit for a capacity increase in an RCFE which is limited to a constrained portion of a much larger facility of which the particular lot to be developed is only a part. Piecemeal planning of development is never a good idea. The Carnelian consists of a single facility that happens to span three parcels of real estate under common ownership and operation. The increase in capacity is as to the entirety of the facility – not just to the single parcel on which a new two story building is to be

constructed. The land use permit is best considered in the context of the complete RCFE facility – inclusive of its present and future needs and operations.

Required findings for approval of a land use permit include the following: (i) That the proposed project shall not adversely affect the orderly development within the County or the community; (ii) that the proposed project shall not encourage marginal development within the neighborhood; and (iii) that special conditions or unique characteristics of the subject property and its location or surroundings are established. The Staff Report would argue that these findings can all be made because (i) the proposed use is an expansion of pre-existing use of many years standing; (ii) the proposed use is regulated and thus unique; and (iii) the parcel is transitional in the sense that multi-family uses and commercial/retail uses are beginning to predominate over traditional residential single family uses.

My clients, their neighbors, and I would all agree that findings to justify a land use permit might be made – but not the findings required to approve the particular land use permit for which this application has been filed.

A land use permit is a permit issued to a landowner by an administrative agency allowing a particular use or activity not allowed as a matter of right within a zoning district. In *Upton v. Gray* (1969) 269 Cal App 2d 352, 357, the court described the purpose of a conditional land use permit to be the following: “The device of providing for the issuance of a special use permit is well recognized as a legitimate zoning procedure. It permits the inclusion in the zoning pattern of uses considered by the legislative body to be essentially desirable to the community, but which because of the nature thereof or their concomitants (noise, traffic, congestion, effect on values, etc.), mitigate against their existence in every location in a zone, or any location without restrictions tailored to fit the special problems which the uses present.”

Obviously, there is no entitlement to approval of a land use permit – whether or not conditioned. *Wesley Investment Co. v. County of Alameda* (1984) 151 Cal App 3d 672. The issuance of a land use permit is not a matter of legislative discretion; rather it is quasi-adjudicative in nature and must be supported by specific findings which in turn are supported by substantial evidence. *Essick v. City of Los Angeles* (1950) 34 Cal 2d 614, 622.

The Staff Report is incorrect in its description of the “neighborhood” as transitioning from traditional single family residential to multi-family, retail and commercial uses. Warren Road is a very traditional single family residential neighborhood – but for the portion of The Carnelian that adjoins that street. As to that portion, the present project appearance is residential in type and scale of development. Had the Staff Report directed its “transitional” comment to the portions of Carnelian that enjoy street frontage on Flora Road, its application might be deemed far more appropriate. Flora Road connects Boulevard Way to Warren Road. There are obviously a number of multi-family projects in that area as well as retail and commercial – none of which are found along Warren Road.

The Staff Report suggests that approval of the requested land use permit would not adversely affect orderly development or lead to marginal development due to the regulated nature of the business being conducted from The Carnelian facility. However, this Commission

cannot defer its responsibility to make findings on land use issues by default to another jurisdiction with different regulatory authority having no role in land use considerations. Staff and the project applicant have framed the land use permit issue as one that involves but a single parcel of constrained property as to which there is no viable alternative to the two story construction project presently under consideration. This approach fails to consider the Carnelian as a single facility to be developed in its entirety in the best fashion to balance zoning district and neighbor requirements with the special uses it might need. Approval of this land use permit would in fact cause the adverse affects on orderly development and marginal development that making the correct required findings is intended to avoid.

As the neighbors have argued, there is ample room within the Carnelian facility to construct a two story building to increase resident capacity in the vicinity of the common boundary line with the condominium parking lot accessed from Flora Road – a true transitional neighborhood. In fact the only reason to ignore this alternative site for development would be its potential for housing some future additional increase in capacity based on one or more future and additional land use permit applications. It is basic planning that any proposed project must be evaluated not merely on its own merits but with respect to the cumulative impact that future development might create. The increase in resident capacity is a Carnelian issue – not a single parcel issue. The overall development plan for The Carnelian in its entirety should have been considered by Staff in measuring the particular proposal against the broader findings requirements imposed by County ordinance. The land use permit must apply to the entirety of The Carnelian – not simply a portion of that facility.

It is noteworthy that HGCI, the Carnelian Contractor/Consultant reported to Staff regarding its meeting with neighbors in a letter dated October 2, 2024 and remarked expressly that “...The maximum beds the Carnelian team can accommodate is 18 beds to alleviate the current housing demand and needs (the owners and staff would like to add more but it will burden the owners and their staff beyond their resources available at this time.)” (Emphasis added) The application focus on but one parcel of three comprising the Carnelian for purposes of increasing resident capacity has created a false dialog in which constraints are deemed acceptable and alternatives have not been investigated – while future development plans and their potential impacts have not even been considered. A cynic might well surmise that The Carnelian’s actual intent has been to push expansion on the particular parcel as the only solution to a constrained parcel – and then at a later time to propose further expansion(s) on a per parcel and piecemeal basis, while arguing in each instance that each increase in capacity and density can be separately justified. Such an approach to the land use permitting system would undermine its very purposes.

It is not possible to make the required findings in support of the land use permit as presently characterized. In addition, the present application requires a variance which is unnecessary if the constraints of the single parcel and its proposed development are expanded by the review of the entirety of the facility.

The law has long advocated for the consideration of substance over form. The substance of this application is an increase in resident capacity at The Carnelian. The form is a new proposed and localized two story structure selected to avoid impacts on Grandma’s Garden, with

parking issues and a variance requirement. The substance of a planned increase in capacity could be reconciled with the preservation of Grandma's Garden and the avoidance of impacts on the neighbors' own garden and back yard spaces. The form might preserve Grandma's Garden – but at the expense of the neighbors, who have no control over the means of creating additional capacity. A proper application for increased capacity would have considered the entirety of the Carnelian facility in order to best address the parking, traffic, construction, and use issues that affect all three parcels and not just the one arbitrarily selected by the project applicant.

My clients and their neighbors recognize that The Carnelian has provided a useful community service in terms of elderly care. They do not object to an increase in capacity that has been designed to meet their concerns and ordinance requirements. They very much object to the manner in which this application has been considered and processed. They feel that this Commission cannot make the required findings on the strength of this application but that a substantively complete application with construction alternatives could lead to an approval consistent with zoning and use permit requirements. Accordingly, it is respectfully requested that this application for a land use permit be denied.

Very truly yours,


David J. Bowie

Via Email: Everett.Louie@dcdccccounty.us, planninghearing@dcd.cccounty.us, et al

JANUARY 21, 2025

**Zoning Administrator, Contra Costa County
Everett Louie, Planner II
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553**

**Re: CLP23-02046 – Carnelian Residential Care Facility for the Elderly; 2374 Warren Road,
Walnut Creek, CA APN: 184-120-071
DEFICIENCIES IN APPLICATION & STAFF REPORT - SUBMITTED BY NEIGHBORS**

Dear Everett:

The residents of the Saranap neighborhood affected by this application herein submit point by point commentary of the January 22, 2025, Zoning Administrator Staff Report (File # 25-179 Agenda 2a.):

In summary, the neighbors have identified numerous deficiencies in Land Use Application CDLP23-02046 and subsequent staff report, which render the application inadequate for approval by the Zoning Administrator.

To eliminate any doubt as to the neighbor's specific concerns, the following citations and feedback are entered in the record.

Page 2, Item III General Information Item 3. California Environmental Quality Act (CEQA) Compliance:

Applicant claims exemption under CEQA Guidelines Section 15301(e)(1) and 15301(e)(2) claiming that the proposed addition is less than 10,000 square feet. However the CEQA statute reads as follows:

(e) Additions to existing structures provided that the addition will not result in an increase of more than:

(1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or

(2) 10,000 square feet if:

(A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and

(B) The area in which the project is located is not environmentally sensitive.

Applicant should be disqualified from the CEQA exemption in reference to **{1}** because the addition is **2,665** square feet and the limit is **2,500** square feet and is more than 50% of the original structure (2,072 SFT). Note that there is a discrepancy in this paragraph where the original planned square footage of 2,342 SFT is cited as reason for this exemption, but the true proposed size is 2,665 SFT, exceeding the 2,500 SFT limit.

Further, applicant points to section **(2)** above as eligibility for the exemption, however the totality of The Carnelian facility, with the proposed addition and the other integrated structures, is over 12,000 square feet and thus requires an Environmental Impact Report (EIR).

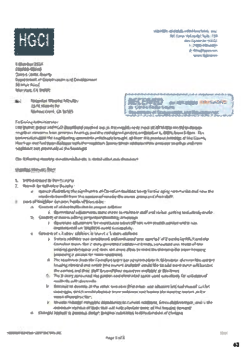
Page 2, Item 5. Previous Applications: Because the application incorrectly limits evaluation to one parcel, the previous applications of the adjoining parcels – which increased their resident beds to current levels

- are not visible and not considered – and represent yet another area of missing information that would allow for proper evaluation. It appears that this would be the *third* time an expansion has been requested for the facility – which suggests there will be more unconstrained growth in the future.

Page 3, IV. BACKGROUND

The last paragraph in this section says: “At the request of the Zoning Administrator, the applicant invited the neighborhood to discuss the project on October 1, 2024. (See attached Community Meeting Notes). During this meeting, the applicant and neighbors discussed the topics of concern and any changes/revisions that will be made to address these concerns. During the meeting, the applicant proposed new revisions to address neighbor concerns.”

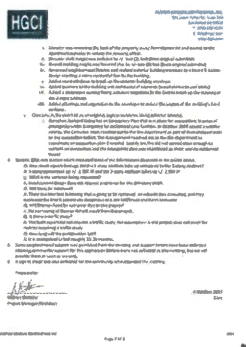
Though the applicant did hold a meeting on October 1, 2024, the neighbors in attendance came away with a very different interpretation of what transpired than the applicant describes. In our view, the owners and applicant lectured the audience on the minor cosmetic changes they were willing to make while otherwise claiming that they were unable to make substantive changes due to an unquantified claim of negative financial impacts and unwillingness to relocate garden space. There were no new revisions offered or discussed that adequately addressed the neighbor’s concerns.



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RESPONSE TO APPLICANT'S CLAIM OF COMPROMISE

- Item 3.C. 2-story addition: Intangible reasons for not considering alternatives
- Would lead to less profits for applicant
- Would require re-locating of "Grandma's Garden"
- Removing second-story was offered as compromise but not accepted
- Neighbors would have agreed to resolve other issues - but are now inclined to oppose the project outright



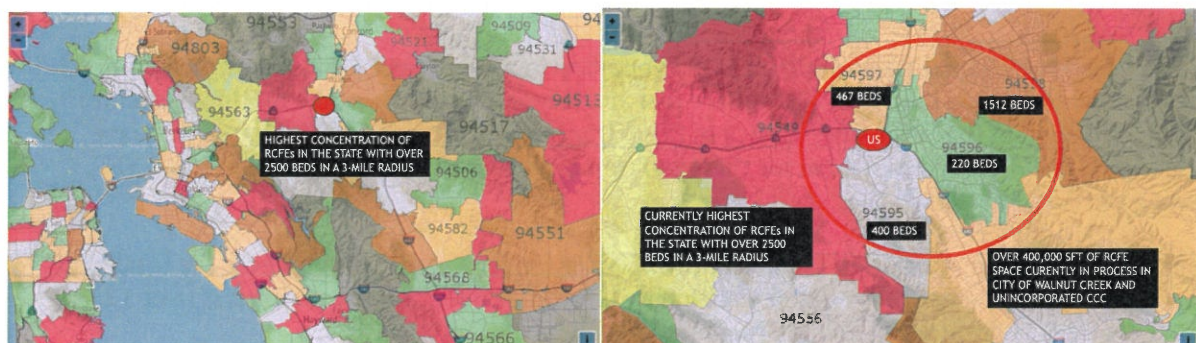
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RESPONSE TO CLAIM OF COMPROMISE

- Item 3.E. Emergency Egress: No detail provided
- No claim of past practice evacuations
- No evidence of an actual plan (requested but not received)
- Misperception of importance of issue as 18 residents is a much different scenario than 42
- Number one concern of the entire neighborhood

Page 3, V. SITE/AREA DESCRIPTION

The 3 zip codes that make up Walnut Creek constitute the densest concentration of RCFE beds in all of Contra Costa County – over 2,500 - and in fact over 20% of all RCFEs in the County are within a 3 mile radius of the proposed expansion. In addition, there are currently six different RCFE projects underway in commercial areas in the city of Walnut Creek and vacancy signs are currently in view at several other local RCFEs.



Page 3, VI. PROJECT DESCRIPTION

The second line of the first paragraph states that the “parcel is located within a *transitional* residential neighborhood...” when in fact the neighborhood is a stable and long-settled single family residential area that is trying to preserve the character and zoning intent, by setting limits on the amount of encroachment they are willing to endure.

In the July 1 hearing, the Zoning Administrator specifically instructed the applicant to eliminate the proposed elevator, explore alternatives and compromise with the offended neighbors - however the applicant chose to ignore this explicit direction (see transcript of July 1, 2024 ZA hearing). In addition to disregarding the will of the ZA, the applicant revised the design to increase - instead of decrease - the overall square footage by 10% and instead of eliminating a second-story and elevator, moved the elevator shaft even closer to the sleeping quarters of the neighbors, ensuring constant the constant din of machinery to multiple families.

On Page 5 there is mention of staffing at the facility however it fails to disclose that these staff members work across the entire facility and are not dedicated to just one structure - which raises other questions regarding things like payroll taxes that should be spread across 3 facilities as well. Additionally, it does not account for the multiple visiting care providers and family who tend to each patient daily and cause additional traffic and parking congestion not accounted for in this application.

Page 5, VI. AGENCY COMMENTS

Item 3. Contra Costa County Housing Programs

We would also challenge the exemption granted to The Carnelian under Section 822-4.408(a)(4) of the County Ordinance because The Carnelian does not offer any affordable housing and given their already significant size, should be made to provide the statutory 15% of their beds as affordable and not be given carte blanche to cater only to the super rich.

Item 6. No response from numerous agencies - especially Fire Protection District given the residents anxious concerns in the wake of SoCal fires in similar circumstances - and recent warnings regarding the flammability of the surroundings (see San Francisco Chronicle, January 18 **“The Bay Area’s Pacific Palisades: This is one of the cities most at risk of urban [firestorm](#)”** by S. Bollag which discusses extreme fire risk conditions just 5 minutes away from the facility in Moraga and Orinda). We believe the ZA has an obligation to solicit definitive input from the Fire Protection District prior to approving this land use permit, given the strong evidence supporting our concerns regarding neighborhood egress and recent evidence of increased risk.

As the neighbors have submitted previously, there are only two means of egress from our neighborhood of 150 homes and the Warren Road main egress is on the corner where The Carnelian is located. In an emergency we are highly skeptical that 30 non-ambulatory seniors can be evacuated without obstructing that vital egress point - let alone the 42 non-ambulatory seniors who would be resident if this is application approved.



Page 6 VIII. STAFF ANALYSIS

Item 1. General Plan consistency: States that “the proposed elderly residential care facility will be replacing an existing elderly care facility”. The truth is that this construction will more than double the size of the existing structure as a major addition- not a replacement. The original structure is 2072 SFT while the expansion will add another 2665 SFT to create a huge building not at all in keeping with the character of the neighborhood.

As we have stated, we believe this mistaken interpretation of this fact invalidates the exception to CEQA 15301(e)(2) as the exception to the exception does apply to 15301(e)(1), whereas 15301(e)(2) also applies when considering the entirety of the facility over 10,000 sft.

Further, this statement is completely subjective with no basis in fact: “The proposed facility consisting of eighteen beds is *not considered inordinately large for the site,*” based on historical use and lack of enforcement. We do not agree with this statement and seek empirical justification since there is no other facility with 18 residents of this size and it is out of character for the neighborhood and violates R.10 zoning restrictions requiring *small* additions.

Land Use Policy discussion:

Policy 3-21 - The predominantly single-family character of substantially-developed portions of the county shall be retained.

Neighbor Response: There is no “single-family nature” of this expansion, and it does in fact resemble multi-family or institutional housing, therefore the claim that this policy is complied with is incorrect and subjective.

Policy 3-23 - A diversity of living options shall be permitted while ensuring community compatibility and quality residential development

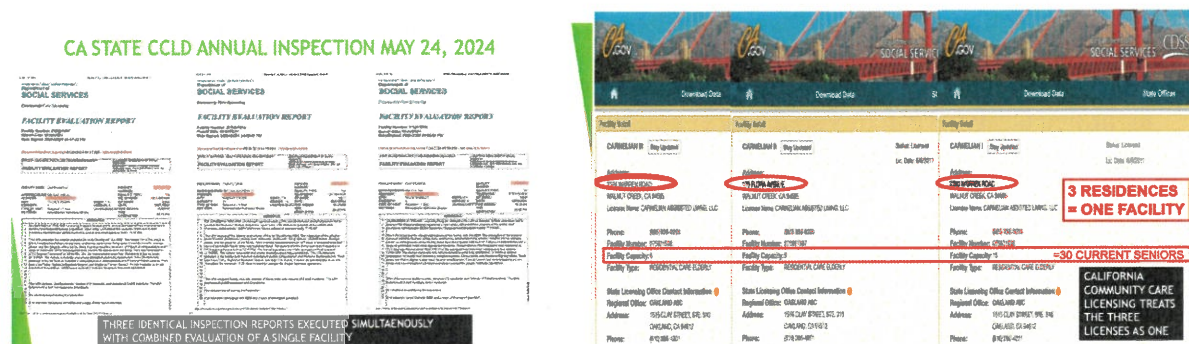
Neighbor Response: The term community has been used liberally by the applicant to intimate a level of inclusion of the surrounding residents and that the project is to their benefit. The truth is that the “community” they refer to is their group of paying customers who come from other areas and have little to no connection to the actual neighborhood or permanent residents.

Item 2. Consistency with zoning: The evaluation of a single parcel of an integrated three-parcel facility is not supported by the facts . Despite the evidence presented by the neighbors that prove The Carnelian is treated as a single facility by the state of California, and by the prima facia evidence that the three parcels are an integrated, inter-dependent, and contiguous operation, the DCD has chosen to not address

this major concern of the neighbors and no mention is made of it in any of the documents published regarding this application.

Though it is the practice of CCC Planning to evaluate single parcels as declared in the application, the ZA has the authority to expand that evaluation to the three parcels that constitute the single facility, especially after being presented with evidence that compels such an evaluation.

The ZA should make it clear that there will be many impacts to the other parcels and the evaluation must be of the entire facility.



3. Off-Street Parking: If the application were expanded to include the other two parcels, the combined square footage of the three would be over 10,000 SFT and the off-street parking requirements would increase to require both a dedicated Fire Lane and a separate dedicated Delivery Lane (as well as triggering a CEQA EIR). Since the combined 3 parcels will not be able to accommodate either a Delivery or Fire Lane, the project would need to be radically reconfigured. Since off-street parking is the focus of the variance request for this application (CDLP23-02046), the intentional mischaracterization of the size and scope of the expansion is further evidence of the applicant's suspect motives.

5. Appropriateness of use: In addition to the inclusion of the adjoining parcels in the evaluation, corrections also need to be made regarding other RCFEs in the area. Though the applicant lists 2 small facilities within the (arbitrary) radius of 2100 feet, the truth is that there are over 400 RCFE beds just within the 94595 Zip Code – and over 2,500 beds within a 3 mile radius (Zips 94596, 94597, 94598), making this area one of the highest concentration of RCFE beds in the state (not just Contra Costa). We posit that the waiting list to get in to The Carnelian is attributable to the luxuriously high level of service they provide and that seniors with the ability to pay the \$15,000 per month fee also have many other choices of care. The Carnelian does nothing to provide additional housing to those who cannot afford it (see earlier discussion regarding applicability of exemption under Section 822-4.408(a)(4)).

Page 9, Item 6. Revisions To Address Concerns: The report intimates that there was some sort of productive negotiation or compromise reached at the October 1, 2024 meeting, however the truth is that the ~30 neighbors in attendance were lectured about the minor cosmetic changes to be made and not one supported the project.

When the neighbors questioned why the applicant was not heeding the ZA direction to reduce the facility to one-story and eliminate the elevator, the applicant gave dismissive and weak answers claiming only that they had thought about compliance but ultimately chose not to in order to preserve their profits and their flower garden.

Besides increasing the square footage, adding additional windows facing the next door yard, and moving the elevator shaft even closer to the neighbors, the applicant refuses to provide any quantifiable

reasoning for not exploring other options and displayed absolutely no willingness to negotiate or compromise beyond the minor cosmetic changes proposed.

- The specific dimensional changes listed serve to increase the square footage by 10% and add even more windows facing the neighbors.
- The addition of cypress trees as a proposed solution to the problem of 9 non-ambulatory seniors with direct line of sight into the adjacent yard will do nothing to abate that issue or the accompanying noise and light pollution resulting therefrom.
- The shadow study that was provided to allay the neighbors concern that the structure will inhibit light to their solar panels, as prohibited by the California Solar Rights Act (Civil Code 714) and the Solar Shade Control Act PRC 25980-25986. Given the errors and omissions identified elsewhere in this staff report and application, the neighbors are highly skeptical of their submitted conclusions and reserve the right to conduct their own investigation, should it be necessary in the future.

Page 10. Before and After graphics – Conveniently, the EAST facing changes – which would show the 9 windows directly facing the adjacent yard, security lighting that would shine into that yard all night long, an elevator shaft mere feet from 3 bedrooms, and locations of heat pumps and outdoor machinery along the side – is completely omitted and the other renderings of the revised plan change the East angles at which the CAD designs are displayed to make the addition appear less intrusive than it would be in reality.

Page 12. Item 7. Traffic and Circulation: We continue to voice concerns at the evaluation of a single-parcel's parking needs when facility shares parking spaces, and do not see the rationale for a variance, however the proposal will result in a sizable commercial-like parking lot and destroy any semblance of looking like a residential area.

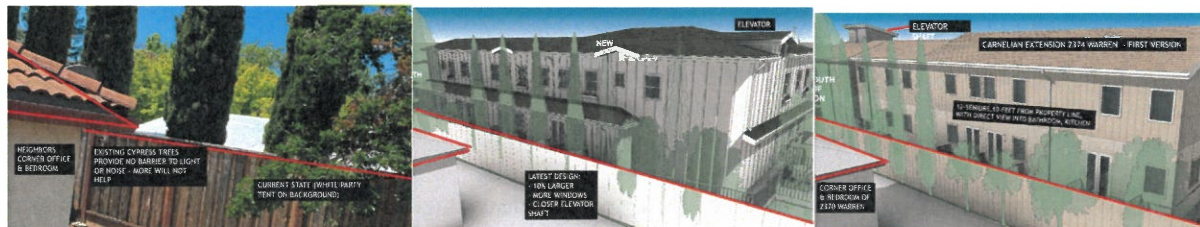
Item 11. Lighting District Annexation: Though not disclosed explicitly by the applicant, it appears that new street lighting will be required outside of the facility. The neighbors have no information regarding where and how many of these lights are planned, however we are opposed to any street lighting as it would only serve to further erode the character of this single family residential neighborhood.

Page 13. IX. CONCLUSION

The author states that: "The applicant has revised the project to address many of the concerns the neighborhood had in regards to compatibility..."

The neighbors vehemently disagree with this assessment and are of the view that virtually none of their primary concerns regarding size, location, and appropriateness of the proposed expansion have been addressed by the applicant.

CURRENT STATE -> FIRST DESIGN -> LATEST DESIGN



FINDINGS AND CONDITIONS OF APPROVAL – COUNTY FILE# CDLP23-02046

A. GROWTH MANAGEMENT PERFORMANCE STANDARDS

Page 18. Item 1. Traffic: The neighbors have expressed frustration at the excessive traffic created by visiting caregivers, material delivery trucks, emergency vehicles and family visitors and disagree that a traffic impact study is not needed. If the application were correctly evaluating the three parcels as one facility, we believe it would show the level of traffic – especially along the Flora Ave side of the facility – will exceed the threshold of 100 peak hour trips.

The neighbors continue to be inconvenienced by frequent delivery trucks, emergency vehicles, and frequent visitors. Though the Carnelian has relocated their staff parking from Warren Road to Flora Ave, the lack of on-site employee parking for the entire facility remains an issue.

Item 4. Fire Protection: In light of recent tragic events in southern California, and in consideration of our [proximity](#) to very high risk areas in nearby Moraga and Orinda, the residents of our neighborhood are motivated more than ever before to ensure their access to egress from the neighborhood and will continue to oppose this expansion on this issue alone.

Item 6. Parks and Recreation: States that “the project does not create any permanent new housing units as the individuals who will use the elderly care facility will generally come from the surrounding neighborhood.” The truth is that very few individuals in the surrounding neighborhood use the facility as the cost is out of the affordable range for most neighborhood residents. In addition, some of the most vocal opponents of the development are neighborhood residents who previously had relatives in The Carnelian and – though they have no issues with care – do not want this expansion to go forward.

B. LAND USE PERMIT FINDINGS

1. Required Finding: The proposed project shall not be detrimental to the health, safety and general welfare of the county.

The neighbors disagree with this finding since it intimates that the facility is integral to the neighborhood – which it is not – and that the neighborhood is in transition to mixed use – which is categorically not true.

Further, the report states: “The project is also conditioned to obtain approval from the water and sanitary utilities, fire department and The Public Works Department *prior to the issuance of any building permit or operation of the facility, whichever occurs first.*” The neighbors see this as an attempt to circumvent the approval process by allowing for the possibility of facility operation prior to the issuance of a building permit. This language should be changed to: ““The project is also conditioned to obtain approval from the water and sanitary utilities, fire department and The Public Works Department *prior to the issuance of any building permit AND operation of the facility.*”

2. Required Finding: The proposed project shall not adversely affect the orderly development within the County or the community.

Based on our belief that the facility consists of 30 residents – not 6 – and is expanding to 42 – not 18, the neighbors absolutely see the potential for haphazard, unplanned development on one or more of the other properties not currently subject of this application. If the County continues to turn a blind eye toward the development of the other parcels, further development is likely to adversely affect the community.

3. Required Finding: The proposed project shall not adversely affect the preservation of property values and the protection of the tax base within the county.

This expansion will absolutely affect property values – starting with the immediately adjacent neighbors at 2370 Warren Road – where informal appraisals estimate the property to lose up to 20% of its current market value due to the negative impact of this expansion on the neighboring property – which will have a cascading effect on other properties in the neighborhood and bring down property values for all.

Further, since all three of the parcels are benefitting from Prop 13 tax benefits and are paying a negligible amount, the additional revenue would likely not offset the level of county resources required to manage it. In fact, the public service resources involved with considering this very application have arguably already negated any positive benefit from additional taxes.

Finally – The Carnelian, LLC is the operating entity for all three contiguous parcels which would infer that business license taxes of the entire facility are reported together, making it impossible to evaluate the tax base of the single parcel in this application. Therefore, the declaration that this expansion protects the tax base is *not true* since there is no visibility to any additional revenue generated and shared resources and costs of the entire facility make protection of the business tax base of this one facility tenuous.



4. Required Finding: The proposed project shall not adversely affect the policies and goals as set by the General Plan.

General Plan goals and policies that call for an increase in the supply of *appropriate* housing for persons who need additional care, however the Carnelian expansion is not appropriate because it only caters to the very wealthy who can afford the 5-star service they provide. Since most neighbors in the community cannot afford it, the expansion is not appropriate for the area.

5. Required Finding: The proposed project shall not create a nuisance and/or enforcement problem within the neighborhood or community.

This document – as well as previously submitted communication and evidence to the contrary – are proof that this finding is not true. Since the Carnelian has pursued this expansion in a dishonest and untrustworthy manner, the neighbors are now poised to escalate each and every issue that previously would have been resolved in a neighborly fashion.

The proposed project has already caused nuisance by forcing the neighbors to spend their time opposing it, however the lack of documented enforcement actions do not mean there have not been any issues – in fact, testimony can be provided of past incidents including residents “escaping” the facility, loud parties, dangerous traffic incidents, and other social and institutional activities.

A recent development is heightened concern regarding trash removal:

WHERE IS THE MEDICAL WASTE?



- ▶ ADJACENT NEIGHBORS HAVE COMPLAINED OF VERMIN, FOUL ODORS AND NOISY COLLECTIONS
- ▶ NO VISIBLE LANDFILL WASTE CONTAINERS?
- ▶ NO CLARITY AROUND WASTE HANDLING PROCEDURES (IS IT IN THESE CONTAINERS?)
- ▶ PHOTO TAKEN DIRECTLY ACROSS THE STREET FROM SINGLE-FAMILY HOMES ON FLORA AVE.
- ▶ CLEARLY INCOMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD

180 FLORA AVE - CARNELIAN

6. Required Finding: The proposed project shall not encourage marginal development within the neighborhood.

A key component of the neighbor’s opposition to the expansion and their insistence that the entire facility be evaluated is that this single-parcel project opens the door to marginal development on the adjoining parcels. Since those parcels are not incorporated to this application, marginal development is almost assured.

7. Required Finding: That special conditions or unique characteristics of the subject property and its location or surroundings are established.

The finding states that: “The project has enough parking spaces and provides a much-needed service to elderly people in the immediate vicinity.” As established above, the elderly people in the immediate vicinity cannot afford their accommodations and have a wide variety of choices in the area so this finding is also disputed.

C. VARIANCE PERMIT FINDINGS

1. Required Finding: That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.

We repeat our concern regarding the county's practice of evaluating a single parcel in this project and reiterate that this narrow interpretation of the zoning and planning process is itself a grant of special privilege.

2. Required Finding: That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.

The variance to the parking configuration identified as a "right enjoyed by other properties in the vicinity..." is not accurate as no other property in this single-family residential neighborhood has a commercial grade striped parking lot in front of their homes. Therefore, the existing parking lot already looks more commercial than residential and this change will exacerbate that problem.

3. Required Finding: That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.

The neighbors object to this finding because it does not take into account the other parcels and the shared nature of their parking options. As stated above, if all 3 parcels were evaluated together, the additional requirement of a dedicated delivery lane and Fire Lane would render parking configuration moot because the facility cannot accommodate the requisite number of parking spaces as well as those special access lanes.

CONDITIONS OF APPROVAL FOR COUNTY FILE #CDLP23-02046

Page 8 - GENERAL: Should this project proceed, the residents have the following changes and COAs to request (after all three buildings of the Carnelian facility are evaluated together) :

- Relocate all machinery away from the east side, including heat pumps, backup generators or any other noise producing permanently installed mechanical device.
- Utilize only electrical landscaping tools instead of gas to reduce noise
- Relocate windows as skylights and/or frost/opaque and/or louvres limiting visibility (cypress trees do nothing to solve the line-of-sight problem)
- Provide temporary office space for displaced home-based neighbors during construction
- Install sound, light, and visibility barriers – such as high walls and sound baffling
- Notify residents via paper and electronic means of any upcoming events that may impact traffic flows at least one week in advance.
- Provide sufficient on-site parking for all visitors at all times
- Install barriers to curbside between 2374 and 2370 Warren so parking spots facing 2370 are not visible

In addition, we comment on these published conditions:

4. Add that neighborhood notification needs to occur regardless of type of change to project

5. Residents are non-ambulatory and therefore have no vehicles anyway, however this should be extended to staff as well as many vehicles seem to reside permanently at the facility
6. No comment on visitation
7. The neighbors are unaware of any permanent new signage that may be required and ask to be included in the decision making process for any signs that may further impact the character of the neighborhood.

Page 9 - Landscaping

16. The adjacent east side neighbors do not believe cypress trees will provide adequate privacy and protection from light and noise and we will need to understand applicant's plan to protect stand of heritage redwood trees on the other side of the fence.

Page 9 - Delivery Vehicles

18. The facility receives deliveries daily and a dedicated delivery lane should be required as delivery trucks are frequently impeding traffic.

Page 10 - Construction Period Restrictions and Requirements:

The proposed construction site is in a densely populated, narrow residential street with only one point of access which runs the length of the east side of the parcel – along the fence of the east side neighbors. These neighbors believe they will suffer damage to their fence, their heritage redwood trees, and their yard-bound pets and would need assurances that construction activities would not interfere with the normal enjoyment of their property.

That said, a 2-year construction project in a quiet single-family residential neighborhood is bound to negatively impact the entire neighborhood with construction noise, traffic detours, and other inconveniences.

Page 13 - Stormwater Management and Discharge Control Ordinance:

Item 42. Because the facility in its entirety is over 5,000 SFT, a Stormwater Control Plan should be required.

In conclusion, the residents and neighbors of The Carnelian have demonstrated firm opposition to the proposed expansion since we first learned about it and have presented a long list of reasons why. We are submitting the above input to ensure that all available information and detail is available to the ZA and interested parties.

In addition to this document, the following are submitted as a package:

- Powerpoint presentation with back-up information
- Excel spreadsheet – downloaded from CCLD and sorted to identify Carnelian as the biggest RCFE in a residential neighborhood
- Legal brief from our attorney, David Bowie (previously submitted)

Sincerely,
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June 11, 2024

Via Email:

Carnelian Residential Care Facility for the Elderly
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c/o Katherine Grutas – agrutas@carnelianhome.com
c/o Jay Grutas – jgrutas@canrelianhome.com

Everett Louie – Everett.Louie@dcd.cccounty.us
Planner II Department of Conservation and Development
Contra Costa County
30 Muir Road
Martinez, CA 94553

Re: CDLP23-02046 - Carnelian Residential Care Facility for the Elderly; 2374 Warren Road, Walnut Creek, CA APN: 184-120-071

Dear Mr. Louie and Members of the Grutas Family:

I represent Josh Eckhaus, Jennifer Ostrander, Emelyn and Dale Hasselfeld, and other neighbors who reside in close proximity to the existing and proposed Carnelian Residential Care Facilities located on Warren Road in Walnut Creek. I understand that the above referenced application for a Land Use Permit and corelative Variance related to parking access will be heard this next Monday, June 17, by the Zoning Administrator. My clients and I appreciate the neighbor outreach by Carnelian representatives last evening. I was unable to attend the event/meeting; I do understand that there are common grounds that, if adopted, would most likely give rise to a Project that the sponsor and all neighbors might support.

I fully understand that Carnelian actually operates three separate facilities on three separate legal parcels – that function, however, as a single unified and uniform business operation. No doubt, there are economies of scale realized in the proximity of technically distinct lots and facilities in such close proximity. The circumstances make it ingenuous, however, to view the pending application as a single, stand alone project which proposes to simply increase an existing 6 person residential care facility to 18 with a proposed two-story

“addition” of 2,342 square feet. This Project should be evaluated as a 40% increase in resident capacity from 30 to 42, with attendant requirements for parking and staffing. A realistic evaluation of the entirety of the business operation would require the consideration of overall parking and traffic impacts on the neighborhood as it would also compel a site study to determine how both an expansion in capacity and attendant structures might best be addressed with mitigated impacts on neighbors and minimal change in the look and feel of a residential neighborhood.

There is ample evidence that existing operations are under-parked. Staff is not supposed to park onsite. Private vehicles overwhelm the streets surrounding the three Carnelian facilities. Carnelian has indicated that staff increases are limited to two full time caretaker staff in the morning and a single caretaker at night. However, there do not appear to be sufficient parking spaces for the full 14 spaces that are minimally required by the code when the combined facilities are evaluated. Moreover, there is necessarily a significant number of visiting vendors of one sort or another whom current conditions fail to accommodate – let alone the additional vendors that a 40% increase will generate.

When parking is an issue, great care must be employed in determining if variances can be justified by circumstances related to the particular physical attributes of the site. In this case, parking requirements are generated by the size of project and its capacity. There is no necessary right to increase either and that circumstance simply means that the legal conditions precedent to a variance grant cannot be satisfied.

My clients do not oppose Carnelian’s existing business operations in their neighborhood - nor do they oppose an increase in capacity. I might note that Ms. Ostrander is employed in the field of elder care and sympathizes with the need for increased capacity housing such patients. My clients oppose the two story solution which Carnelian has planned in the location it has designated.

Warren Road is clearly a quiet, older residential neighborhood. Flora Road connects to Boulevard Way and does meet the Staff Report description of a somewhat transitional neighborhood. To the north of the Project site is a parking lot for a condominium project that has an existing stand of redwood trees which screen views of and from the Carnelian site. The placement of a two story addition to accommodate the planned increase in capacity at that location would have no offsite impacts to neighbors as it would also present an attractive outlook for the benefit of elderly residents. My clients would suggest that this be considered an alternative site to the proposed addition facing Warren Road and which would loom over the neighboring Warren Road properties.

It is also entirely conceivable that an expansion of existing single story structures to add capacity might be pursued. Either a single story project expansion or a relocation of a two story addition to the noted area to the north would mitigate the impacts of a business or multi-family structure in an otherwise quiet residential neighborhood.

I would request that the currently scheduled hearing before the Zoning Administrator be continued to allow a study of potential alternatives to building locations and types. The three

sites managed by Carnelian and under common family ownership should be treated as a single site for planning purposes. Otherwise, any redevelopment of but one site would no doubt result in a compromised project and might well encourage marginal development of the remaining sites/lots.

Findings for issuance of a Land Use Permit require that a proposed project avoid adverse effects on orderly development, that it not encourage marginal development, and that it not adversely affect the preservation of property values and the protection of the tax base. Findings for the grant of a variance require that it not be a grant of special privilege and it be a response to special circumstances due to the physical attributes of the particular property. Piecemeal development of each of the three parcels comprising the Carnelian properties and Project would certainly require compromises and result in marginal development. Where alternatives exist that would support a planned project but which would also be less impactful on surrounding properties, they should be pursued as the alternative would certainly decrease property values. I can find no actual legal justification for a grant of variance under the circumstances of this Project application.

Planning decisions always represent a balancing of the interests of the community, the project applicant, and the existing and future owners of neighboring properties impacted by the approvals which applicants solicit. No party's interests are more important than any other. The ideal planning decision is one which reflects community policies and goals as it balances the request for a new project with its impacts on existing uses and properties. Where there are three contiguous properties under common ownership and use, the evaluation of the entirety of the parcels and uses must be considered and weighed as a redevelopment is proposed. Where there is a means to offset the interests and concerns of neighbors to a proposed project, that alternative means should be studied.

It is respectfully requested that no action be taken on the pending application at the scheduled ZA meeting while project alternatives are studied. It is further respectfully submitted that the instant project should not be approved as several required findings cannot be made and no legal grounds exist on which a grant of variance might be justified.

Very truly yours,



David J. Bowie

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2255 CONTRA COSTA BLVD., SUITE 305
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Dave@bowieschafferlaw.com
Eric@bowieschafferlaw.com

February 4, 2025

Contra Costa County Department of Conservation and Development
Planning Commission
c/o Everett Louie
30 Muir Road
Martinez, CA

Subject: CDLP23-02046 Appeal of Land Use Permit Approval for RCFE Facility in R-10
Zoning District

Dear Members of the Planning Commission:

I represent Joshua Eckhaus and Jennifer Ostrander, who reside at 2370 Warren Road in unincorporated Walnut Creek – along with other neighbors within the Warren Road neighborhood. This letter represents a formal appeal of the Zoning Administrator Approval of the above referenced application for a land use permit for the proposed expansion of the Residential Care Facility for the Elderly (RCFE) located at 2374 Warren Road, Walnut Creek, CA 94595. The neighborhood zoning is R-10 single-family residential; my clients and the residential neighborhood are adversely impacted by the proposed grant of land use permit and consequent proposed expansion of an existing facility. This letter will set forth the grounds/reasons for appeal and will also propose an alternative development approach which I feel the County should have pursued – and which would have resulted in a project my clients could have supported.

1. Deceptive and Misleading Application

The RCFE in question is known as the Carnelian. It consists of a three-building complex operated and administered as a single entity housing 30 residents. Each building is situated on a separate legal parcel. Although for all purposes and intents there is but a unitary facility, the particular application focused on only a single parcel and the proposed expansion of the building on that parcel. The pre-existing building housed 6 residents. The application proclaimed that it sought merely to add 12 new residents for a total of 18. The reality is that the existing 30 residents will be expanded by land use permit to 42.

One of the justifications advanced for approval of the application is the characterization of the neighborhood as "transitional". The Carnelian presently fronts on Warren Road. However, the RCFE is located at the intersection of that road with Flora Avenue. Flora connects with Boulevard Way – and that portion of Carnelian is indeed located within a transitional neighborhood. Warren Road is an older, very nice residential area rather distinct in its residential look and feel from Flora Avenue and its environs.

A second justification advanced for the particular proposal which would replace a single story building with a much larger and more imposing two-story building is that the retention and preservation of "Grandma's Garden" is essential to the facility and the use and enjoyment thereof by its residents. However, the Garden can be retained in its entirety – and even expanded – if the proposed new construction and facility was placed in the vicinity of Flora Avenue rather than Warren Road. There would appear to be space for construction of a two story building on another of the parcels that comprise Carnelian. The latter development would then adjoin a parking lot belonging to a multi-family building on Flora Avenue – with no discernible impacts on either Warren Road or the Flora Avenue neighbors. The facility already houses 30 residents, and this application proposes adding 12 more, significantly stretching the definition of "residential" and moving it closer to a commercial operation. The same facility with a relocated two story building in the vicinity of Flora Road would place the commercial aspects of the entire development within a true transitional neighborhood and avoid the impacts on Warren Road residents.

If The Carnelian had been properly evaluated as the single facility it actually is, the total occupied space would exceed 10,000 square feet and would preclude the establishment of this proposed addition due to additional requirements for such things as a dedicated fire lane. The applicant is surely aware of this and has submitted an application for one parcel with the intent of evading a comprehensive scrutiny of its plans and the full scope of the project. Moreover, Planning 101 requires that the cumulative impacts of proposed and future development be considered together in evaluating any pending project. One can speculate that the preferred site for expansion described herein may have been set aside for some future expansion on yet another of the Carnelian parcels.

The Carnelian has steadfastly refused to even consider alternatives to the placement of its expanded building on the proposed site. It has alternatives available to it that avoid the false premise that its Garden can only be preserved by approval of the present application. The County staff should have considered the entirety of Carnelian and the substance over the form of the application in making the Zoning Administrator determination. It did not, and this was and is wrong.

2. Unique Scale and Density of the Facility

The Carnelian facility is unique in Contra Costa County as the only RCFE operating three contiguous homes, resulting in far more residents than is typical for this type of facility. This scale is incompatible with the intended use of R-10 zoning, which prioritizes single-family residential living. Allowing this expansion would set a troubling precedent for other facilities seeking similar exceptions.

3. Emergency Egress and Safety Concerns

The proposed expansion exacerbates already critical safety concerns. With only two egress points serving a neighborhood of over 200 homes, this facility could block one of the exits during an emergency. The heavy equipment required to evacuate its residents poses a significant risk to the safety of the entire community, as delays or obstructions could be catastrophic during a fire, natural disaster, or other emergencies. Since the application falsely claims only 18 residents will be "on-site" the true implications of allowing 42 non-ambulatory seniors to occupy an incompatible location were not addressed.

4. Violation of Solar Access Statutes

The proposed structure would block sunlight from neighboring solar panels, in direct violation of statutes protecting solar access. This not only infringes on homeowners' rights but also undermines broader environmental and sustainability goals. Furthermore, the design of the structure is inconsistent with the character of the neighborhood, further diminishing its compatibility with the R-10 zoning.

5. Negative Impact on Property Values

The construction of a commercial-scale building in the middle of a residential neighborhood will severely impact the property values of surrounding homes. Homeowners have invested in this area with the expectation of maintaining its residential character, and introducing a commercial enterprise undermines this expectation.

6. Erosion of Peaceful Living and Community Integrity

Accommodating a commercial enterprise's profit ambitions at the expense of the neighborhood's residential character and peaceful living is fundamentally unfair. This project prioritizes corporate interests over the well-being of the community and violates the trust of residents who chose this area for its quiet, family-oriented environment.

In my experience, it is unusual for an applicant's preferences for maintenance of an amenity (such as Grandma's Garden) to be given precedence over the same amenities that will be lost to neighbors if approval is granted. Obviously, the applicant has alternatives and can prioritize features important to it. The neighbors, by contrast, are faced with loss accomplished by the choices made by the applicant neighbor. This is not the balancing of competing interests that the planning process seeks to effect.

7. Lack of Legal Basis for Grant of Variance

The grant of a variance is a matter of law. The concept is that unique physical characteristics of a particular property are such as to deprive that property of rights otherwise generally available within the zoning district. The applicant has not made a proper showing of entitlement to grant of a variance; nor has the Zoning Administrator made proper and sustainable

findings from which a grant might be upheld. For that reason alone, the approval was improvidently granted.

Request for Action

Given these concerns, I respectfully request that the Planning Department:

1. **Reopen the review process** to include a comprehensive evaluation of the entire three-building complex and reevaluate the project's compliance with zoning and safety regulations.
2. **Investigate the deceptive elements** of the application and hold the applicant accountable for providing misleading information.
3. **Conduct a full environmental review**, including the impact on solar access, emergency egress, and the neighborhood's residential character.
4. **Hold a public hearing** to provide residents an opportunity to voice their concerns and review updated findings.

Conclusion

The failure to consider the totality of the project – despite significant evidence that the application is deficient – was apparently not reviewed by the Zoning Administrator and leaves open the question of why the applicant was allowed to proceed.

The approval of this permit, based on incomplete and misleading evaluations, sets a dangerous precedent for land use decisions in our community. I urge the Planning Department to take immediate action to address these issues and uphold the principles of fairness, safety, and residential integrity that define our R-10 zoning district.

Thank you for your attention to this matter. I look forward to your response and am available to provide additional information or attend any hearings related to this appeal.

Very truly yours,



David J. Bowie

Cc: Neighbors



CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT

May 20, 2024

Contra Costa County
Community Development Division
Attn: Everett Louie
30 Muir Rd
Martinez, CA 94553-4601
925-655-2873
Everett.louie@dcd.cccounty.us

Subject: Carnelian Assisted Living Facility
2374 Warren Rd, Walnut Creek 94595
CDLP23-02046
CCCYPD Project No.: P-2024-001709

CCC Community Development Division,

We have reviewed the Land Use Permit application to allow a **2-story, 2,342 square-foot addition to an existing assisted living care facility (occupancy type R-2.1) "Carnelian Assisted Living"** to add **14 new bedrooms**, at the subject location. The following is required for Fire District approval in accordance with the 2022 California Fire Code (CFC), the 2022 California Building Code (CBC), County Ordinances, and adopted Fire District standards:

Due to the limited application information and plans provided, we were unable to thoroughly assess the firefighter access road and water supply. ***The applicant did not provide the amount of bedridden, non-ambulatory, or ambulatory patients they are proposing. In order for the Fire District to provide direct comments to the construction and requirements of this project, the specific patient numbers are required.*** However, given the provided information, the project shall comply with the following Fire District requirements. The applicant is required to submit an application with the California Department of Social Services, Community Care Licensing Division, in order to have the proposed patient increase approved. It is the Fire District's authority to ensure the building, emergency access, and water supply complies with current code.

Additional plans and specifications may be required after further review.

The project as proposed is an occupancy type of R-2.1. The project shall comply with the applicable 2022 Editions of the California Building Code and California Fire Code.

1. Fire District Land Development Submittal

A land development permit is required for access and water supply review and approval prior to submitting building construction plans.

The developer shall submit scaled site improvement plans indicating:

- All existing and proposed hydrant locations,

- Fire apparatus access to include slope and road surface
- All existing and proposed elevations of building
- Existing and proposed size of building and type of construction
- Gates, fences, retaining walls, bio-retention basins, any obstructions to access
- Detail showing the lowest level of fire department vehicle access and the floor level of the highest occupied floor
- Striping and signage plan to include “NO PARKING-FIRE LANE” markings

The Land Development Permit process is a separate submittal from the building construction plans. These plans shall be approved prior to submitting building plans for review. (501.3) CFC

2. Fire Lane Identification - CCCFPD Standard FPS-020 & CVC 22500.1

Access roadways of **less than 28-feet** unobstructed width shall have signs posted or curbs painted red with the words: “**NO PARKING – FIRE LANE (CVC 22500.1)**” clearly marked. (22500.1) CVC, (503.3) CFC

Access roadways of **28 feet or greater, but less than 36-feet** unobstructed width shall have “**NO PARKING – FIRE LANE (CVC 22500.1)**” signs posted, allowing for parking on one side only or curbs painted red with the words “**NO PARKING – FIRE LANE (CVC 22500.1)**” clearly marked. (22500.1) CVC, (503.3) CFC

3. Water Supply Requirements

The developer shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of **1500 GPM**. Required flow must be delivered from not more than **one (1) hydrant** flowing for a duration of **120 minutes** while maintaining **20-pounds** residual pressure in the main. (507.1), (B105) CFC

4. Fire Sprinkler Requirements

The buildings as proposed shall be protected with an approved automatic fire sprinkler system. However, due to the unknown amount of patients, their designation, and specific location within the proposed building, we cannot determine the type of system allowed, until a full development plan submittal is provided. (903.2) CFC (435.7.1) CBC

- 5.** The owner shall cut down and remove all weeds, grass, vines, or other growth that is capable of being ignited and endangering property. (304.1.2) CFC

6. Fire Safety and Evacuation Plan

The owner or developer shall provide a Fire safety and Evacuation plan in compliance with CFC §403.7.1 through §403.7.1.4.

7. Construction Plan Submittal

The developer shall submit building construction plans and specifications for the subject project to the Fire District through the public portal

(<https://confire.vision33cloud.com/citizenportal/app/landing>).

After the Tenant Improvement plans are approved, plans and specifications for all deferred submittals shall be submitted, including, but not limited to the following.

- Fire sprinklers
- Standpipe
- Fire alarm Systems and Smoke Alarms
- Fire pump (if required)
- Emergency generator (if required)
- Photovoltaic
- Carbon Dioxide Systems
- Commercial kitchen hood extinguishing systems
- Emergency Responder Radio Coverage System (ERRCS)

All projects shall be submitted to the Fire District for review and approval **prior** to construction of the building or installation of the systems to ensure compliance with minimum requirements related to fire and life safety. Plan review and inspection fees shall be submitted at the time of plan review submittal. (105.4.1) CFC, (901.2) CFC, (107) CBC

8. The project is **not** located in a Local Responsibility Area (LRA) or a State Responsibility Area (SRA) Very High Fire Hazard Severity Zone.

Projects located in a Very High Fire Hazard Severity Zone or Wildland-Urban Interface Area (WUI) shall be constructed with the intent to mitigate wildfire exposure and shall comply with the wildfire protection building construction requirements contained in the California Building Standards Code, including the following:

1. California Fire Code Chapter 49 – Requirements of Wildland-Urban Interface Areas, Vegetation Management
2. California Fire Code Chapter 7A – Materials and Construction Methods for Exterior Wildfire Exposure
3. California Residential Code §R337 – Materials and Construction Methods for Exterior Wildfire Exposure

All new plantings of vegetation in an SRA/LRA Very High Fire Hazard Severity Zone or Wildland-Urban Interface Areas shall comply with Chapter 49 §4906.3 through 4906.5.3. Landscaping plans shall be provided to the Fire District for review.

All territory within the Contra Costa County Fire Protection District that has classified as a Local Responsibility Area (Moderate, High, or Very High Fire Hazard Severity Zone) and all structures in a State Responsibility Area located with CCCFPD, shall maintain compliance with Contra Costa County Ordinance 2023-07.

ALL PLAN SUBMITTALS SHALL BE SUBMITTED THROUGH THE FIRE DISTRICT'S PUBLIC PORTAL WEBSITE: <https://confire.vision33cloud.com/citizenportal/app/landing>

Our preliminary review comments shall not be construed to encompass the complete project. Additional plans and specifications may be required after further review.

To schedule a Fire District Inspection of the Access and Hydrant installation prior to construction or the storage of combustible materials on the job site, contact the Fire District (minimum 2 working days in advance) at 925-941-3300 ext. 3902 OR schedule through the Fire District's Public Portal Website under the corresponding permit number.

<https://confire.vision33cloud.com/citizenportal/app/landing>

If you have any questions regarding this matter, please contact this office at (925) 941-3300.



Danielle Thomas
2024.05.20 10:28:34
-07'00'

Danielle Thomas, Fire Inspector

Everett Louie

From: Danielle Thomas <dthom@cccfd.org>
Sent: Monday, March 10, 2025 3:37 PM
To: Everett Louie
Subject: Re: CCCFPD Comments for CDLP23-02046 | 2374 Warren Rd, Walnut Creek

Good Afternoon,

I apologize for the delayed response. Playing catch-up today.

The Fire Marshal has received a couple of emails regarding concerns about the project.

There is no further clarity I can give on the project, other than the comments provided in the letter.

Based on the plans provided, I do not see any blatant issues with Fire District access.

However, your assumption is correct, the applicant will need to submit plans to us for official Fire District access and water supply review.

Let me know if you have any other questions.

Sincerely,



Danielle Thomas
Fire Inspector

Email: dthom@cccfd.org

Phone: 925-941-3300

Contra Costa County Fire Protection District
4005 Port Chicago Hwy, Suite 250
Concord, CA 94520



www.cccfd.org

NOTE: Email correspondences shall not be construed as approvals or denials of project plans submitted for Fire District review. All plan reviews will be responded to with an official letter from the Fire District.

Contact Us - Fire Prevention Bureau, Engineering Unit

Telephone: (925) 941-3300 | Fax: (925) 941-3309

Inspection Request Line: (925) 941-3300 ext. 3902

Permit & Inspection Questions: permittech@cccfd.org

On Wed, Mar 5, 2025 at 9:32 AM Everett Louie <Everett.Louie@dcd.cccounty.us> wrote:

June McHuen

From: Josh Eckhaus <josh.eckhaus@gmail.com>
Sent: Tuesday, July 15, 2025 6:49 PM
To: Clerk of the Board; Jennifer Ostrander; LYNN STANTON
Subject: Fwd: Carnelian CCFD Letter
Attachments: CCFD 2374 MAY 2024 letter.pdf; Attachment E CDLP23-02046 CCCFPD Access Letter.pdf

APPELLANT SUBMISSION

To: Clerk Of The Board, Contra Costa County

Re: CDLP23-02046 Carnelian Expansion - Appeal to CCC Board Of Supervisors on July 22,2025

Subject: CORRESPONDENCE AND COMMENTS FROM CONFIRE MARSHAL TO APPELLANTS

clerkoftheboard@cob.cccounty.us, Jennifer Ostrander <jbostrander@gmail.com>, LYNN STANTON
<lassiewc@yahoo.com>



-
The Appeal packet has this finding relative to our emergency egress concerns:

3. Summary of Appeal Point #3: The appellant has concerns over emergency egress and safety concerns. Staff Response: As part of the Land Use Permit process, the application was referred to the Contra Costa County Fire Protection District (CCCFPD) for agency comments. In a letter dated May 20, 2024, the CCCFPD requested that the applicant/owner submit a land development permit to the Fire District prior to obtaining a building permit. The applicant will be required to comply with the 2022 California Fire Code, the 2022 California building Code, all relevant County Ordinances and the adopted Fire District standards. Additionally, during the land development permit process with the Fire District, the applicant will have to provide a fire safety and evacuation plan and water supply that will be reviewed and approved by the Fire District. Staff reached out to the Fire Inspector and received an email on March 10, 2025, stating that based on the plans reviewed, the Fire Inspector, "did not see any issues with Fire District access." (See Attachment E CCCFPD Access Letter). Therefore, because the applicant is required to obtain Fire District approval and will have to demonstrate compliance with all required Fire District codes will address any concerns over emergency egress and safety.

THanks,
Josh

Everett Louie

From: Danielle Thomas <dthom@cccfd.org>
Sent: Monday, March 10, 2025 3:37 PM
To: Everett Louie
Subject: Re: CCCFPD Comments for CDLP23-02046 | 2374 Warren Rd, Walnut Creek

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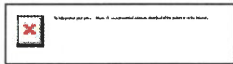
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However, your assumption is correct, the applicant will need to submit plans to us for official Fire District access and water supply review.

Let me know if you have any other questions.

Sincerely,



Danielle Thomas
Fire Inspector

Email: dthom@cccfd.org
Phone: 925-941-3300

Contra Costa County Fire Protection District
4005 Port Chicago Hwy, Suite 250
Concord, CA 94520



www.cccfd.org

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