



Department of Conservation and Development
County Zoning Administrator

Monday, January 22, 2025 – 1:30 P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	Carnelian Residential Care Facility for the Elderly
County File(s):	CDLP23-02046
Applicant	Nathan Watkins
Owner:	Carnelian Holdings LLC
Zoning/General Plan:	Zoning: Single-Family Residential District (R-10) General Plan: Single-Family Residential (SH)
Site Address/Location:	2374 Warren Road, Walnut Creek, CA APN: 184-120-071
California Environmental Quality Act (CEQA) Status:	Categorical Exemption, CEQA Guidelines Section 15301(e)(2) – additions to existing structures that do not exceed 10,000 square feet.
Project Planner:	Everett Louie, Planner II (925) 655-2873
Staff Recommendation:	Approve (See Section II for Full Recommendation)

I. PROJECT SUMMARY

The applicant requests approval of a Land Use Permit to allow a residential care facility for the elderly for up to 18 persons. The project also includes the construction of a two-story, approximately 2,665-square-foot addition to the existing residential care facility and is proposing six parking spaces. The project includes a variance to the off-street parking driveway aisle width of 16'-5" (where 25' is the required for two-way travel). The project includes approximately 67.6 cubic yards of cut and approximately 33.8 cubic yards of fill for site improvements.

II. RECOMMENDATION

The Department of Conservation and Development, Community Development Division (CDD) Staff recommends that the Zoning Administrator:

- A. OPEN the public hearing on the Land Use Permit to establish a residential care facility for the elderly, RECEIVE testimony, and CLOSE the public hearing.
- B. APPROVE Land Use Permit CDLP23-02046 to establish a residential care facility for the elderly, based on the attached findings and Conditions of Approval.
- C. DETERMINE that the proposed project is categorically exempt from CEQA under Section 15301(e)(1) of the CEQA Guidelines.
- D. DIRECT Staff to file a Notice of Exemption with the County Clerk.

III. GENERAL INFORMATION

- 1. **General Plan:** The subject property is designated Single-Family Residential High-Density (SH).
- 2. **Zoning:** The subject property is located within the Single-Family Residential (R-10) zoning district.
- 3. **California Environmental Quality Act (CEQA) Compliance:** The project is categorically exempt pursuant to CEQA Guidelines Section 15301(e)(2), which identifies the construction of an addition of 10,000 or less as being exempt from CEQA and that the project is in an area where all public services and facilities are available and is in an area that is not environmentally sensitive. The proposed project is to build an addition of approximately 2,665-square feet to expand an existing residential care facility for the elderly. The project is located in an area where all the public services and facilities are available including water, sanitation and fire protection services and is not located in an area that is environmentally sensitive. The site has been established with a residential care facility and is in a developed area of Walnut Creek. The environment is already pre-disturbed and thus, not considered sensitive. Therefore, construction of an approximately 2,342-square-foot addition is consistent with CEQA Guidelines Section 15301(e)(1).
- 4. **Lot Creation:** The subject property is 0.29 acres and is Parcel B of Minor

Subdivision MS73-225 which was recorded on February 11, 1974.

5. **Previous Applications:**

- 1) County File 225-73: This application was a Minor Subdivision application to divide a 1.2-acre parcel into two parcels. This was approved by the Board of Adjustment on November 21, 1973.
- 2) County File 2155-75: This application was a Land Use Permit to establish a resident care home for six elderly people. This was approved by the Board of Adjustment on November 13, 1975.

IV. BACKGROUND

The project was first submitted as County File #CDLP23-02045 on October 2, 2023. The project was scheduled for a public hearing before the Zoning Administrator on May 20, 2024. On May 20, 2024, hearing, the Zoning Administrator opened the public hearing to receive testimony from the applicant and neighbors. During the hearing, the Zoning Administrator continued the item as an open public hearing to the June 17, 2024, Zoning Administrator meeting in order to further consider the project. At the June 17, 2024, hearing, the Zoning Administrator opened the public hearing for this project and public comments were received primarily in opposition to the project. The Zoning Administrator continued the project to the July 1, 2024 hearing as an open public hearing and advised the applicant/property owner to contact the neighbors to discuss the project. At the July 1, 2024 hearing, the Zoning Administrator continued the public hearing indefinitely at the request of the applicant in order to allow the applicant and the neighbors to discuss the project and for the applicant to make changes to the project to address neighborhood concerns.

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. A further discussion on the changes can be found in the section title "Revisions to address concerns," under Staff Analysis below.

V. SITE/AREA DESCRIPTION

The subject site is a 0.29-acre lot with the address of 2374 Warren Road in the unincorporated Walnut Creek area of Contra Costa County. The parcel is located within a transitional residential neighborhood in between Boulevard Way to the north and Olympic Boulevard to the south. Highway 24 is approximately 1,500 feet to the north and Highway 680 is approximately 2,000 feet to the east. The property fronts Warren Road to the south. Currently, the property contains a 2,072 square foot building currently being used as a six-person residential care facility for the elderly. The site currently has various landscaping and two accessory structures for residents' recreational use.

To the immediate west are two parcels (184-120-077 and 184-120-073) that are owned and operated by the applicant as residential care facilities for the elderly. To the immediate east and south is single-family residential development. Immediately north is a large condominium complex. Farther out north and west from the project site, the uses become transitional which include apartment complexes, churches and religious institutions, and small park and shop/commercial establishments. Within a 2,100-foot radius are three other residential care homes not owned by the applicant including Senior Care Choices at 1280 Boulevard Way, Gines Residential Care Homes at 2236 Whyte Park Ave and Bethel Care Home Inc at 36 Cottage Lane. Parcels to the east, south and west are zoned R-10 while parcels north are M-29 and R-B zoned. The subject parcel is approximately 1,270 feet south of the Highway 24 and Interstate 680 interchange.

VI. PROJECT DESCRIPTION

The applicant requests approval of a Land Use Permit to allow a residential care facility for the elderly for up to 18 persons. The project consists of the following aspects:

- Construction of a two-story, approximately 2,665-square-foot addition to the existing residential care facility.
- Establishment of six (6) parking spaces. Three off-street parking will be compact parking spaces, two will be accessible and one will be standard.
- 67.6 cubic yards of cut and 33.8 cubic yards of fill.
- The new two-story, approximately 2,665-square-foot addition will consist of an elevator and staircase and the following rooms:

Floor 1:

- Bedroom 7, 9 – 144 SF with private bathroom
- Bedroom 8 – 156 SF with private bathroom
- Bedroom 10, 11 – 145 SF with private bathroom

- One (1) walk in shower (57 SF)
- One (1) lounge room (450 SF)
- One (1) elevator machine room (49 SF)
- One (1) Janitor Closet (26 SF)
- One (1) lobby (89 SF)
- One (1) laundry room with medicine storage room (101 SF)
- One (1) corridor connecting all rooms (705 SF)

Floor 2:

- Bedroom 12 – 168 SF with private bathroom
- Bedroom 13 – 164 SF with private bathroom
- Bedroom 14 – 165 SF with private bathroom
- Bedroom 15 – 138 SF with private bathroom
- Bedroom 16, 17 – 137 SF with private bathroom
- Bedroom 18 – 153 SF with private bathroom
- One (1) walk in shower (61SF)
- One (1) Family Room (248 SF)
- One (1) corridor connecting all rooms (358 SF)

The applicant would increase the current bed count from six (6) beds to eighteen (18) beds. The California Licensed Residential Care Facility would provide care for the elderly including assistance with daily living. The operation will provide a 24-hour nonmedical care and supervisory care to elderly clients who need assistance. The operation will include two (2) full-time caretaker staff in the morning and one (1) full-time caretaker staff at night. Additionally, there shall be an Administrator Staff Person present at the facility Monday through Friday between the hours of 9:00 AM and 8:00 PM. Visitation hours will be daily from 8:00AM through 7:00 PM. Deliveries for the operation include food deliveries twice a week on Monday and Thursday and medical supplies on Tuesday or Wednesday. Residents will not be allowed to have their private vehicles on site. Transportation services will be provided by the facility at the request of the resident. Additionally, all meals will be catered daily, limiting the use of cooking and food preparation to only authorized individuals only.

VII. AGENCY COMMENTS

1. Contra Costa County Advanced Planning: Advanced Planning sent an email

dated November 16, 2023, stating that they had no comments and that the project is consistent with the General Plan.

2. Contra Costa County Transportation Planning Section: Transportation Planning Section sent an email on January 5, 2024, stating that they had no comments.
3. Contra Costa County Housing Programs: In a memo dated October 25, 2023, Housing Programs stated that the project is exempt pursuant to Section 822-4.408(a)(4) of the County Ordinance because it is a community care facility.
4. East Bay Municipal District: In a memo dated October 30, 2023, the water district is requesting that the project sponsor contact EBMUD's New Business Office.
5. Contra Costa County Public Works-Engineering Services Division: In a memo dated February 20, 2024, Public Works provided their recommended conditions of approval that address roadway improvements, street light financing, utilities, drainage, stormwater management and the pollutant discharge.
6. Comments were solicited from the following agencies, however as of the date of this Staff Report, no comments were received from: 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.

VIII. STAFF ANALYSIS

1. General Plan Consistency: The proposed elderly residential care facility will be replacing an existing elderly care facility within a Single-Family Residential High-Density (SH) land use designation. In the General Plan, primary and secondary land uses permitted in the SH are the same as the SL which include residential care facilities. Therefore, the General Plan stipulates that small residential care facilities is a permitted use in the SH land use designation, however, the General Plan does not define the number of beds that constitute a small residential facility. However, the R-10 residential zoning district – which is consistent with the SH land use designation specifically allows for residential facilities where 7 or more persons reside with a land use permit. See County Ordinance Code, Section 84-8.404, referring to Sections 84-4.404(1) (convalescent homes). The proposed facility consisting of eighteen beds is not

considered inordinately large for the site, as evidenced by the previous residential elderly care facility permitted at the site and the lack of complaints or code enforcement cases for this facility. Moreover, the use of a residential care facility has long been established for this area and the proposed project will not deviate from that use.

The project is subject to goals/policies of the Land Use Element of the General Plan.

- Policy 3-8 – Infilling of already developed areas shall be encouraged.

Staff Response: The site as mentioned previously, is established as a residential care facility in a developed area of Walnut Creek. The project will further develop the site, making use of the entire parcel in an infill development where existing utilities are in place.

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

Staff Response: The site is located in the SH General Plan. This general plan designation states that residential care facilities are compatible with single-family neighborhoods in terms of design and character. Moreover, the project would not impact the single-family character of the neighborhood because the use is considered a residential use per Government Code 65583.

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

Staff Response: The project will provide housing for individuals who need specialized care. A residential care facility provides additional living options for aging individuals while still retaining the residential neighborhood qualities.

The project is also subject to the Housing Element of the General Plan.

- Short Term Goal 4 – Increase the supply of appropriate and supportive housing for special needs populations.

Staff Response: The site has been maintained as an elderly care facility since 1975. The project will increase the number of beds and services in the facility so that more elderly individuals who need care can receive it within the

Community. The project will increase the supply of housing opportunities for elderly individuals.

- Goal HE-3 - Increase the supply of appropriate and supportive housing for special-needs populations.

Staff Response: This goal is very similar to the short term goal 4. As mentioned above, the project will increase the number of beds and services in the facility so that more elderly individuals who need care can receive it within the Community. The project will increase the supply of housing opportunities for elderly individuals.

- Policy HE-P3.4 - Encourage housing programs that provide wrap-around social and supportive services for residents in need of services.

Staff Response: The project is a housing development that will provide supportive services to elderly residents in the immediate neighborhood.

- Policy HE-P7.3 - Enhance the opportunity for seniors, persons with disabilities, large households, single parents, persons with HIV/AIDS, persons with mental illness, and farmworkers to have access to housing.

Staff Response: The project is a residential care facility for the elderly that will provide enhanced housing opportunities for seniors who need care.

2. Consistency with Zoning: The subject property is located within the Single-Family Residential Zoning District (R-10). The R-10 allows for residential care facilities for the elderly as a permitted use for six or fewer patients, and with the review and approval of a Land Use Permit for seven or more patients (County Code Section 84-4.404(1)-Convalescent homes. Therefore, the applicant is applying for a land use permit to establish a Residential Care Facility for the Elderly for up to 18 persons. A residential care facility for the elderly falls under convalescent home use and therefore, the project is allowed use with a land use permit. Moreover, the proposed addition will meet the R-10 development standards as follows:

R-10 Standards	Proposed Project
Building Height – 2.5 stories or 35' in height	27'-6" feet height at the elevator shaft*
Yard Side – 20' aggregate, 10' min	First Floor - 22' aggregate, 10'-5 ½" min * at closest side yard and 12'-3 ½" side yard towards the south. Second Floor – 26' aggregate, 14'5 ½" min*
Yard Front – 20'	41' front
Yard Rear – 15'	15' rear
Parking – 1 Spc / 3 beds 18 beds = 6 Spc	6 Parking Spc

*This represents a revision to the project to address neighborhood concerns. See section #6 revisions to address concerns for more detailed analysis.

The proposed project, which is a residential care facility for the elderly is considered a residential use by the State of California and thus, is considered compatible within the R-10 zoning district which allows residential uses and uses ancillary to them. Moreover, a Residential Care Facility is an allowed use with approval of a Land Use Permit. Finally, the project meets the R-10 zoning development guidelines in regard to height, setbacks and parking spaces provided. Therefore, the project does not conflict with the R-10 Zoning District and is an appropriate use for this site.

3. Off-Street Parking: 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 required for this 18-bedroom facility. As stated in the Zoning section of this Staff Report, the project will provide six parking spaces, three of which will be compact, two will be accessible and one will be standard size. Therefore, the project will provide enough spaces to comply with the Off-Street Parking Ordinance. The subject property has established the off-street parking spaces within the front hardscape area since the establishment of the residential care facility in 1975. Historical use of the property shows that the front area has always been used for parking and access to the property. The project would enhance the existing off-street parking area with new striping and by complying with the off-street parking ordinance requirements of landscaping between parking areas. The project is proposing a landscape area adjacent to the parking area that is bordered by a curb at least six inches high and six inches wide. The landscaping area is designed to meet the requirements of the off-street parking ordinance. Lastly, per the Off-Street Parking Ordinance,

the project will be required to provide two long-term bicycle parking spaces and two short-term bicycle parking spaces (Health Care/Hospitals Use). The applicant is required to submit a revised site plan indicating the location of the required bicycle parking spaces during the condition of approval phase.

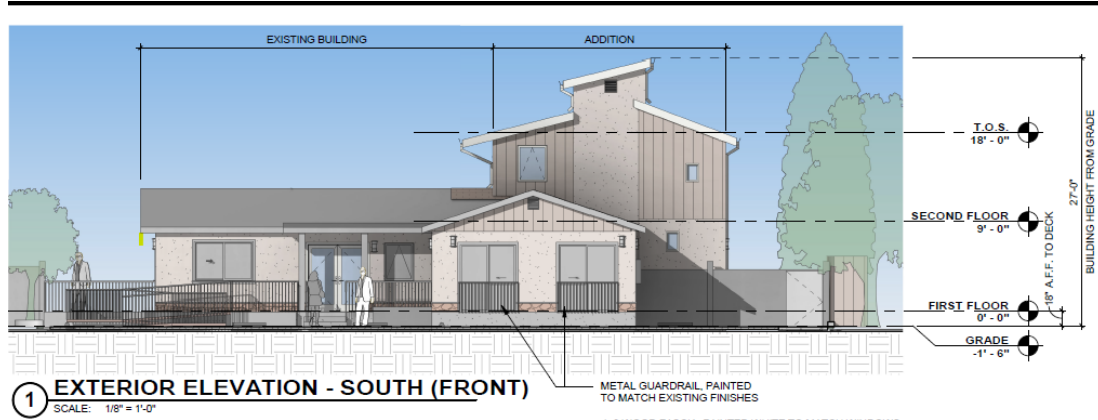
4. Variance: There is a variance request to design the layout of the parking spaces pursuant to the Off-Street Parking Ordinance as described above. The applicant is requesting an approximately 16'-5" driveway aisle width (where 25' is required for two-way travel). The findings to grant the variance request can be found in the Findings and Conditions of Approval Section of this Staff Report.
5. Appropriateness of Use: The residential care facility for the elderly was first established under County File 2155-75 which was approved by the Board of Adjustment on November 13, 1975. This permit allowed for a resident care home for six elderly people. The site has been used for a residential care facility for over 40 years and the proposed project will continue that use. As stated in the Staff Report, the project is consistent with the SH General Plan Land Use Designation and the R-10 Zoning District including the development standards. Moreover, the project is in an area that has established residential care facilities. Within a 2,100-foot radius are three other residential care homes not owned by the applicant including Senior Care Choices at 1280 Boulevard Way, Gines Residential Care Homes at 2236 Whyte Park Ave and Bethel Care Home Inc at 36 Cottage Lane.
6. Revisions To Address Concerns: As mentioned in the background section of this Staff Report, the applicant and interested neighbors had a meeting on October 1, 2024, to discuss redesigning the project to meet as many concerns as possible. The meeting minutes are provided as an attachment to this Staff Report titled "Community Meeting Notes". At the meeting, the applicant and owner group discussed potential design changes and presented these changes to the neighborhood. Below is a brief summary of the changes including the proposed revision and how they will address neighborhood concerns.
 - Reduced the number of people from 20 (originally) to 18.
 - Overall height decreased at the elevator shaft from 29'-6" to 27'-6" and a decreased building height as viewed from grade from 27' to 25'.
 - Increased the side yard of the first story from the neighbors to the east from 10' to 10'-5 ½" at the northern most portion of the project and increased the side yard of the southern most portion of the project from

10' to 12'-3 ½".

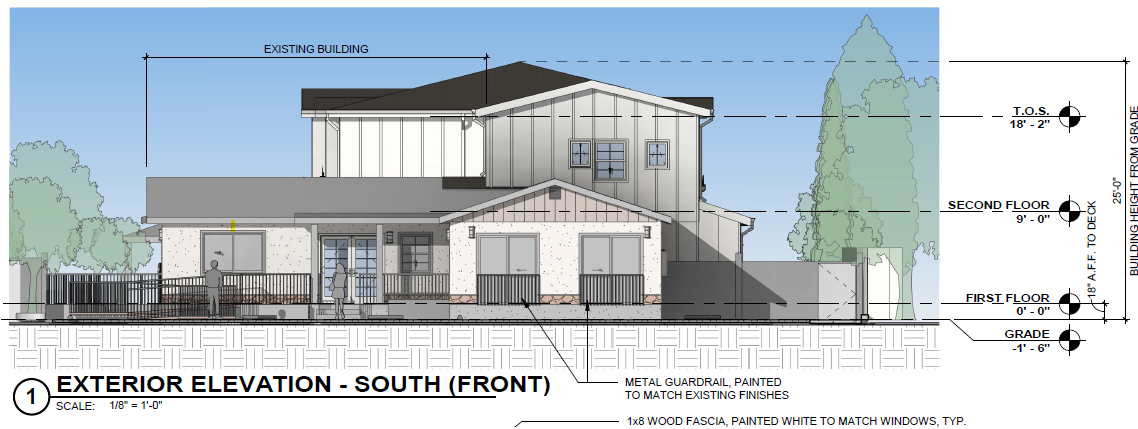
- Increased the side yard of the second story from the neighbors to the east from 10' to 14'-5 ½".
- The location of elevator was moved towards the rear of the project, is lowered by approximately 2' and the elevator shaft roof is flush with the proposed building roofline to reduce visual impacts and to create a cohesive roofline.
- Changed the exterior finishes to board & batten to match existing residential homes along Warren Road to create a more residential feel to the building.
- Added more windows to break up exterior massing and mimic a typical two-story residential structure.
- Added dormers and a decorative awning to break up massing and to resemble a more traditional two story home.
- Added additional landscaping along the eastern property line to include new cypress trees which will reduce the visual impact on properties to the east. Staff has included condition of approval #16 which requires the applicant to plant these cypress trees.
- Provided a shadow study which evaluated the potential impact to sun on adjacent neighbors. The shadow study which evaluated the project at the worst case scenario (dusk), showed that the new second story building addition will not cast a shadow onto the solar panels of adjacent neighbors. Staff has also included a condition of approval #11 that sets a maximum building height for any future additions to the project.

The photos below show the before and after and highlight some of the major revisions listed above to address the neighbors' requests. For ease of comparison, staff has included the before and after photos to show how the applicant has designed the project to look like a residential unit versus a commercial care facility. This includes utilizing similar exterior materials and creating a more cohesive roofline. Lastly, the photo simulation shown in photo 3 shows the decrease in roof line elevation of the second story shortening and moving the elevator shaft to the rear. This revision removes that bulky tower like structure from the front and softens the front elevation.

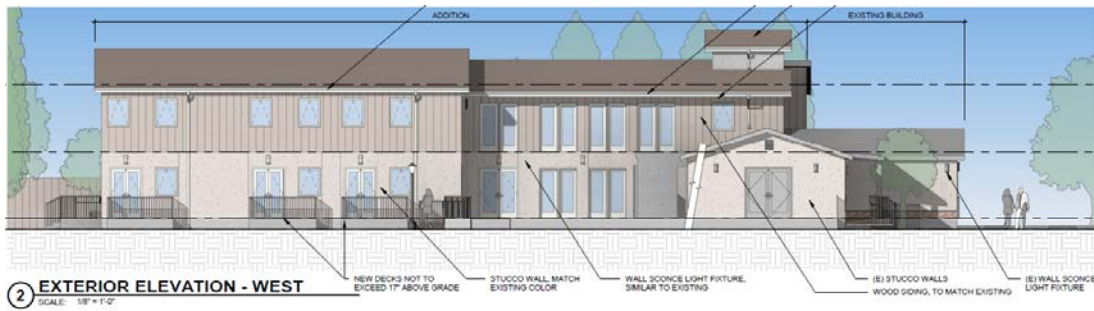
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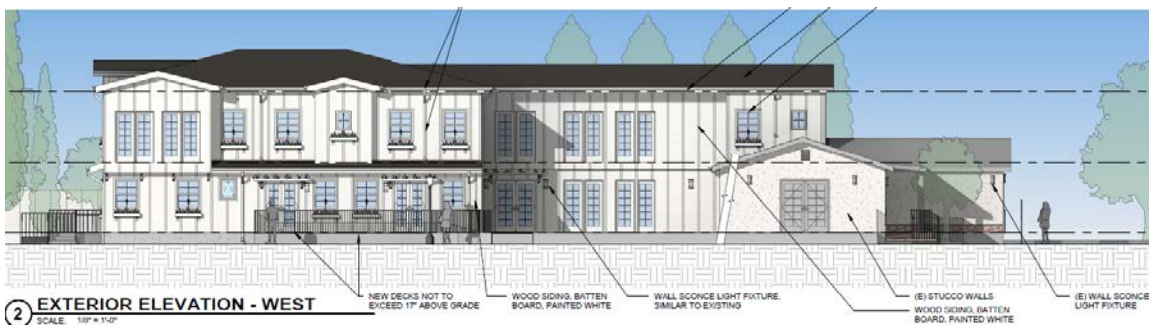
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BEFORE



AFTER



BEFORE



AFTER



7. Traffic and Circulation: The subject parcel has frontage along and gain access from the publicly maintained Warren Road. Warren Road at this location is a 30-foot roadway within a 50-foot right-of-way and is proposed to become a 40-foot roadway within a 60-foot right-of-way. Frontage improvements have already been completed on this project's side of the street. Existing frontage improvements along Warren Road include a 5-foot sidewalk, curb, and gutter broken by a single 26-foot-wide driveway. No additional frontage improvements are required as part of this project. No roadway widening or right-of-way dedication are required as part of this project.

The existing pavement along the front of the property provides vehicle access to that of the assisted living facility to the west and will continue to do so following this project. Seven on-site parking spaces are currently proposed by this project in front of the buildings.

The applicant should provide exhibits showing ingress and egress movements

from Warren Road to and from the newly designated parking spaces. These exhibits shall demonstrate that exiting vehicles from the proposed development can do so in a forward direction.

8. Drainage: Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse.

According to County elevation data, runoff from the project site drains south towards Warren Road. No proposed drainage facilities are shown on the site plan. Water flows west along the gutter until it reaches a 15-inch RCP that drains south into Las Trampas Creek. The applicant will need to demonstrate how the proposed development satisfies the County's collect and convey requirements.

9. Stormwater Management and Discharge Control: A Stormwater Control Plan (SWCP) is required for applications that will create and/or redevelop impervious surface area exceeding 5,000 square feet in compliance with the County's Stormwater Management and Discharge Control Ordinance (§1014) and the County's Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. This project proposes to construct approximately 2,400 square feet of impervious surface within the second residence, which is below the threshold requiring submittal of a SWCP.
10. Floodplain Management: The project does not lie within the Special Flood Hazard Area (100 year flood boundary) as designated on the Federal Emergency Management Agency's Flood Insurance Rate Map.
11. Lighting District Annexation: The subject property is not annexed into the lighting district. The property owner will be required, as a condition of approval, to annex into the County Facilities District 2010-1 formed for Countywide Street Light Financing.
12. Area of Benefit Fee: The applicant will need to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Central County Area of Benefit, as adopted by the Board of Supervisors. The fees shall be paid prior to issuing of building permits.

13. Drainage Area Fee: The property is located within unformed Drainage Area 121. There is currently no fee ordinance adopted by the Board of Supervisors for this area.

IX. CONCLUSION

The proposed project to allow a residential care facility for the elderly for up to 18 persons and the construction of a two-story, approximately 2,665-square-foot addition is compatible with the existing use of the parcel, the surrounding area, the General Plan and the Zoning Ordinance. The applicant has revised the project to address many of the concerns the neighborhood had in regards to compatibility. Therefore, Staff recommends that the Zoning Administrator approve County File #CDLP23-02046, based on the attached Findings and Subject to the attached Conditions of Approval.

ATTACHMENTS

Attachment A – Findings and Conditions

Attachment B – Maps

Attachment C – Agency Comments

Attachment D – Project Plans including Shady Study

Attachment E – Applicant Response To Community

Attachment F – Community Meeting Notes



Department of Conservation and Development
County Planning Commission

Wednesday, April 23, 2025 – 6:30 P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	Appeal of a Land Use Permit for Carnelian Residential Care Facility for the Elderly
County File Number:	CDLP23-02046
Appellants:	Joshua Eckhaus and Jennifer Ostrander
Applicant:	Nathan Watkins
Owner:	Carnelian Holdings LLC
Zoning/General Plan:	R-10 Single-Family Residential District (R-10) / Single-Family Residential (SH)
Site Address/Location:	2374 Warren Road, Walnut Creek, CA APN: 184-120-071
California Environmental Quality Act (CEQA) Status:	The proposed project is exempt under CEQA Guidelines Section 15301(e)(2), additions to existing structures that do not exceed 10,000 square feet
Project Planner:	Everett Louie, Planner II – Phone: (925) 655-2873 Email: everett.louie@dcd.cccounty.us
Staff Recommendation:	Approve (See section II for full recommendation)

I. PROJECT SUMMARY

This is a hearing on an appeal of the Zoning Administrator's decision to approve a Land Use Permit to allow a residential care facility for the elderly for up to 18 persons. The project also includes the construction of a two-story, approximately 2,665-square-foot addition to the existing residential care facility and is proposing six

parking spaces. The project includes a variance to the off-street parking driveway aisle width of 16'-5" (where 25' is the required for two-way travel). The project includes approximately 67.6 cubic yards of cut and approximately 33.8 cubic yards of fill for site improvements.

II. RECOMMENDATION

The Department of Conservation and Development, Community Development Division (CDD) Staff recommends that the County Planning Commission:

- A. OPEN the public hearing, RECEIVE testimony, and CLOSE the public hearing.
- B. DENY the appeal by Joshua Eckhaus and Jennifer Ostrander.
- C. FIND that the proposed project is exempt under CEQA Guidelines Section 15301(e)(2).
- D. APPROVE the Land Use Permit and Variance for the project, (CDLP23-02046).
- E. APPROVE the findings in support of the project.
- F. APPROVE the project conditions of approval.
- G. DIRECT the Department of Conservation and Development to file a Notice of Exemption with the County Clerk.

III. BACKGROUND

The existing residential care facility was first established under CDLP75-2155 which was approved by the Board of Adjustments on November 13, 1975 and allowed up to 6 residents. The facility has been operating since the approval date in 1975 and there is no record showing a lapse in operation. The current property owners submitted an application to expand the facility as County File #CDLP23-02045 on October 2, 2023. The project was scheduled for a public hearing before the Zoning Administrator on May 20, 2024. On May 20, 2024, hearing, the Zoning Administrator opened the public hearing to receive testimony from the applicant and neighbors. During the hearing, the Zoning Administrator continued the project as an open

public hearing to June 17, 2024 in order to further consider the project. At the June 17, 2024, hearing, the Zoning Administrator opened the public hearing for this project and public comments were received primarily in opposition to the project. The Zoning Administrator continued the project to the July 1, 2024 hearing as an open public hearing and advised the applicant/property owner to contact the neighbors to discuss the project. At the July 1, 2024 hearing, the Zoning Administrator continued the public hearing indefinitely at the request of the applicant in order to allow the applicant and the neighbors to discuss the project and for the applicant to make changes to the project to address neighborhood concerns.

At the request of the Zoning Administrator, the applicant invited the neighborhood to visit the project site 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. A further discussion on the changes can be found in the section titled "Revisions to address concerns," in Attachment D – Zoning Administrator Staff Report.

The project was subsequently scheduled for a decision by the Zoning Administrator on February 3, 2025 during which the County Zoning Administrator approved the Land Use Permit.

Staff received one letter appealing the Zoning Administrator's February 3, 2025, decision to approve CDLP23-02045 from Joshua Eckhaus and Jennifer Ostrander on February 6, 2025. Staff's analysis and response to the appeal letter is discussed in Section VII (Appeal of Zoning Administrator's February 3, 2025, decision) of this Staff Report.

IV. GENERAL INFORMATION

1. **General Plan:** The subject property is designated Single-Family Residential High-Density (SH).
2. **Zoning:** The subject property is located within the Single-Family Residential (R-10) zoning district.
3. **California Environmental Quality Act (CEQA) Compliance:** The project is

categorically exempt pursuant to CEQA Guidelines Section 15301(e)(2), which identifies the construction of an addition of 10,000 or less as being exempt from CEQA and that the project is in an area where all public services and facilities are available and is in an area that is not environmentally sensitive. The proposed project is to build an addition of approximately 2,665-square feet to expand an existing residential care facility for the elderly. The project is located in an area where all the public services and facilities are available including water, sanitation and fire protection services and is not located in an area that is environmentally sensitive. The site has been established with a residential care facility and is in a developed area of Walnut Creek. The environment is already pre-disturbed and thus, not considered sensitive. Therefore, construction of an approximately 2,665-square-foot addition is consistent with CEQA Guidelines Section 15301(e)(1).

4. **Lot Creation:** The subject property is 0.29 acres and is Parcel B of Minor Subdivision MS73-225 which was recorded on February 11, 1974.
5. **Previous Applications:**
 - 1) County File 225-73: This application was a Minor Subdivision application to divide a 1.2-acre parcel into two parcels. This was approved by the Board of Adjustment on November 21, 1973.
 - 2) County File 2155-75: This application was a Land Use Permit to establish a resident care home for six elderly people. This was approved by the Board of Adjustment on November 13, 1975.

V. SITE/AREA DESCRIPTION

Site Description: The subject site is a 0.29-acre lot with the address of 2374 Warren Road in the unincorporated Walnut Creek area of Contra Costa County. The parcel is located within a transitional residential neighborhood in between Boulevard Way to the north and Olympic Boulevard to the south. Highway 24 is approximately 1,500 feet to the north and Highway 680 is approximately 2,000 feet to the east. The property fronts Warren Road to the south. Currently, the property contains a 2,072 square foot building currently being used as a six-person residential care facility for the elderly. The site currently has various landscaping and two accessory structures for residents' recreational use.

Surrounding Land Uses: To the immediate west are two parcels (184-120-077 and 184-120-073) that are owned and operated by the applicant as residential care facilities for the elderly. To the immediate east and south is single-family residential development. Immediately north is a large condominium complex. Farther out north and west from the project site, the uses become transitional which include apartment complexes, churches and religious institutions, and small park and shop/commercial establishments. Parcels to the east, south and west are zoned R-10 while parcels north are M-29 and R-B zoned. The subject parcel is approximately 1,270 feet south of the Highway 24 and Interstate 680 interchange.

Based on google and mapping tools, eleven Senior Care/assisted living facilities were identified within a 1.5 mile radius. Please refer to the Attachment C titled "Assisted Living Communities around the Carnelian" for further information.

VI. PROJECT DESCRIPTION

The applicant requests approval of a Land Use Permit to allow a residential care facility for the elderly for up to 18 persons. The project consists of the following aspects:

- Construction of a two-story, approximately 2,665-square-foot (SF) addition to the existing residential care facility.
- Establishment of six (6) parking spaces. Three off-street parking will be compact parking spaces, two will be accessible and one will be standard.
- 67.6 cubic yards of cut and 33.8 cubic yards of fill.
- The new two-story, approximately 2,665-square-foot addition will consist of an elevator and staircase and the following rooms:

Floor 1:

- Bedroom 7, 9 – 144 SF with private bathroom
- Bedroom 8 – 156 SF with private bathroom
- Bedroom 10, 11 – 145 SF with private bathroom

- One (1) walk in shower (57 SF)
- One (1) lounge room (450 SF)
- One (1) elevator machine room (49 SF)
- One (1) Janitor Closet (26 SF)
- One (1) lobby (89 SF)

- One (1) laundry room with medicine storage room (101 SF)
- One (1) corridor connecting all rooms (705 SF)

Floor 2:

- Bedroom 12 – 168 SF with private bathroom
- Bedroom 13 – 164 SF with private bathroom
- Bedroom 14 – 165 SF with private bathroom
- Bedroom 15 – 138 SF with private bathroom
- Bedroom 16, 17 – 137 SF with private bathroom
- Bedroom 18 – 153 SF with private bathroom
- One (1) walk in shower (61SF)
- One (1) Family Room (248 SF)
- One (1) corridor connecting all rooms (358 SF)

The applicant would increase the current bed count from six (6) beds to eighteen (18) beds. The Residential Care Facility would provide care for the elderly including assistance with daily living. The operation will provide a 24-hour nonmedical care and supervisory care to elderly clients who need assistance. The operation will include two (2) full-time caretaker staff in the morning and one (1) full-time caretaker staff at night. Additionally, there shall be an Administrator Staff Person present at the facility Monday through Friday between the hours of 9:00 AM and 8:00 PM. Visitation hours will be daily from 8:00 AM through 7:00 PM. Deliveries for the operation include food deliveries twice a week on Monday and Thursday and medical supplies on Tuesday or Wednesday. Residents will not be allowed to have their private vehicles on site. Transportation services will be provided by the facility at the request of the resident. Additionally, all meals will be catered daily, limiting the use of cooking and food preparation to only authorized individuals only.

VII. APPEAL OF ZONING ADMINISTRATOR'S FEBRUARY 3, 2025, DECISION

During the appeal period following approval by the Zoning Administrator, one appeal was received from Joshua Eckhaus and Jennifer Ostrander, on February 6, 2025. The concerns raised in the appeal letter, and staff's responses, are summarized as follows:

1. Summary of Appeal Point #1: *The application is deceptive and misleading because County Staff should have considered the other Carnelian buildings*

during the Land Use Permit process.

Staff Response: County Code section 26-2.2002 – Conditional Use Permits requires the submittal of a plot plan indicating the dimensions of the subject property and proposed improvements on the subject property. The applicant submitted an application for a land use permit for APN: 184-120-071 and the plans showed that the project would remain within the boundaries of 2374 Warren Road. During review of a Land Use Permit, County Staff analyzed what is shown on the plans and reviewed what is being proposed on the plans. The Land Use Permit application does not require an applicant to also include other adjacent parcels just because the Carnelian owns contiguous parcels. Because there is no work to be done to expand or change the other two existing and permitted residential care facilities located on APN: 184-120-077 and 184-120-078, these other two existing residential care facilities are not under review, nor should the two other facilities be included in the project review. Additionally, all three Carnelian Residential Care Facilities have been granted their own separate land use permits pertaining to their separate parcel numbers (see table below).

Site	Approval	# Approved
APN: 184-120-078	LUP 59-73	Up to 6
APN: 184-120-077	LUP 2024-80 and LUP 2129-82	25 initial and amended to allow up to 27
APN: 184-120-071	LUP 2155-75	Up to 6

Therefore, for the subject property, County Staff appropriately evaluated the project.

2. Summary of Appeal Point #2: *The appellant expresses concern that the use, scale and density of the facility is incompatible with the intended use of the R-10 zoning district which prioritizes single-family residential living.*

Staff Response: The project is located in the R-10 Single-Family Residential Zoning District. County Code Section 84-4.402(4) – allows by right a residential care facility where no more than six persons reside. Additionally, County Code section 84-4.404(12) – Supportive housing, operated by a person with all required state and local agency approvals and licenses, where seven or more persons reside. Moreover, California Government Code Section

65583 states in relevant part: *“Supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.”* Therefore, both the Contra Costa County zoning code and California Government Code determined that assisted living facilities which provide supportive housing are to be considered a residential use and thus, compatible with the Contra Costa County R-10 zoning district.

The Contra Costa County Zoning Code does not require a density calculation for a senior care assisted living facility. Based on the seven land use permit findings, the Zoning Administrator supported the expansion to 18 persons. In addition, the scale of the building design is compatible with the R-10 zoning in that the addition exceeds all required setbacks, proposes a height that is well below the maximum height allowance for a building and provides adequate amount of parking as required by the Off-Street Parking Ordinance. Staff has reviewed the neighborhood around the proposed project and has identified numerous parcels with similar scale per the table below:

Address	Size	Distance from project
Proposed Project 2374 Warren Road	4,737 SF	N/A
2501 Warren Road	3,128 SF	Approx. 1,400 feet
2460 Warren Road	4,743 SF	Approx. 980 feet
2346 Warren Road	3,221 SF	Approx. 400 feet
1407 Boulevard Way	4,187 SF	Approx. 1,500 feet
3338 Freeman Road	4,534 SF	Approx 2,800 feet

Therefore, the scale of the residential care facility expansion building is compatible with all County Code requirements and is comparable to other developments within the Walnut Creek area.

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 (CCCYPD) for agency comments. In a letter dated May 20, 2024, the CCCYPD 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 review 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 F 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.

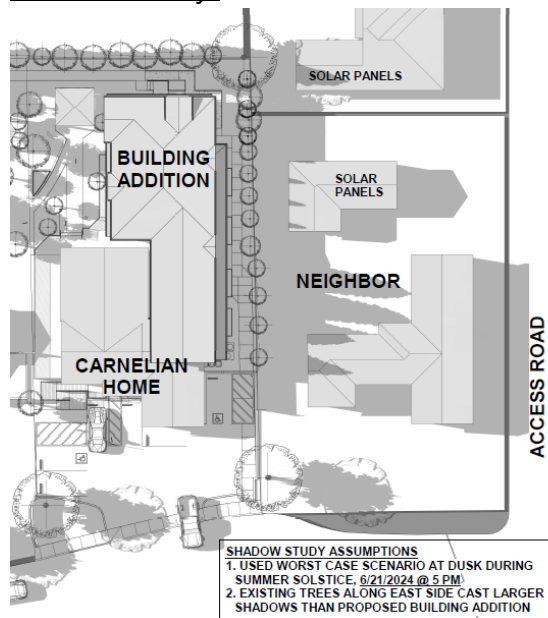
4. Summary of Appeal Point #4: *The appellant states that the building will block sunlight on neighboring solar panels and violates solar access statutes.*

Staff Response: The Contra Costa County Code does not have a solar ordinance that prohibits buildings from casting a shadow onto neighbors' properties. However, the project is designed to reduce any shadow impacts on surrounding neighbors. Using aerial photographs, it appears that the solar panels in question are currently located on residences located east of the project at 2368 and 2370 Warren Road. The appellant has stated that the proposed structure will block sunlight from reaching solar panels on the 2368 and 2370 Warren Road. To address this concern, the applicant submitted a shadow study simulating the worst-case scenario at dusk during summer solstice at 5:00 pm in June. The shadow study indicates that the building addition has a negligible impact on the solar panels. Additionally, staff utilized a shade map to simulate shadows for a full 24-hour period of the site. Because the project is located west of the residences with solar panels and the sun rises in the east, there are no noticeable shadows cast onto neighboring properties from sunrise to sundown (5:00 pm in February). Staff determined through the shade map tool that 2368 and 2370 Warren Road (during the summer months where the sun is present the longest), are in direct sunlight for approximately 11 hours. (see Hours In Sun Map below). Furthermore, 2368 and 2370 Warren Road receive ample sunlight because as the sun rises in the east and moves westward, any shadows will be cast primary toward the north and west and any shadows from the proposed project will not extend

eastward. Staff included a diagram of the shadow study below.

The shadow study on the left shows that with the new addition, shadows will not be exacerbated onto the neighboring properties. It does not appear from the shadow study that the addition will even cast a shadow onto the neighboring roofs. The photo on the right shows approximately how much sun each property receives in a day. The darker the red color, the more hours in the sun a property receives. It appears that the neighboring properties will receive more than 11 hours of sunlight during the summer months.

Shadow Study



Hours In Sun Map



Key – 0 hours in sun to 11.1 hours in sun

The applicant has also designed the project to be well below the maximum height limits of the R-10 zoning district including proposing a maximum height of 27'-6" and two stories which is below the 35' maximum and two and one-half stories maximum. Therefore, the project will not violate solar access of surrounding properties.

5. Summary of Appeal Point #5: *The appellant states that the project will have a negative impact on property values.*

Staff Response: As stated in response 2, a residential care facility for the

elderly is considered a residential use given residential is in the name, is an allowed use with a Land Use Permit in the R-10 zoning district and is a use that is recognized as a secondary land use under the SH General Plan designation in the 2005-2020 General Plan (the General Plan designation adopted at the time the application was deemed complete). Therefore, the project will maintain the residential character of the neighborhood and thus will increase the property values of the project site and surrounding properties. Staff did a search within a 1.5-mile radius of the project site and identified numerous assisted living/elderly/end of life care support facilities. As stated in the Zoning Administrator Staff Report, this area of the County contains numerous residential care facilities intertwined with single-family residences. Residential care facilities are designed to be integrated into residential aspects of the neighborhood and the project is merely following trends of the surrounding area. Staff has included a map of the care facilities within a 1.5-mile radius under Attachment C. A senior assisted living facility provides valuable much-needed housing and care for seniors while maintaining the residential character of the neighborhood. The expansion of the project allows more people in Contra Costa County to be served and also represents an investment in the local area, improving the property itself and surrounding home values by addressing a strong demand for senior care services. The facility can also help attract future homebuyers who see value in having quality senior care options nearby for aging family members. Furthermore, the project will also generate additional tax revenue for the County through increased property taxes, business taxes, and employment opportunities. Rather than diminishing property values, the expansion of the Carnelian project will serve as a positive investment in the neighborhood, providing both social and economic advantages which will have a positive impact on property values.

6. Summary of Appeal Point #6: *The appellant states that the project will impact the peaceful living and community integrity.*

Staff Response: The project is subject to the land use permit findings 26-2.2008 which requires staff to make findings in support of the project. The land use permit findings listed in the findings and conditions of approval Attachment A to this staff report can be made that the project will not impact the peaceful living and community integrity. The Zoning Administrator also determined that the findings can be made to grant the land use permit for the residential care facility. On October 1, 2024, the applicant and interested

neighbors had a meeting to discuss redesigning the project to meet as many concerns as possible. Below is a summary of the change including the proposed revision and how they will address neighborhood concerns in regards to peaceful living and community integrity.

- Reduced the number of people from 20 (originally) to 18. (Neighbors had concerns with the amount being to many)
- Overall height decreased at the elevator shaft from 29'-6" to 27'-6" and a decreased building height as viewed from grade from 27' to 25'. (Neighbors had concerns with the height being to tall)
- Increased the side yard of the first story from the neighbors to the east

from 10' to 10'-5 ½" at the northern most portion of the project and increased the side yard of the southern most portion of the project from 10' to 12'-3 ½". (Neighbors had concerns that the building was to close)

- Increased the side yard of the second story from the neighbors to the east from 10' to 14'-5 ½". (Neighbors had concerns that the building was to close)
- The location of elevator was moved towards the rear of the project, and is lowered by approximately 2' and the elevator shaft roof is flush with the proposed building roofline to reduce visual impacts and to create a cohesive roofline. (Neighbors had concerns with the height and visual of an elevator shaft)
- Changed the exterior finishes to board & batten to match existing residential homes along Warren Road to create a more residential feel to the building. (Neighbors had concerns the project is not residential)
- Added more windows to break up exterior massing and mimic a typical two-story residential structure. (Neighbors had concerns the project is not residential)
- Added dormers and a decorative awning to break up massing and to resemble a more traditional two story home. (Neighbors had concerns the project is not residential)
- Added additional landscaping along the eastern property line to include new cypress trees which will reduce the visual impact on properties to the east. Staff has included condition of approval #16 which requires the applicant to plant these cypress trees. (Neighbors had concerns of privacy)
- Provided a shadow study which evaluated the potential impact to sun on

adjacent neighbors. The shadow study which evaluated the project at the worst case scenario (dusk), showed that the new second story building addition will not cast a shadow onto the solar panels of adjacent neighbors. Staff has also included a condition of approval #11 that sets a maximum building height for any future additions to the project. (Neighbors had concerns of shadows and solar access)

To further promote a harmonious integration into the community, Staff has included the following conditions of approval to the project to further address aspects of the project that could affect the peaceful living of the community.

- COA #6 which limits visitation hours.
- COA #9 which prohibits out-patient services at the facility.
- COA #10 which restricts amplified speaker usage.
- COA #11 which restricts the maximum height of the building.
- COA #13 which requires bicycle parking to be provided to alleviate the amount of cars being driven to the site.
- COA #14 which requires an exterior lighting plan to be submitted for review.
- COA #15 which requires all exterior lights to be turned off during specific timeframes.
- COA #16 which requires screening landscaping to be planted.
- COA #18 which limits any non-medical or essential delivery vehicle owned or operated by the facility to specific hours.

Therefore, with the revisions mentioned above and the conditions of approval, the project will not violate a quiet, family-oriented environment.

7. Summary of Appeal Point #7: *The appellant states that there is a lack of legal basis for the granting of a variance.*

Staff Response: In order to grant a variance, a project is evaluated with the three Variance findings listed in 26-2.2006. In this case, the variance for a reduced driveway aisle width was evaluated by Staff. Staff determined the required findings of approval for a variance can be supported which requires findings related to special circumstances, undue hardship, and consistency with the general plan and zoning intent. The subject property presents unique conditions that justify the variance which can be found in the "Variance Permit

Findings” located in the findings and conditions of approval attached to this Staff Report. Furthermore, the variance does not grant special privileges inconsistent with other properties under similar circumstances, nor does it conflict with the intent and purpose of the zoning code. Therefore, the Variance findings are supported.

VIII. CONCLUSION

The proposed project is consistent with applicable goals and policies of the General Plan, and also with the intent of the SH General Plan Designation and the R-10 Zoning District. The applicant has revised the project to address the concerns of the neighborhood in regards to compatibility. Therefore, Staff recommends that the County Planning Commission deny the appeal and approve County File #CDLP23-02046, based on the attached findings and subject to the attached conditions of approval.

Attachments:

- A. Findings and Conditions of Approval
- B. Appeal Letter On Zoning Administrator’s Decision
- C. Map of Assisted Living Facilities around Carnelian
- D. Zoning Administrator Staff Report and Attachments dated January 22, 2025.
- E. Project Plans
- F. CCCFPD Access Letter
- G. Power Point Slides