

**From:** AMY Majors  
**Sent:** Thursday, May 30, 2019 8:49 PM  
**To:** Amy Majors  
**Subject:** Appeal of LP 18-2020 to CCCounty Board of Supervisors

CONTRA COSTA  
2019 MAY 31 PM 1:36  
APPLICATIONS & PERMIT CENTER  
LP18-2020

On May 30, 2019, at 4:58 PM, AMY Majors <amajors@sbcglobal.net> wrote:

>>

>> To whom it may concern- I am requesting an appeal of LP 18-2020 that was given a conditional approval by the Zoning Administrator 11/5/18 and which was later upheld by the Planning Commission 5/22/19.

>>

>> My grounds for my appeal include but are not limited to the following:

>>

>> This the first time DCD has processed a request for a modified land use permit for a residential psychiatric facility and I believe this is reflected in the lack of precision in applying both the local land use allowances and state homeless mandates.

>> The CCCounty Ordinance Code: Title 8 -ZONING: Article 84-14.402 (related to a R-20 district) expressly allows for an eldercare facility of no more than 6 persons on this property at 2181 Tice Valley Blvd, Walnut Creek. It was on this basis that Hannam Homes operated and later expanded to 12 persons with the approval of a land use permit (LP 01-2045).

>>

>> The current owner, Dr. Gregory Braverman dba National Psychiatric Care and Rehabilitation Services requested this land use permit be modified "to allow the conversion of an existing 12 bed eldercare facility to a Social Rehabilitation Facility operating a Short-Term Crisis Residential Treatment Program for adults ages 18-59".

>> This request was conditionally approved by the Zoning Administrator and this approval was modified and upheld by the Planning Commission.

>>

>> #1) The DCD staff report, upon which the approval is based, erroneously equates a psych facility with an eldercare facility and a convalescent home, which is also allowed for land use in the R-20 District with an approved land use permit.

>>

>> The CA licensing guidelines and requirements are separate and distinct for each of these uses. Per the Department of Social Services (who licenses both a Social Rehabilitation Facility and a Residential Care Facility for the Elderly), only one license is issued per site. In other words, you cannot operate a SRF and simultaneously be licensed to operate as a RCFE. Also, there is NO language in the zoning code in the R-20 district that allows for a residential psychiatric facility, even with a land use permit.

>>

>> The differences in use and intensity of these three types of facilities underscores how the county has mistakenly conflated them and with this overreach, arbitrarily allowed the approval of LP 18-2020. The integrity of the county's zoning code is compromised by this approval, and both the ZA and PC have unilaterally assumed the role of a legislative body.

>>

>> Further, the proposed psych facility as a Social Rehabilitation Facility is a NON-MEDICAL facility, addressing a special segment of the population on a short term basis 18+59 yrs old (per Dr. Braverman's Pgm and Service Description) who are in serious emotional crises, medicated with psychotropic drugs that carry their own risks with potentially dangerous side effects. This facet of psychotropic drugs and risks connected with patients suffering from a wide array of mental illnesses again differentiates a psych facility in intensity and use from both an eldercare facility and convalescent home.

>>

>> A convalescent home (also known as a skilled nursing facility and licensed by the Department of Public Health) in contrast provides high-level MEDICAL care for patients recovering from surgeries, strokes, injuries, etc. This may be a short or long term service, which includes IV and physical therapy, wound care, injections, related medical equipment, etc.

>>

>> The difference in intensity is also exemplified by one of the ZA's own conditions of approval where she requires heightened security with closed-circuit TV monitors at all exits and a 24 hour security guard. These requirements reflect the higher level of risk connected with mentally ill patients with possible histories of hostility, aggression, violence, etc toward themselves and/ or others that is unique and different from patients at a convalescent home or eldercare facility.

>>

>> A Residential Care Facility for the Elderly (also called assisted living or board and care facilities) means a housing arrangement that provides varying levels of (personal) care and (protective) supervision for those 60 years of age and older. Again, a different segment of the population that has different levels of intensity and use. Important to note - where psychotropic drugs are routinely administered by Dr. Braverman to his clients 18+59 years old, there are warnings by pharmaceutical companies in the avoidance of providing such meds to the elderly.

>>

>>

>>

>> #2) The Zoning Administrator with her 11/5/18 approval refers to a 2007 state law (that mandates CA counties address housing for the homeless) with terms like 'transitional and supportive housing'. These terms have been misapplied here —they have been 'cut and pasted' from the law and inserted into the DCD report as a rationale for (wrongly) approving the psych facility.

>>

>> Addressing homelessness in this 2007 CA law, "Transitional housing" provides housing for up to 2 years and prepares residents to transition to permanent housing. Supportive housing has no limit on length of stay, targeting homeless people, family and youth.

>>

>> Dr. Braverman attests in his Letter of Intent that he will not be servicing the homeless and per his "Pgm and Service Description" his clients have an average stay of 18 days. And yet, the ZA erroneously references this housing law when asserting as an underlying reason for her approval. Therefore the conditional approval for LP18-2020 must be reversed.

>>

>>

>>

>> #3 The county's environmental review is inadequate by way of the CEQA categorical exemption given to Dr. Braverman. That exemption is not available where, as here, there is an actual change in the use of the facility.

>> This has been highlighted earlier in this letter—the intensities and uses at this site as an eldercare facility versus what would be manifest as a psychiatric facility — there is a demonstrable difference. Therefore, a false equivalency is being applied to allow this exemption and the county should prepare a full initial study under CEQA and any further environmental review as required by the initial study.

>>

>>

>> In conclusion, there is no legal authority in the county codes for the placement of a Social Rehabilitation Facility in the Tice Valley R-20 district. By way of the ZA's And the PC's conditional approval, the SRF has been erroneously 'shoe horned' into an authorized land use 'slot' intended specifically for an eldercare residential facility. This is a mistaken attempt in applying the codes and must be corrected by reversing the approval.

Respectfully submitted,

Amy Majors

>> Sent from my iPad

>