



**AGENDA**  
**Planning Commission**  
**Regular Meeting**  
**April 23, 2024**  
**7:00 p.m.**

**Hoyer Hall at Clayton Community Library**  
**6125 Clayton Road, Clayton, California**  
**and**  
**Via Zoom Webinar**  
**Webinar ID: 899 9332 9517**

This meeting is being held with accommodations for both in-person and virtual attendance and participation by the public. Members of the public who prefer to view or listen to the meeting and to address the Planning Commission remotely during the meeting may do so using the methods listed under “Instructions for Virtual Planning Commission Meeting Participation” below.

**Chair:** Richard Enea  
**Vice Chair:** Maria Shulman  
**Commissioner:** Joseph Banchemo  
**Commissioner:** Bretten Casagrande  
**Commissioner:** Daniel Richardson

Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Clayton Library, 6125 Clayton Road; and 3) Ohm’s Bulletin Board, 1028 Diablo Street, Clayton. A digital copy of the Agenda with a complete packet of information including staff reports and exhibits related to each agenda item is available for public review on the City’s website at <https://claytonca.gov/community-development/planning/planning-commission/planning-commision-agendas/>.

Any writings or documents provided to a majority of the Planning Commission after distribution of the Agenda Packet and regarding any public item on this Agenda are available for review on the City’s website at <https://claytonca.gov/community-development/planning/planning-commission/planning-commision-agendas/>.

If you have a physical impairment that requires special accommodations to participate, please call the City Clerk’s office at least 24 hours in advance of the meeting at 925-673-7300.

Most Planning Commission decisions are appealable to the City Council within 10 calendar days of the decision. Please contact Community Development Department staff for further information immediately following the decision. If the decision is appealed, the City Council will hold a public hearing and make a final decision. If you challenge a final decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s), either in spoken testimony at the hearing(s) or in written correspondence delivered to the Community Development Department at or prior to the public hearing(s). Further, any court challenge must be made within 90 days of the final decision on the noticed matter.

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### **Instructions for Virtual Planning Commission Meeting Participation**

The following options are provided as a courtesy for those who would prefer to view, listen to, or provide comments remotely for the meeting. While City staff will make every effort to facilitate virtual participation in the meeting, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Brown Act, the meeting will continue despite technical difficulties for participants using the teleconferencing option.

**Videoconference:** To join the meeting on-line via smart phone or computer, click on the link: <https://us02web.zoom.us/j/89993329517>; or, through the Zoom application, enter **Webinar ID: 820 1662 4084**. No registration or meeting password is required.

**Phone-in:** Dial toll free 877-853-5257. When prompted, enter the Webinar ID above.

**E-mail Public Comments:** If preferred, please e-mail public comments to the Community Development Director at [danaa@claytonca.gov](mailto:danaa@claytonca.gov) by 5:00 p.m. on the day of the Planning Commission meeting. All emailed public comments received prior to 5:00 p.m. on the day of the Planning Commission meeting will be forwarded to the entire Planning Commission.

Each person attending the meeting via video conferencing or telephone and who wishes to speak on an agendized or non-agendized matter shall have a set amount of time to speak as determined by the Planning Commission Chair.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ACCEPTANCE OF THE AGENDA:** The Planning Commission will discuss the order of the agenda, may amend the order, add urgency items, note disclosures or intentions to abstain due to conflict of interest on agendized public hearing or action items, and request Consent Calendar items be removed from the Consent Calendar for discussion. The Planning Commission may also remove items from the Consent Calendar prior to that portion of the Agenda.
5. **PUBLIC COMMENT (Non-Agenda Items):** This time has been set aside for members of the public to address the Planning Commission on items of general interest within the subject matter jurisdiction of the City. Although the Planning Commission values your comments, pursuant to the Brown Act, the Planning Commission generally cannot take any action on items not listed on the posted agenda. At the Chair’s discretion, up to 3 minutes will be allotted to each speaker.
6. **CONSENT CALENDAR:** The following routine matters may be acted upon by one motion. Individual items may be removed by the Planning Commission for separate discussion at this time or under Acceptance of the Agenda.
  - A. **Minutes:**  
Planning Commission Meeting of March 26, 2024
7. **PUBLIC HEARING**
  - A. **Scoping Session for the Environmental Impact Report for the Silver Oak Estates Project.**  
This is a scoping session, held in accordance with Public Resources Code Section 21083.9 and California Environmental Quality Act Guidelines Section 15082(c)(1), for the purpose of soliciting spoken comments from interested parties, individuals and other public agencies as to the scope and content of the environmental impact report (EIR) that will analyze the potential environmental effects of approval of requests for a Vesting Tentative Map and Development Plan Permit for the proposed Silver Oak Estates Project, a proposed development of 32 single-family residences plus 3 accessory dwelling units on a 14.01-acre site located at 5701 Clayton Road (Assessor’s Parcel Number [APN] 118-020-029) (“project”).
8. **COMMUNICATIONS:** This time is set aside for the Planning Commission to make requests of staff, and/or for issues of concern to Planning Commissioners to be briefly presented, prioritized, and set for future meeting dates. This time is also provided for staff to share any informational announcements with the Commission.
9. **ADJOURNMENT**  
The next scheduled Planning Commission Regular Meeting is Tuesday, May 14, 2024.

**Minutes  
City of Clayton Planning Commission  
Regular Meeting  
Tuesday, March 26, 2024**

**1. CALL TO ORDER**

Chair Richard Enea called the meeting to order at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

Chair Enea led the Pledge of Allegiance.

**3. ROLL CALL**

Present:                   Chair Richard Enea  
                                  Vice Chair Maria Shulman  
                                  Commissioner Joseph Banchemo  
                                  Commissioner Bretten Casagrande  
                                  Commissioner Daniel Richardson

Planning Commission Secretary/Community Development Director Dana Ayers, Assistant Planner Milan Sikela, and Administrative Assistant Lesley Sanders were present from City staff.

**4. ACCEPTANCE OF THE AGENDA**

There were no changes to the agenda as submitted.

**5. PUBLIC COMMENT**

There were no comments from the public on any matter not on the agenda.

**6. CONSENT CALENDAR**

**A. Minutes of Planning Commission Regular Meeting of February 27, 2024.**

There being no member of the public attending in person or virtually who wished to comment on the Consent Calendar, Chair Enea invited a motion. Commissioner Casagrande moved to adopt the Consent Calendar with Meeting Minutes of the February 27, 2024 meeting, as submitted. Vice Chair Shulman seconded the motion. The motion passed by vote of 5 to 0.

## 7. PUBLIC HEARING

### A. Douglas Road Planned Development – Request for Approval of Site Plan Review Permit Application SPR-01-2024.

This is a public hearing on a request by Erik Fjellbo and Linda Fjellbo for approval of a Site Plan Review Permit (SPR-01-2024) to allow the construction of two custom, detached single-family residences on two newly created lots that were established as part of the Douglas Road Planned Development Parcel Map. The residence on Parcel B is a split-level residence measuring approximately 4,855 square feet in area, 21 feet in height on the front elevation, and 30 feet in height on the rear elevation. The residence on Parcel C is a split-level residence measuring approximately 4,795 square feet in area, 22 feet in height on the front elevation, and 32 feet in height on the rear elevation. Both residences would be located at 500 Douglas Road, Parcels B and C (Assessor's Parcel Numbers 119-560-019 and 119-560-020, respectively).

Assistant Planner Sikela presented the information in the staff report and shared a slide deck with an overview of the project. He concluded by stating that staff recommended approval of the project, subject to conditions in the resolution attached to the staff report.

There were no questions from Commissioners. Chair Enea opened the public hearing on the item. Director Ayers advised that the applicants were present should Commissioners have any questions for them.

There being no other member of the public attending in person or virtually who wished to comment on the item, Chair Enea closed the public hearing.

There being no further comments from Commissioners, Chair Enea invited a motion on the item. Commissioner Casagrande moved to adopt the resolution attached to the staff report, approving a Site Plan Review Permit to allow the construction of two custom, detached single-family residences on two newly-created lots that were established as part of the Douglas Road Planned Development Parcel Map located at 500 Douglas Road (SPR-01-2024). Vice Chair Shulman seconded the motion. The motion passed by vote of 5 to 0.

## 8. COMMUNICATIONS

There were no communications Commissioners. Director Ayers advised that staff had received an appeal on the action taken by the Commission at its February 27, 2024 meeting, to approve an extension of the entitlement for the Oak Creek Canyon Residential Development. The matter would be presented to the City Council in the coming weeks.

**9. ADJOURNMENT**

The meeting was adjourned at 7:24 p.m. to the next regular meeting of the Planning Commission on April 9, 2024.

Respectfully submitted:

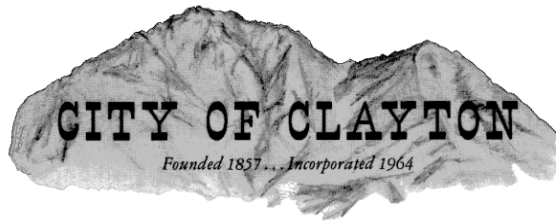
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Dana Ayers, AICP, Secretary

Approved by the Clayton Planning Commission:

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Richard Enea, Chair



## AGENDA REPORT

**To:** Honorable Chair and Planning Commissioners

**From:** Dana Ayers, AICP  
Community Development Director

**Date:** April 23, 2024

**Subject:** Agenda Item 7.A  
Scoping Session for the Environmental Impact Report for the Silver Oak Estates Project.

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### **SUMMARY**

This is a scoping session, held in accordance with Public Resources Code Section 21083.9 and California Environmental Quality Act Guidelines Section 15082(c)(1), for the purpose of soliciting spoken comments from interested parties, individuals and other public agencies as to the scope and content of the environmental impact report (EIR) that will analyze the potential environmental effects of approval of requests for a Vesting Tentative Map and Development Plan Permit for the proposed Silver Oak Estates Project, a proposed development of 32 single-family residences plus 3 accessory dwelling units on a 14.01-acre site located at 5701 Clayton Road (Assessor's Parcel Number [APN] 118-020-029) ("project").

### **RECOMMENDATION**

That the Commission provide and/or receive spoken comments on the scope of the environmental analysis in EIR to be prepared for the project. No response or action is requested of the Commission at this time.

### **BACKGROUND**

The proposed project involves the demolition of the existing residential structures and associated outbuildings on the project site and the construction of 32 new single-family residential units, 3 of which would include an accessory dwelling unit (ADU). Each residential unit would be two or three stories tall and include a two- or three-car garage. All of the residential units would front to internal streets within the project site. The single-family residential units would consist of four models that would range in size from 2,502 square feet to 3,709 square feet and would be located on individual lots that would range from 4,597 square feet to 10,095 square feet, with an average lot size of

6,071 square feet. The layout and size of each residence would vary based on the plan type but would range from four bedrooms and three bathrooms in the smallest plan type to five bedrooms and four bathrooms in the largest. The proposed project would have an overall density of 4.0 dwelling units per acre (du/ac).

Each of the residential lots on the project site would include private backyards that would be a minimum of 10 feet from the back of the house to the rear property line. In total, the proposed project would provide approximately 69,290 square feet of private rear yard open space. The proposed project would also include six open space parcels totaling 8.21 acres to protect the existing trees and riparian area associated with Mount Diablo Creek. This land would be maintained by the Homeowner Association (HOA). The open space parcels would include two landscaped bioretention facilities, totaling 15,156 square feet and three large, landscaped areas that would act as self-treating areas, bypassing the two bioretention facilities.

Vehicular access to the project site would be provided at two entry points along Oakhurst Drive, with one circular roadway (Silver Oak Estates Drive, a proposed private street). The eastern intersection of Silver Oaks Estates Drive and Oakhurst Drive would be a four-legged intersection and the primary access point for residents and guests; the western intersection would allow only right-turns into and out of the proposed project. Silver Oak Estates Drive would vary in width from 20 to 43 feet, and the right-of-way would vary in width from 21 to 48 feet. Interior streets would provide vehicular access to each of the residential units. As noted above, each of the residential units would include either a two- or three-car attached garage for a total of 64 garage parking spaces in two-car garages plus five tandem spaces in three-car garages. Pursuant to Clayton Municipal Code (CMC) Section 17.37.080, 20 of the lots would have driveways of at least 19 feet in depth in front of the garage that could accommodate parking for an additional 40 cars. An additional 32 street parking spaces would be provided on the internal streets for a total capacity of 141 on- and off-street parking spaces on the project site.

Pursuant to the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 *et seq.*), and the State CEQA Guidelines (California Code of Regulations Section 15000 *et seq.*), the City has determined that an EIR will be prepared to analyze the potential environmental effects of the project. In accordance with CEQA Guidelines Section 15082, on April 4, 2024, City staff mailed and emailed to interested parties and other public agencies copies of the NOP informing them of the City's intent to prepare an EIR and requesting their input on the scope of the analysis in the EIR.

The City is inviting members of the public and agencies to provide input on the identification of environmental issues and environmental effects that they believe should be considered and analyzed in the EIR, including adverse and beneficial environmental impacts, mitigation measures, and alternatives to the proposed project. Comments at this time are requested just on the environmental issues of concern related to approval and construction of the project, and not on the merits of the project itself. Upon completion of the environmental impact analysis, the proposed project will be presented to the Planning Commission for the Commission's consideration of approval or denial following a public hearing.



In addition to spoken comments this evening, interested parties and agencies may submit written comments in response to the NOP to Clayton Community Development Department staff through May 3, 2024.

### **CONCLUSION**

Staff requests that the Commission provide an opportunity for interested parties and agencies to provide spoken comments on environmental issues related to the project in response to the NOP. No action of the Commission is requested at this time.

### **ATTACHMENTS**

1. Notice of Preparation
2. Initial Study (online at [https://legacy.claytonca.gov/fc/community-development/planning/SilverOakEstates\\_InitialStudy\\_March2024.pdf](https://legacy.claytonca.gov/fc/community-development/planning/SilverOakEstates_InitialStudy_March2024.pdf))



**NOTICE OF PREPARATION AND NOTICE OF SCOPING MEETING FOR AN ENVIRONMENTAL IMPACT REPORT FOR THE SILVER OAK ESTATES PROJECT**

**Date:** April 3, 2024

**To:** State Clearinghouse  
State Responsible Agencies  
Agencies with Jurisdiction by Law  
Trustee Agencies  
Other Public Agencies  
Agencies/Organizations/Individuals Requesting Notice

**From:** City of Clayton

**Subject:** Notice of Preparation of an Initial Study and Draft Environmental Impact Report and Scoping Meeting for the Silver Oak Estates Project

The City of Clayton (City) is the Lead Agency under the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 *et seq.*) and will prepare an Environmental Impact Report (EIR) for the proposed Silver Oak Estates Project (proposed project) and will hold a public meeting to receive comments on the scope of the EIR, as detailed below. Pursuant to Section 15206 of the CEQA Guidelines (California Code of Regulations Section 15000 *et seq.*), the proposed project is considered a project of Statewide, regional, or areawide significance. The City, acting as the Lead Agency, determined that the proposed project could result in potentially significant environmental impacts and that an EIR is required.

The City will prepare an EIR to address the potential environmental impacts associated with the project consistent with CEQA Guidelines Sections 15161 and 15168. An Initial Study has been prepared along with this Notice of Preparation (NOP), which scopes out several environmental topics from further review. The focused EIR will address potential physical environmental effects of the proposed project that have not been scoped out, as outlined in CEQA. An evaluation of project alternatives that could reduce significant impacts will be included in the focused EIR. The proposed project, its location, and potential environmental effects are described below.

**NOTICE OF SCOPING MEETING:** Pursuant to Public Resources Code Section 21083.9 and CEQA Guidelines Section 15082(c)(1), the Lead Agency will conduct a public scoping meeting for the purpose of soliciting written comments from interested parties, responsible agencies, agencies with jurisdiction by law, trustee agencies,



transportation agencies, and involved federal agencies as to the appropriate scope and content of the focused EIR.

The public scoping meeting will be held during a regular meeting of the Clayton Planning Commission and will be an opportunity for agencies and interested parties to provide spoken comments on the scope of the focused EIR. City staff will be available during this meeting to provide clarification on the project and the environmental review process. Interested parties wishing to provide comments or public testimony can speak during the meeting or provide their comments in writing, as described under “Submittal of Written Comments” below. No decisions about the project will be made at the scoping meeting. A separate public hearing for the project will be scheduled after the completion of the EIR. The date, time, and location of the public scoping meeting is as follows:

**Date:** April 23, 2024, at 7:00 p.m.

**Location:** Hoyer Hall at Clayton Community Library, 6125 Clayton Road, Clayton, California

The meeting will be held in person, with accommodations provided as a courtesy for those who wish to attend and participate in the meeting remotely. Please note that while City staff will make every effort to facilitate virtual participation in the meeting, the City cannot guarantee that the public’s access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Brown Act, the meeting will continue despite technical difficulties for participants using the teleconferencing option.

To join the meeting on-line via smart phone, tablet or computer, click on the link: <https://us02web.zoom.us/j/89993329517>; or, through the Zoom application, enter **Webinar ID: 899 9332 9517**. No registration or meeting password is required.

Remote participants may also phone into the meeting by dialing toll free 877-853-5257. When prompted, enter the Webinar ID above.

**RESPONSIBLE AND TRUSTEE AGENCIES:** The City requests your agency’s views on the scope and content of the environmental information relevant to your agency’s statutory responsibilities in connection with the project, in accordance with the CEQA Guidelines, Section 15082(b). Your agency will need to use the EIR prepared by the City when considering any permits or other project approvals that your agency must issue. As such, your responses to this Notice of Preparation (NOP), at a minimum should identify: (1) the significant environmental issues and reasonable alternatives and mitigation measures that your agency will need to have explored in the EIR; and (2) whether your agency will be a responsible or trustee agency for this project.



**SUBMITTAL OF WRITTEN COMMENTS:** Due to the time limits mandated by State law, public agencies and members of the public are requested to send their responses to the NOP to the City at the address and person provided below as soon as possible but not later than 30 days after publication of the NOP, or Friday, **May 3, 2024**. Agencies and organizations are requested to provide a contact name in your organization for any further consultation. Please send your written comments to:

**Dana Ayers**  
**Community Development Director**  
**City of Clayton**  
**6000 Heritage Trail**  
**Clayton, CA 94517**

[danaa@claytonca.gov](mailto:danaa@claytonca.gov)

**Phone: 925-673-7300**

The Initial Study is available online at <https://claytonca.gov/community-development/planning/> under the “Environmental Review” tab. Paper copies are also available for review at the Clayton Community Development Department located on the 3<sup>rd</sup> floor of Clayton City Hall at 6000 Heritage Trail, Clayton, California.

**PROJECT LOCATION AND EXISTING CONDITIONS:** The approximately 14.01-acre project site consists of one parcel located at 5701 Clayton Road in the city of Clayton, Contra Costa County (Assessor’s Parcel Number [APN] 118-020-029), as shown in Figure 1. The project site is located in northwestern Clayton in an area consisting primarily of residential uses. The project site is bounded by Oakhurst Drive to the north, the Oakhurst Country Club Golf Course to the east, Mount Diablo Creek and the George Cardinet Trail to the south, and single-family residential uses and Lydia Lane Park to the west.

The project site is designated as Single-Family Medium Density (MD) on the City of Clayton General Plan Land Use Map and is within the Planned Development (PD) zoning district. The project site is improved with several existing structures, including two single-family residences, several barns and stables, a water tower, paved and graveled roadways, and various fences around and through the property. Agricultural activities that previously occurred on the project site have ceased, and the main home on the project site was previously damaged by a fire and has been abandoned.

**PROJECT DESCRIPTION:** The proposed project involves the demolition of the existing residential structures and associated outbuildings on the project site and the construction of 32 new single-family residential units, 3 of which would include an accessory dwelling unit (ADU). Each residential unit would be two or three stories and include a two- or three-car garage. All of the residential units would front to internal streets within the project site. The single-family residential units would consist of four



models that would range in size from 2,502 square feet to 3,709 square feet and would be located on individual lots that would range from 4,597 square feet to 10,095 square feet with an average lot size of 6,071 square feet. The layout and size of each residence would vary based on the plan type but would range from four bedrooms and three bathrooms in the smallest plan type to five bedrooms and four bathrooms in the largest. The proposed project would have an overall density of 4.0 dwelling units per acre (du/ac).

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Vehicular access to the project site would be provided at two entry points along Oakhurst Drive, with one circular roadway (Silver Oak Estates Drive, a proposed private street). The eastern intersection of Silver Oaks Estates Drive and Oakhurst Drive would be a four-legged intersection and the primary access point for residents and guests; the western intersection would allow only right-turns into and out of the proposed project. Silver Oak Estates Drive would vary in width from 20 to 43 feet, and the right-of-way would vary in width from 21 to 48 feet. Interior streets would provide vehicular access to each of the residential units. As noted above, each of the residential units would include either a two- or three-car attached garage for a total of 64 garage parking spaces in two-car garages plus five tandem spaces in three-car garages. Pursuant to Clayton Municipal Code (CMC) Section 17.37.080, 20 of the lots would have driveways of at least 19 feet in depth in front of the garage that could accommodate parking for an additional 40 cars. An additional 32 street parking spaces would be provided on the internal streets for a total capacity of 141 on- and off-street parking spaces on the project site.

**PROJECT ENTITLEMENTS:** The project as proposed would require Lead Agency discretionary approvals of a Development Plan Permit and Vesting Tentative Subdivision Map, as well as ministerial approvals that include the final subdivision map, grading permits, building permits, encroachment permits and utility connections.

**PROBABLE ENVIRONMENTAL EFFECTS:** An Initial Study for the proposed project, which is available for review online and at the Community Development Department (as listed above), has been prepared to evaluate the potential environmental impacts of the proposed project. Based on the conclusions in the Initial Study, the following topics will be scoped out of the EIR: aesthetics; agriculture and forestry resources; biological



resources; cultural resources; energy; geology and soils; hydrology and water quality; land use and planning; mineral resources; noise; population and housing; public services; recreation; tribal cultural resources; utilities and service systems; and wildfire. These topic areas were adequately analyzed in the Initial Study, which will be included as an appendix to the focused EIR. Therefore, the focused EIR will analyze whether the proposed project would have a significant environmental impact in the following areas:

- Air Quality;
- Greenhouse Gas Emissions;
- Hazards and Hazardous Materials; and
- Transportation

**ALTERNATIVES:** Based on the significance conclusions determined in the EIR, alternatives to the proposed project will be identified and analyzed to reduce identified impacts. Section 15126.6(e) of the CEQA Guidelines requires the evaluation of a No Project Alternative. Other alternatives may be considered during preparation of the EIR and will comply with the CEQA Guidelines, which call for a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.

**EIR PROCESS:** Following the close of the NOP comment period, a draft EIR will be prepared that will consider all NOP comments. In accordance with CEQA Guidelines Section 15105(a), the draft EIR will be released for public review and comment for a required minimum 45-day review period. Following the close of the 45-day public review period, the City will prepare a final EIR, which will include responses to all substantive comments received on the draft EIR. The draft EIR and final EIR will be considered by the City decision-making bodies in making the decision to certify the EIR and approve or deny the project.



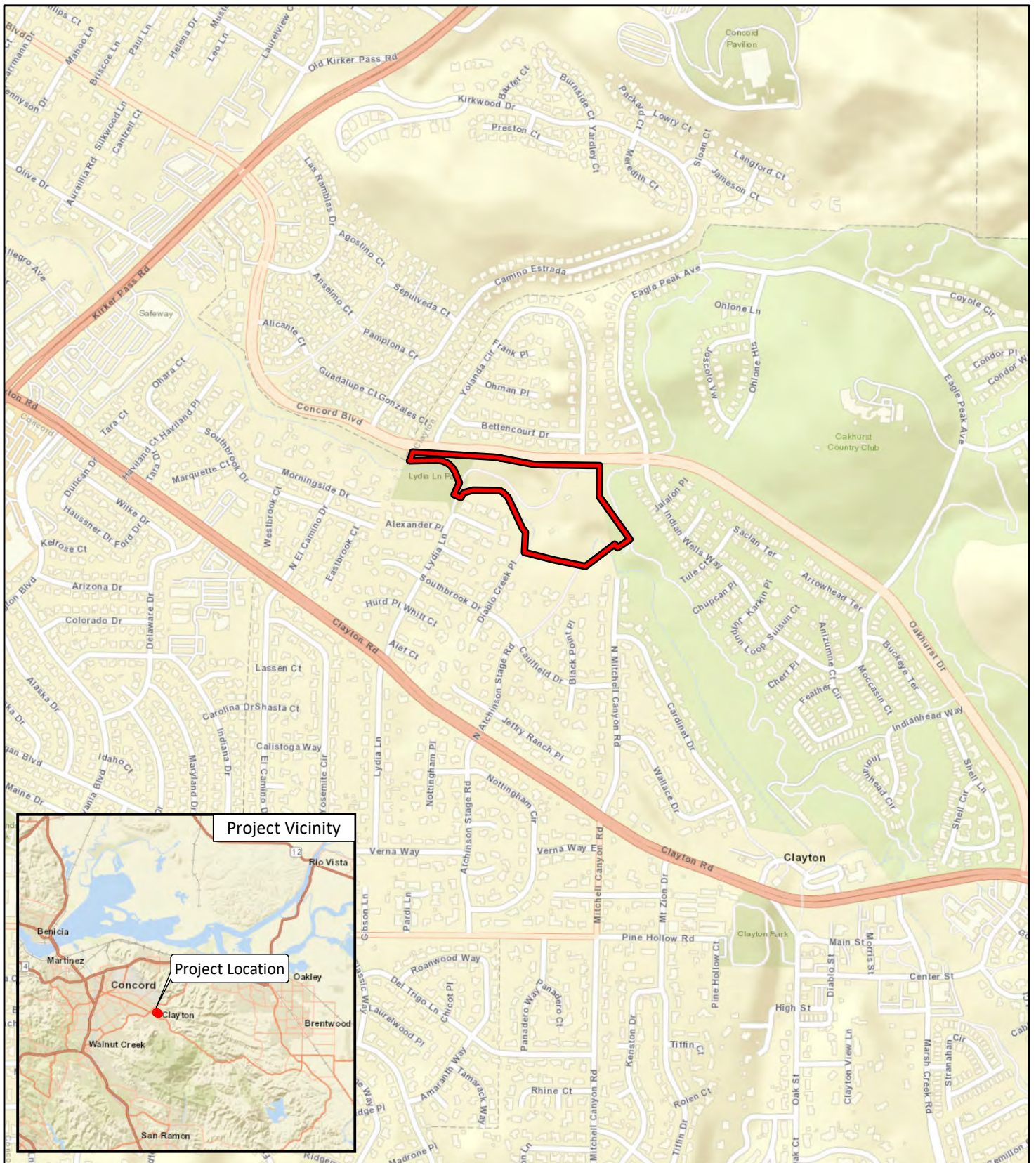


FIGURE 1

**LSA**

**LEGEND**

 Project Location



SOURCE: Esri World Street Map (2022)

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Silver Oak Estates Subdivision Project  
Regional and Project Location



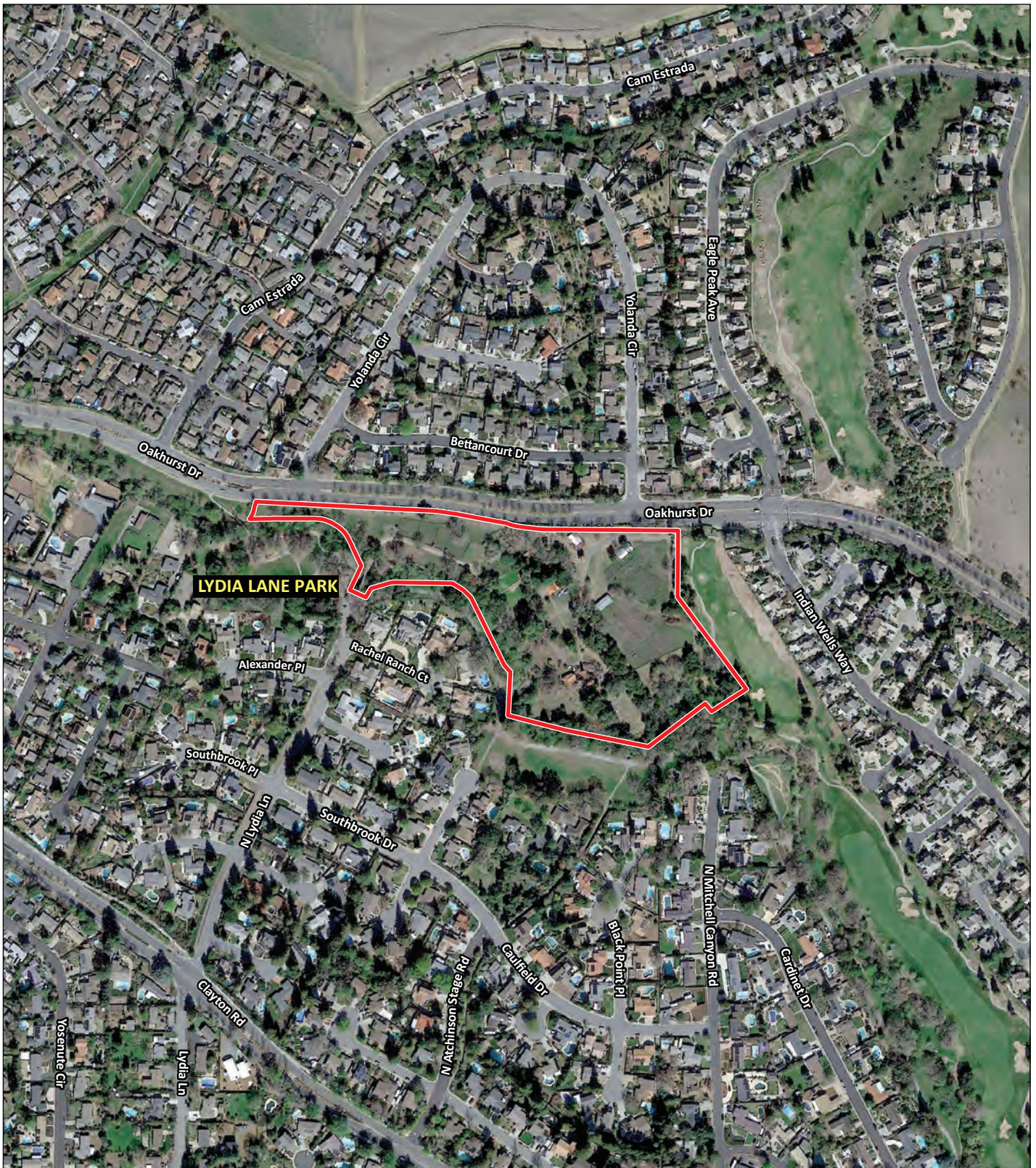
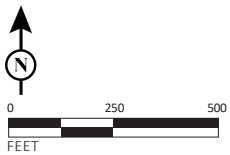


FIGURE 2

LSA

 Project Site Boundary



*Silver Oaks Estates Subdivision Project*

Aerial Photograph of the Project Site and Surrounding Land Uses

SOURCES: Google Earth, 2/24/2021; LSA, 2022

I:\G\CLY2201\Figure 2-2\_Aerial Photo&Surrounding LU.ai (7/26/2022)