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DATE: April 27, 2016

TO: State Clearinghouse
State Responsible Agencies
State Trustee Agencies
Other Public Agencies
Interested Organizations and Persons

Lead Agency: City of Clayton
Community Development Department
City Hall, 3rd Floor
6000 Heritage Trail
Clayton, CA 94517
Contact: Mindy Gentry, Community Development Director
(925) 673-7343
[mgentry@ci.clayton.ca.us](mailto:mgency@ci.clayton.ca.us)

SUBJECT: Notice of Preparation (NOP) of a Draft Environmental Impact Report and Scoping Meeting for the Silver Oak Estates Project

The City of Clayton is the lead agency for the preparation of an Environmental Impact Report (EIR) for the Silver Oak Estates Project (proposed project). The document will be prepared in compliance with the California Environmental Quality Act (CEQA). CEQA Guidelines Section 15082 states that once a decision is made to prepare an EIR, the lead agency (the City of Clayton) must prepare a Notice of Preparation (NOP) to inform all responsible and trustee agencies that an EIR will be prepared. The purpose of the NOP is to provide sufficient information describing the proposed project and the potential environmental effects in order to enable responsible and trustee agencies to make a meaningful response regarding the scope and content of the information that should be included in the EIR. Comments are also being solicited from the public.

SCOPING MEETING: On May 9, 2016, from 6:00 PM to 8:00 PM, the City of Clayton will conduct a public scoping meeting to solicit input and comments from public agencies and the general public on the scope of the Draft EIR being prepared for the Silver Oak Estates Project. **This meeting will be held at Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA 94517.**

The public scoping meeting will be an open house format and interested parties may drop in to review the proposed project exhibits and submit comments at any time between 6:00 PM and 8:00 PM. Representatives from the City of Clayton, the EIR consultant, and the Applicant will be available to address questions regarding the EIR process. Members of the public may provide written comments in the form of letters or on comment forms available at the meeting. In addition, a stenographer will be present and will have a designated area at the meeting that attendees can visit to provide oral comments.

If you have any questions regarding this scoping meeting, contact the Clayton Community Development Director, Mindy Gentry, at mgentry@ci.clayton.ca.us, or (925) 673-7343.

COMMENT PERIOD: Consistent with the time limits mandated by State law, your input, comments or responses must be received in writing and sent at the earliest possible date, but not later than 5:00 PM, May 26, 2016.

COMMENTS/INPUT: Please send your input, comments or responses (including the name for a contact person in your agency) to:

ATTN: Mindy Gentry, Community Development Director
City of Clayton Community Development Department
City Hall, 3rd Floor
6000 Heritage Trail
Clayton, CA 94517
mgentry@ci.clayton.ca.us

PROJECT BACKGROUND:

The City of Clayton previously prepared an Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed project in September 2014 in conformance with CEQA Guidelines Section 15071 and Appendix G of the Guidelines. The IS/MND was made available for public review starting on September 5, 2014. While CEQA Guidelines Section 15073(a) requires a minimum 30-day public review period for IS/MND documents submitted to the State Clearinghouse, the public review period for the Silver Oak Estates IS/MND was extended to November 20, 2014 (a total of 77 days) at the direction of the City of Clayton Planning Commission at its September 23, 2014 meeting to accept comments on the Silver Oak Estates IS/MND. In response to the substantial number of comments received from the community on the proposed project, the project applicant, in consultation with the City of Clayton, has chosen to proceed with the preparation of an EIR, rather than continuing to process the IS/MND.

Project Location and Setting

The proposed project is located along Concord Boulevard and Oakhurst Drive in Clayton, at the northern terminus of Lydia Lane (see Figure 1 and Figure 2). (Please note that all figures referenced are provided at the end of this document). The project area contains several buildings associated with the former Yolanda Estate, later known as the Hurd Ranch. The main house was destroyed by fire in 2009 and the destroyed remains are still present on the site. In addition, the property contains an existing dwelling, a garage, a tank house, a bath house, and several horse

barns. The horse barns are newer and were not part of the original estate. An unimproved road currently winds its way through the site. The property is approximately 14 acres and identified as 5701 Clayton Road (Assessor Parcel Number 118-020-029).

The vegetation on the site consists of approximately 1.26 acres of oak woodland, 3.02 acres of ornamental landscaped or barren areas, 2.75 acres of pastoral, 6.6 acres of riparian woodland, and 0.23-acre of ruderal. An old fruit orchard occurs on the southern portion of the proposed project site. The riparian woodland is associated with Mount Diablo Creek, which runs through the site along the southern and western boundaries. Approximately 302 trees currently exist on-site. The City of Clayton General Plan Land Use Element designates the project site as Single Family Medium Density (MD) (3.1 to 5 units per acre). The site has a City zoning designation of Planned Development (PD).

The Silvercreek II residential subdivision is located north of the proposed project site, across Oakhurst Drive. The Oakhurst Country Club Golf Course and Black Diamond residential subdivision are located east of the proposed project site. West of the proposed project site is Lydia Lane Park and south of the site are the George Cardinet Trail and the Rachel Ranch residential subdivision.

Project Components

Detailed descriptions of the proposed project components are provided below.

Development Plan (DP-01-10)

The Development Plan for the proposed project includes a total of 59 residential units, including single-family and multi-family, as well as non-residential uses such as open space. The residential units would be composed of 28 attached townhomes (Lots 1-16, 41-52) in seven buildings in the northeastern corner of the site, 24 attached “green court” townhomes (Lots 17-40) in four buildings in the central/south-central portion of the site, and seven single-family detached homes (Lots 53-59) in the western portion of the project site. A residential entry gate is proposed to be installed along Silver Oak Estates Drive to demarcate the proposed single-family detached homes from the proposed single-family attached homes.

The 24 green court townhomes are so-named because they abut on-site open space areas (i.e., the Habitat Conservation Plan easement area along Mount Diablo Creek). The 24 green court units are proposed to be two- and three-story units, with a maximum height of 37 feet, 9 inches, and a garage on the first level. The green court townhomes would range in size from 1,155 square feet to 1,320 square feet, with an average size of 1,228 square feet. The other 28 townhome units are proposed to be three-story, with a maximum height of 38 feet, 8 inches, and a garage on the first level. The 28 townhome units would range in size from 1,113 square feet to 1,272 square feet, with an average size of 1,200 square feet. The seven (7) single-family homes are proposed to be two-story. The seven detached single-family homes would have typical lot dimensions of 70 feet wide by 100 feet deep, with lots ranging from 4,785 square feet to 9,306 square feet for an average lot size of 6,444 square feet.

Affordable Housing Plan

In order to meet the project's affordable housing obligations per Implementation Measure I.2.1 of the City's Housing Element, the Development Plan submittal for the project includes an Affordable Housing Plan. The project applicant proposes to include six affordable housing units on the project site.

Habitat Conservation Plan for the Proposed Project

In order to comply with the East Contra Costa County Habitat Conservation Plan (ECCCHCP), the Development Plan submittal includes a Habitat Conservation Plan (HCP) for the proposed project. The applicant has submitted an HCP exhibit identifying the HCP easement area, adjacent to Mount Diablo Creek, and the required development setbacks from the Creek. The project HCP, included as Figure 3, has been revised based upon comments submitted by the East Contra Costa County Habitat Conservancy.

The HCP easement area comprises approximately 6.53 acres, including a minimum 50-foot required setback from the top-of-bank of Mount Diablo Creek. This area will be recorded on the title of the property as a deed-restricted conservation area consistent with the requirements of the ECCCHCP. This conservation area will protect Mount Diablo Creek and its associated riparian woodland habitat. The northern/eastern limits of the conservation area, where it abuts the proposed development, is proposed to be fenced with fencing, four-feet in height, to protect the conservation area from outside influences.

Open Space Areas

Several types of open space are included in the project per ECCCHCP and City of Clayton Planned Development requirements. Parcels A through F, as well as Parcel K, total 8.43 acres, and comprise the dedicated open space areas of the project (see Figure 4, Open Space Plan). The open space types are as follows:

- a. *Habitat Conservation Plan Easement.* This approximately 6.53-acre area will be recorded on the title of the property as a deed restricted conservation area consistent with the requirements of the ECCCHCP. This conservation area will protect Mount Diablo Creek and its associated riparian woodland habitat. The northern/eastern limits of the conservation area, where it abuts the proposed development, is proposed to be fenced with fencing, four-feet in height, to protect the conservation area from outside influences.
- b. *Passive Open Space.* The majority of Parcels B and E, as well as the entirety of Parcel F, comprise the passive open space areas of the project, which total 1.31 acres. According to Clayton Municipal Code Section 17.04.150(B), Passive Open Space means "...an area which provides visual relief to developed areas, exclusive of any area devoted to parking, vehicular movements, storage, private use (unless subject to development restrictions by a conservation easement), or any other area which does not significantly lend itself to the overall benefit of either the particular development or surrounding lands."
- c. *Active Open Space.* Portions of Parcels B and E, as well as the entirety of Parcel K, comprise the active open space areas of the project, which total 0.59-acre. Parcel K, located

amongst the green court units, is the proposed location of the swimming pool for project residents. Clayton Municipal Code Section 17.04.150 defines *Active Open Space* as "...an outdoor area on the ground, roof, balcony, deck, or porch which is designed and used for outdoor living, recreation, pedestrian access, or landscaping. The areas shall not be for the use of parking, vehicular movements, or storage."

Parking

The seven detached single-family homes would each have a two-car garage, with driveway space to accommodate an additional two cars, for a total of 28 total parking spaces. As mentioned above, a garage would be provided on the first level of each of the green court and townhome units. Twenty-six of the units would provide garages sufficient for three cars and the remainder of the units would have garages sufficient for two cars, for a total of 130 parking spaces associated with the single-family residential attached portion of the project. In addition, 37 guest spaces, one (1) accessible van space, and two (2) accessible car spaces would be provided, for an overall total of 198 parking spaces for the proposed project.

Roadway and Emergency Access

Primary access to the project site would be provided via a private roadway (referred to as Silver Oak Estates Drive) off of Oakhurst Drive, located opposite the eastern Yolanda Circle intersection. Parcels G and H, consisting of 1.48 acres, comprise the right-of-way of Silver Oak Estates Drive. All units would be able to access the project from Oakhurst Drive. In addition, restricted access to the project would be provided via the northern terminus of Lydia Lane, over the existing bridge. Only the seven (7) single-family detached homes (Lots 53-59) would be able to utilize this gated access point. The seven homes would also have a gated access at the cul-de-sac terminus of Silver Oak Estates Drive, via a private driveway. Townhome and green court residents within the project would not be able to use this gated access point, nor the private driveway leading to the southern Lydia Lane access point.

One emergency vehicle access (EVA) point is included at the northwestern end of the project site, near Lots 57 and 58. This EVA point would connect to Oakhurst Drive. The EVA would include a locked gate that can be opened by emergency response personnel via a Knox Box.

Landscape Plan

The proposed Landscape Plan for the project illustrates that trees would be planted along Silver Oak Estates Drive to enhance the aesthetics of the internal streetscape (see Figure 5 for the landscaping plan). Enhancement tree plantings would also be included north of the HCP easement area and adjacent to the open space areas on Parcels B and E. Proposed trees include but are not limited to native trees such as California Buckeye, Fremont cottonwood, Coast live oak, and Valley oak. Flowering accent trees and shrubs would also be planted in the townhome parking lot areas for screening and aesthetics purposes.

Parks and Trails

The Landscape Plan also illustrates that a tot lot (with seating area) would be included south of the proposed swimming pool and cabana, adjacent to the green court units. In addition, a walking trail would be provided at the southeastern corner of the project site, which would connect to the existing trail located adjacent to the Oakhurst Golf Course and which provides connectivity to the George Cardinet Trail located south of the project site, across Mount Diablo Creek.

Storm Drainage Infrastructure

In order to comply with C.3 stormwater infiltration standards, the project includes three bio-retention facilities, also referred to as Integrated Management Practices (IMPs). These IMPs have been designed to serve as water quality treatment facilities as well as flow control facilities. The impervious areas of the project site have been divided into three distinct drainage management areas that enter the treatment IMPs via sheet flow and piping. After infiltration in the IMPs, the treated stormwater enters the storm drain system, and ultimately outfalls into Mount Diablo Creek.

Sewer Infrastructure

The project includes a connection to the existing sanitary sewer manhole, south of Mount Diablo Creek, along the George Cardinet Trail, via a new eight-inch sanitary sewer line, which would be installed across Mount Diablo Creek. Two options exist for constructing this sewer line across the creek: 1) via jack-and-bore; or 2) via open trenching during the dry season.

Water Infrastructure

The proposed project includes a connection to the existing 12-inch water main within Oakhurst Drive. From this point of connection, an eight-inch water main would be extended in Silver Oak Estates Drive and throughout the residential areas for water service purposes.

Vesting Tentative Map (MAP-01-10)

A Vesting Tentative Map (VTM) is proposed for the Silver Oak Estates Project (Subdivision 8516) that would subdivide the single parcel of approximately 14 acres into 11 non-residential parcels and 59 residential lots (see Figure 6 for the Vesting Tentative Map). As described in the Development Plan section above, the 59 residential units would be comprised of single-family detached and single-family attached units, as well as non-residential uses such as open space. The parcel/lot summary is provided below in Table 1.

**Table 1
Parcel/Lot Summary**

Parcel	Area (acres)	%	Use
A	5.51	39.3	Open Space
B	1.28	9.1	Open Space
C	1.54	11.0	Open Space
D	0.71	5.0	Open Space
E	0.54	3.9	Open Space
F	0.22	1.6	Open Space
G	0.78	5.6	Roadway
H	0.70	5.0	Roadway
I	0.002	0	Existing Well
J	0.005	0	Existing Water Meter
K	0.22	1.6	Pool/Open Space
LOTS 53-59	1.02	7.5	Single-Family
Lots 1-52	1.45	10.4	Townhouse
TOTAL	14.00	100	

Tree Removal Permit (TRP-14-14)

The applicant has submitted a Tree Removal Permit application to the City for the removal of on-site trees within the proposed development footprint. In accordance with the Clayton Municipal Code (15.70.025(E)), a Tree Replacement Plan will be required.

Project Entitlements

The proposed project requires consideration for approval of the following discretionary actions by the City of Clayton for the development of a total of 59 residential lots on the approximately 14-acre site:

- Development Plan (DP-01-10) for a Planned Development project and the following subcomponents:
 - Affordable Housing Plan for six on-site units;
 - Habitat Conservation Plan for the project site in accordance with the East Contra Costa County Habitat Conservation Plan;
- Vesting Tentative Map (MAP-01-10) for the subdivision of the site into 52 townhome lots, 7 single-family home lots, and 11 parcels for various uses, including open space, roadways, stormwater detention basins, existing well, and water meter; and
- Tree Removal Permit (TRP-14-14) for the removal of protected trees, as defined in Section 15.70.015 of the Clayton Municipal Code. A Tree Replacement Plan is also required for the project prior to issuance of a tree removal permit.

Additional permits and approvals from other agencies may be necessary prior to the development of the project.

PROBABLE ENVIRONMENTAL EFFECTS

The City has determined that the EIR should address impacts pertaining to the impact topics identified below. The remaining topics contained in Appendix G of the CEQA Guidelines will be addressed in the Initial Study that will be included as an appendix to the EIR.

Each technical chapter of the EIR will include an introduction, discussion of the existing environmental setting, regulatory context, standards of significance, method of analysis, evaluation of potential project-level and cumulative impacts, and mitigation measures associated with the resource area. The method and criteria used for determining the adverse impacts will be clearly and explicitly described, including any assumptions, models, or modeling techniques used in the analysis. For each significant impact, feasible mitigation measures, if available, will be identified and the level of significance after mitigation will be stated. Mitigation measures will identify the timing of the mitigation and the entities responsible for implementation.

Aesthetics – The Aesthetics chapter of the EIR will summarize existing regional and project area aesthetics and visual setting. The chapter will describe project-specific aesthetics issues regarding buildout of the project area such as scenic vistas, trees, historic buildings, existing visual character or quality of the study area, as well as light and glare. Potential impacts to views of the site and surrounding vicinity, which are available from nearby roadways and neighborhoods, will be assessed using pre- and post-project visual simulations.

Air Quality and Greenhouse Gas Emissions – The Air Quality and Greenhouse Gas Emissions chapter of the EIR will summarize setting information and identify potential impacts related to construction and operational emissions of criteria air pollutants, greenhouse gas (GHG) emissions, and the cumulative contribution to regional air quality that may result from the proposed project.

Air Quality Analysis

The air quality analysis for the proposed project will be performed utilizing the industry-standard California Emissions Estimator Model (CalEEMod) software program and following the Bay Area Air Quality Management District's (BAAQMD) CEQA Guidelines. The air quality impact analysis will include a quantitative assessment of short-term (i.e., construction) and long-term (i.e., operational) increases of criteria air pollutant emissions (i.e., ROG, NO_x, PM₁₀ and PM_{2.5}) associated with the proposed project. The significance of air quality impacts will be determined in comparison to BAAQMD-recommended significance thresholds.

Greenhouse Gas (GHG) Analysis

The GHG analysis will include a discussion of the current regulatory environment for GHG emissions and climate change. The CalEEMod software program will be used to produce an estimate of GHG emissions for the proposed project, which will be expressed in units of carbon dioxide equivalents. Consistent with Appendix G of the CEQA Guidelines, the chapter will evaluate whether the project's emissions will generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and/or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs.

The Air Quality and Greenhouse Gas Emissions chapter will also address Appendix F of the CEQA Guidelines, which requires consideration of the potential energy impacts resulting from a project.

Biological Resources – The Biological Resources chapter of the EIR will include a discussion the project’s potential effects to plant communities, wildlife, and waters of the U.S., including adverse effects on rare, endangered, candidate, sensitive, special-status plant and animal species and any other unique biotic resource known to occur within the vicinity of the project site. The chapter will address potential impacts to Mount Diablo Creek along the southern boundary of the project site, as well as existing oak and riparian woodlands, including protected on-site trees. The Biological Resources chapter will also include a discussion of the project’s consistency with the East Contra Costa County Habitat Conservation Plan.

Cultural Resources – The Cultural Resources chapter of the EIR will summarize the prehistoric and historic settings for the project area, as well as the regulatory context for evaluating potential impacts to cultural resources. The chapter will include a discussion of the project’s potential effects to historical and archaeological resources based on site-specific survey information, as well as information on file with the California Historical Resources Information System, Native American Heritage Commission, and other relevant literature.

Geology and Soils – The Geology and Soils chapter of the EIR will summarize the setting and describe the potential effects from soil erosion, earthquakes, liquefaction, and expansive soils. The chapter will also include an assessment of the stability of the banks of Mount Diablo Creek. The geology and soil characteristics of the site have been determined through on-site exploratory soil borings, which are presented in site-specific geotechnical reports. The findings and recommendations in the Geology and Soils chapter will be based upon these geotechnical reports.

Hazards and Hazardous Materials – The Hazards and Hazardous Materials chapter of the EIR will summarize the setting and describe any potential for existing or possible hazardous materials within the project area. Site-specific environmental site assessments will be used to confirm the presence or absence of hazardous materials on-site, including, but not limited to, persistent organochlorine pesticides, petroleum containers, and structures containing asbestos and/or lead-based paint. The potential for people or structures to be exposed to a significant risk associated with wildland fires will be assessed using a vegetation and fuels management plan to be provided for the proposed project.

Hydrology and Water Quality – The Hydrology and Water Quality chapter of the EIR will summarize setting information and identify potential impacts related to stormwater drainage, flooding, groundwater, and water quality. The chapter will evaluate the project’s compliance with applicable C.3 stormwater treatment and control regulations. Compliance with said stormwater regulations will be addressed in the proposed project’s Stormwater Control Plan, the pertinent parts of which will be incorporated into the Hydrology and Water Quality chapter. The chapter will also evaluate the potential for the project to place housing within a 100-year flood hazard area, or place within a 100-year flood hazard area structures which would impede or redirect flood flows.

Noise – The Noise chapter of the EIR will be based on a project-specific noise assessment. The Noise chapter will evaluate potential impacts to nearby sensitive receptors due to the proposed

project, including short-term construction noise and vibration, increases in traffic noise along surrounding roadways, and any on-site stationary noise sources associated with the proposed project.

Public Services – The Public Services chapter of the EIR will summarize setting information and identify potential new demand for services, including fire, police, schools, parks, and recreation. Consultation with the appropriate City and other agency representatives (e.g., Contra Costa County Fire Protection District, Mt. Diablo Unified School District, etc.) will be conducted to address public services and to obtain the most up-to-date information. In accordance with Appendix G of the CEQA Guidelines, the focus of the analysis within the Public Services chapter will be on whether the project would result in substantial adverse physical impacts associated with the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services.

Transportation and Circulation – The Transportation and Circulation chapter of the EIR will be based on the project-specific Transportation Impact Analysis. The Transportation Impact Analysis evaluates the following two study intersections for existing conditions, baseline conditions (existing traffic plus anticipated traffic from approved developments in the study area), baseline plus project conditions, cumulative no project conditions, and cumulative plus project conditions:

- Oakhurst Drive at Yolanda Circle (Unsignalized), and
- Kirker Pass Road and Concord Boulevard

For the Kirker Pass Road and Concord Boulevard intersection, maximum queues will be measured on the northbound left turn movement from Concord Boulevard onto westbound Kirker Pass Road. The existing queue information will constitute the baseline condition from which the project's potential to impact the left-turn queue will be assessed.

Intersection levels of service (LOS) for all traffic scenarios will be compared to the City of Clayton's established LOS thresholds to determine if any traffic impacts will result from the proposed project. Vehicle miles traveled will also be evaluated for the proposed project.

In addition, the Transportation and Circulation chapter will include a discussion of proposed emergency access and site access points and evaluate whether such circulation components would result in design hazards or compatibility conflicts with surrounding uses. The chapter will also include a discussion of the project's consistency with adopted plans and policies concerning alternative modes of transportation, including pedestrian, bicycle, and transit networks.

Statutorily Required Sections – The Statutorily Required Sections chapter of the EIR will include a summary of the proposed project's significant and unavoidable and growth-inducing impacts, to the extent that such impacts are identified in the EIR analysis. The chapter will also include a summary of the cumulative impact analyses, which will be provided in each technical chapter of the EIR. The cumulative setting for each topic evaluated in the EIR will be identified in this chapter.

ALTERNATIVES ANALYSIS

In accordance with Section 15126.6(a) of the CEQA Guidelines, a reasonable range of project alternatives will be analyzed and an Alternatives Analysis chapter will be prepared for the EIR. The alternatives will be analyzed at a level of detail less than that of the proposed project; however, the analyses will include sufficient quantitative detail to allow a meaningful comparison of the impacts. The Alternatives Analysis chapter will describe the alternatives and identify the environmentally superior alternative. Any alternatives considered but dismissed from further analysis will also be presented, including the reasons for dismissing the alternative(s) from consideration.

Figure 1
Regional Location Map



Figure 2
Project Location Map

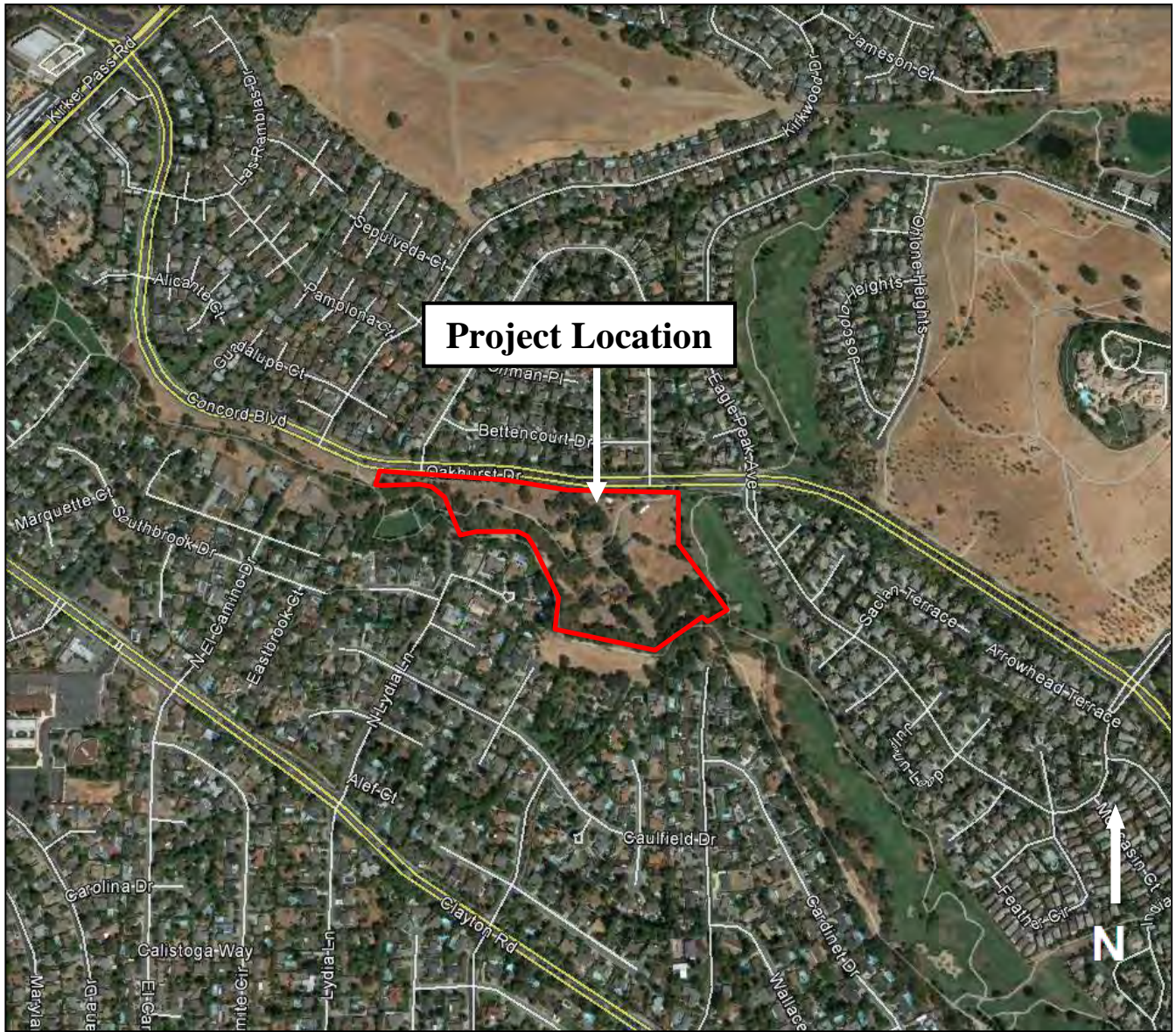


Figure 3
HCP Exhibit for Silver Oak Estates

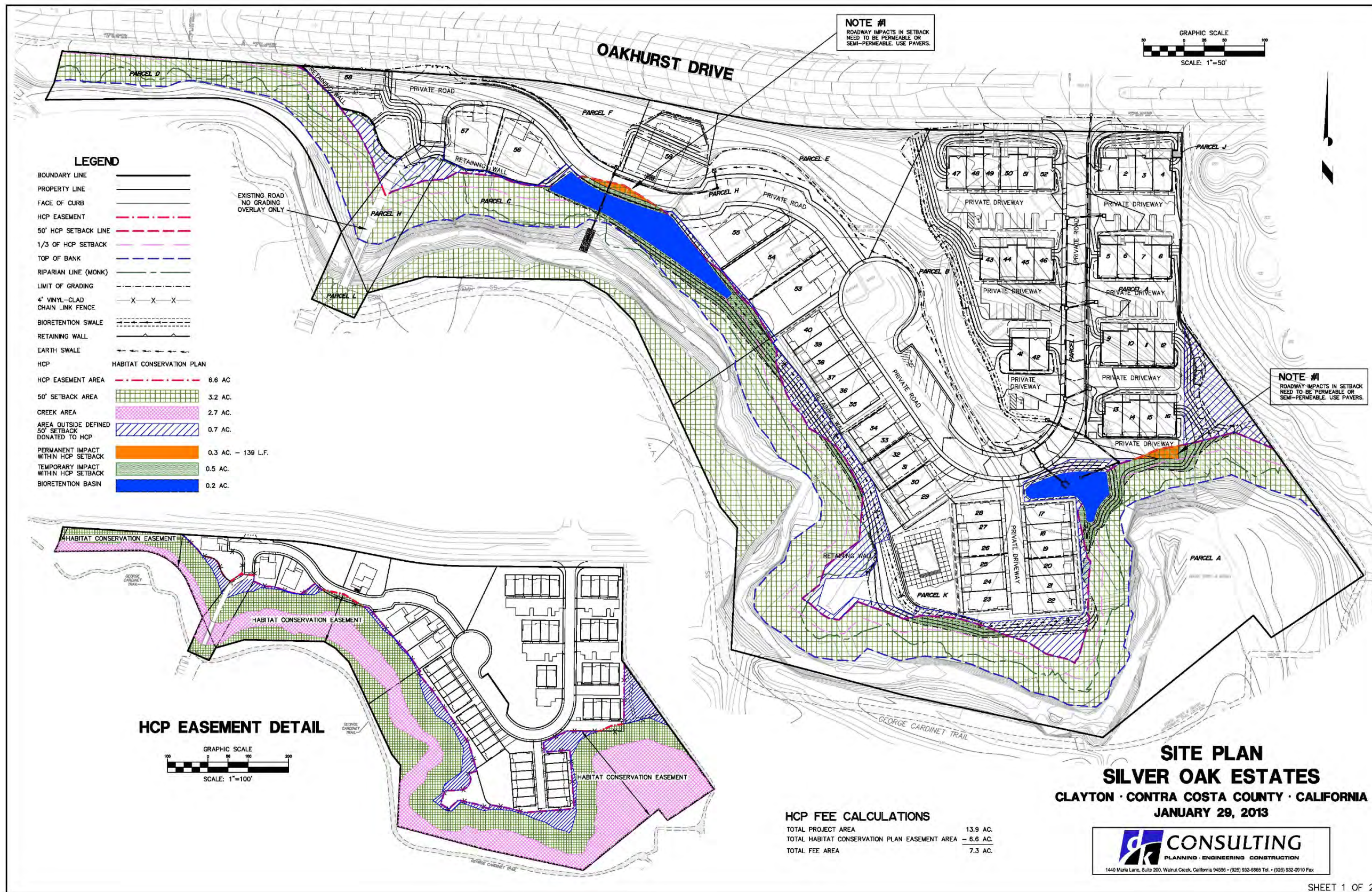
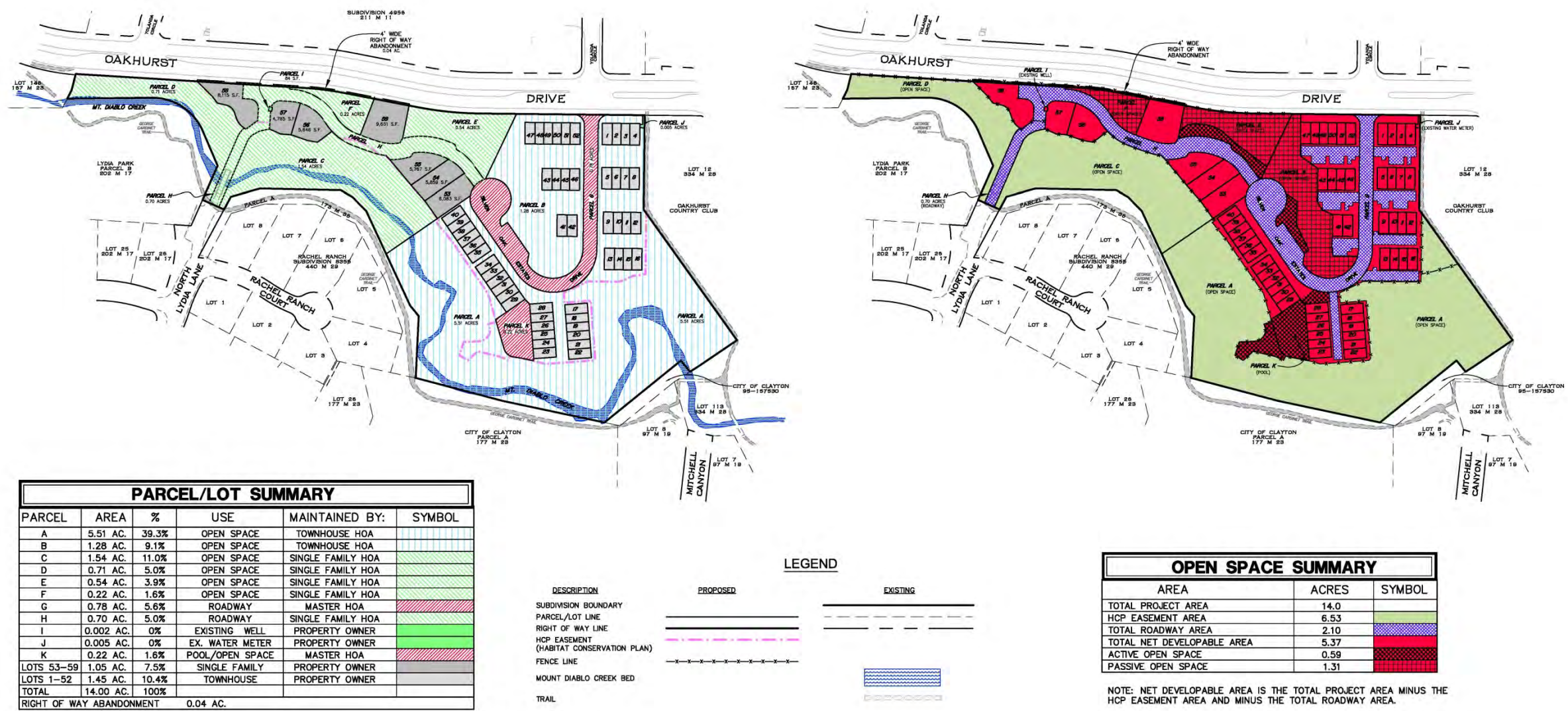


Figure 4
Open Space Plan



DEVELOPMENT PLAN
VESTING TENTATIVE MAP
SUBDIVISION 8516
OPEN SPACE PLAN
CITY OF CLAYTON
CONTRA COSTA COUNTY, CALIFORNIA
dk JOB NO. 08-1022-11
SHEET 7 OF 11

Figure 5
Preliminary Landscape Plan

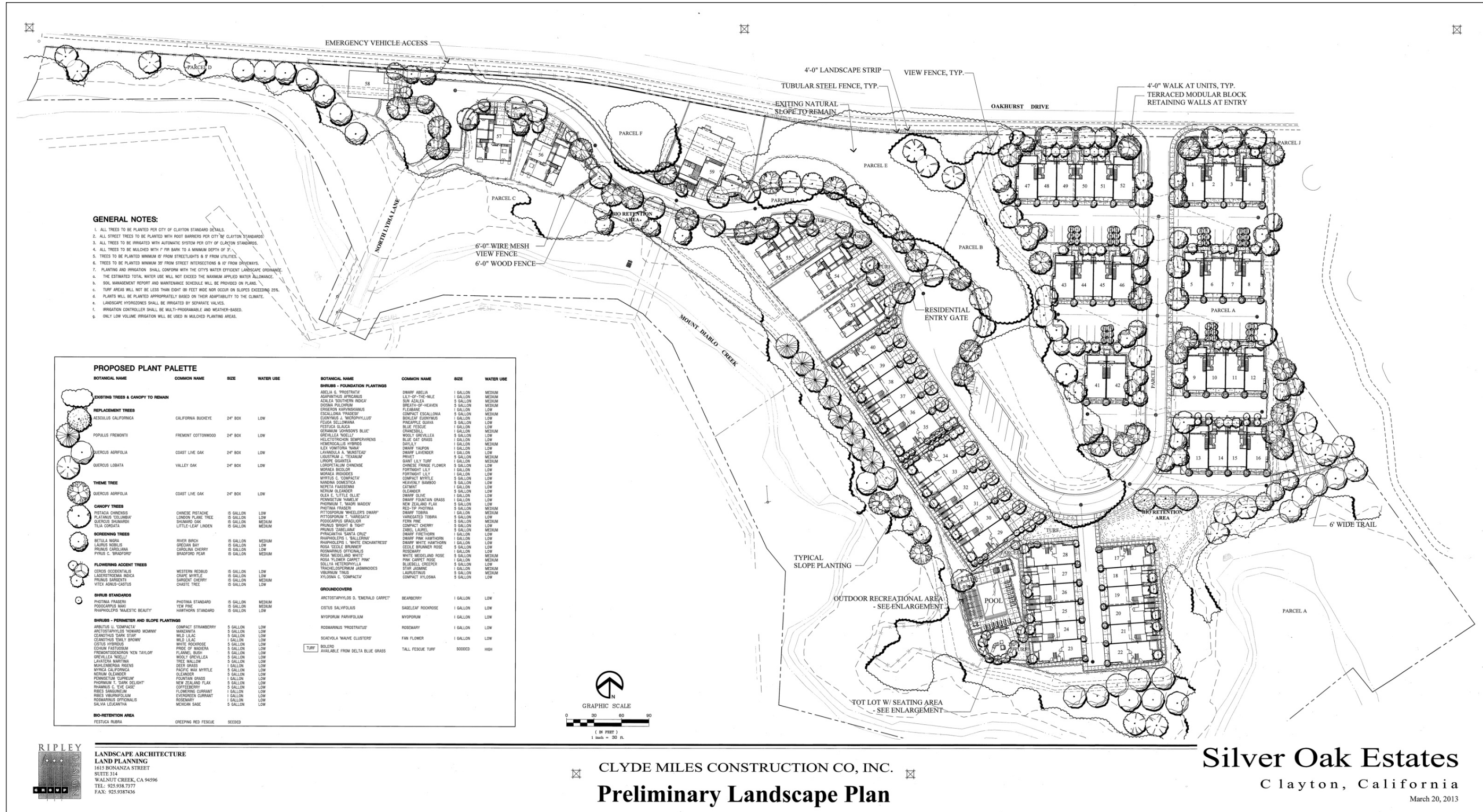


Figure 6
Vesting Tentative Map

