

NOTICE OF DETERMINATION

To: Contra Costa County Clerk
555 Escobar Street
Martinez, CA 94553

State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

From: City of Clayton (Lead Agency)
Community Development Department
6000 Heritage Trail
Clayton, CA 94517
(925) 673-7300

SUBJECT: Filing of Notice of Determination in Compliance with Section 21152 of the Public Resources Code.

State Clearinghouse No.: 2022030086

Project Title: City of Clayton 6th Cycle Housing Element Update and Associated Land Use Element and Zoning Code Amendments

Lead Agency: City of Clayton, Community Development Department
6000 Heritage Trail, Clayton, CA 94517
(925) 673-7300

Lead Agency Contact: Dana Ayers, AICP, Community Development Director

Project Applicant: City of Clayton, Community Development Department
6000 Heritage Trail, Clayton, CA 94517
(925) 673-7300

Project Location: City of Clayton (city-wide). The City of Clayton is located in north-central Contra Costa County, approximately 20 miles east of downtown Oakland, at the base of the north slope of Mt. Diablo. The City is bordered by the unincorporated ghost town of Nortonville to the northeast. The City of Concord lies to the west, and Walnut Creek lies to the southwest.

Project Description: The project encompasses amendments to various chapters of Clayton Municipal Code (CMC) Title 17 (Zoning) to: 1) implement adopted 6th Cycle Housing Element policies and related amended Land Use Element policies and land use designations; 2) revise certain administrative procedures; and 3) align with provisions of certain California statutes governing land use. Amended text is in the following chapters of CMC:

- Chapter 17.04 – Definitions;
- Chapter 17.08 – Zoning Map – Districts Established;
- Chapter 17.16 – Single Family Residential (R-10, R-12, R-15, R-2, R-40 and R-40-H) Districts;
- Chapter 17.20 – Multiple Family Residential (M-R, M-R-M, and M-R-H) Districts;
- Chapter 17.22 – Residential Density Calculations for Residential Parcels with Sensitive Lands;
- Chapter 17.24 – Limited Commercial (LC) District
- Chapter 17.28 – Planned Development (PD) District
- Chapter 17.30 – Institutional Density (ID) District (proposed new chapter);
- Chapter 17.36 – General Regulations;
- Chapter 17.37 – Off-street Parking and Loading Regulations;
- Chapter 17.44 – Site Plan Review;

- Chapter 17.45 – Family Day Care Homes (proposed to be deleted in entirety); and
- Chapter 17.90 – Affordable Housing Density Bonus Requirements.

In addition to amendments to text of the Zoning Ordinance, the following amendments are proposed to the Zoning Map referenced in CMC Chapter 17.08:

- 1578 Kirker Pass Road, Assessor’s Parcel No. (APN) 118-031-054, amendment from PD to ID District
- 5555 Clayton Road, APN 118-101-025, amendment from PD to ID District
- Diablo Creek Place, APN 118-230-002, amendment from PD to Single-family Residential (R-15) District
- 6530 Marsh Creek Road, APNs 119-021-020 and 119-021-019, amendment from PD to Multiple Family Residential High (M-R-H) District
- 6955 Marsh Creek Road, APN 119-080-009, amendment from Agricultural (A) to Multiple Family Residential Low (M-R) District
- Clayton Road at Peacock Creek Drive, APN 118-370-073, amendment from PD to Multiple Family Residential Medium (M-R-M) District
- Oakhurst Golf Course Driving Range, portions of APNs 118-370-017, 118-370-086, 118-370-087 and 118-370-088, amendment from PD to M-R-H District
- 1970 Eagle Peak Avenue, APN 118-370-040 (portion), amendment from A to M-R-M District

Determination: This Notice is to advise that on January 17, 2023, the City Council of the City of Clayton, as Lead Agency, adopted Resolution No. 6-2023 and therein made the following determinations regarding the City of Clayton 6th Cycle Housing Element Update and Associated Land Use Element and Zoning Code Amendments:

1. The Project will have a significant effect on the environment.
2. An Environmental Impact Report (EIR, State Clearinghouse No. 2022030086) was prepared for this Project pursuant to the provisions of the California Environmental Quality Act.
3. Mitigation measures were made a condition of the approval of the Project.
4. A mitigation monitoring and reporting program was adopted for the Project.
5. A Statement of Overriding Considerations was adopted for the Project.
6. Findings were made pursuant to the provisions of CEQA.

On January 16, 2024, with adoption of Ordinance No. 1-2024 amending Clayton Municipal Code as described in Project Description, above, the City Council found that the housing-related Zoning amendments adopted by the Ordinance are within the scope of the project analyzed in the certified EIR for the City of Clayton 6th Cycle Housing Element Update and Associated Land Use Element and Zoning Code Amendments.

This is to certify that the Final EIR and record of Project approval are available to the general public at the Community Development Department of the City of Clayton located at 6000 Heritage Trail, in Clayton, CA 94517, in the custody of the City Clerk, as well as on the City’s website at: <https://claytonca.gov/community-development/housing/housing-element/>.



Signature (Lead Agency)

Dana Ayers, AICP
Community Development Director

Name, Title

January 18, 2024

Date