

Oakhurst Townhouse Development Project

Comprehensive Flaws & CEQA Adequacy Report

Peacock Creek, Clayton, CA · Assessor's Parcel No. 118-370-073-9 · CEQA SCH #2025080315
Revised June 17, 2026 (originally prepared October 2025); incorporates additional resident comments and newly published peer-reviewed wildfire-evacuation research. Prepared for submission into the project record.

Summary: Top flaws

- Single-access design with no neighborhood emergency evacuation plan, and only one-way fire-apparatus access, in a designated high wildfire-hazard area — treated as less-than-significant without adequate support. Independent road-network review confirms the existing neighborhood has a single outward road (Peacock Creek Drive to Clayton Road) — far below the six-route threshold identified in newly published peer-reviewed wildfire-fatality research (PNAS, 2026).
- Traffic analysis does not adequately evaluate the Clayton Road / Peacock Creek Drive or Clayton Road / Oakhurst Road intersections, and leaves the long-deferred Clayton Road pedestrian crossing unresolved.
- Parking is inadequately demonstrated; there is no street parking on Clayton Road, guaranteeing overflow onto Peacock Creek Drive.
- The project eliminates established public uses of the site — Park-and-Ride, trail and horse-trailer parking, and Oakhurst Country Club event overflow parking — without replacement or analysis.
- Geologic and slope-stability risk adjacent to the Oakhurst Geological Hazard Abatement District (GHAD) is understated, despite documented, recent slope instability nearby and the sale of City-owned land with known conditions.
- Wildfire and evacuation-route vulnerability for the existing single-exit Peacock Creek neighborhood is not mitigated — a risk now underscored by peer-reviewed research (PNAS, June 2026) and regional reporting (CBS News Bay Area).
- Cumulative-impact analysis is deficient — it does not adequately account for Silver Oak Estates and other Housing-Element projects.
- Original Oakhurst community-character commitments — noise limits, warm-white lighting, and streetscape landscaping — are not carried forward.
- Biological, cultural, and tribal-cultural mitigations are stated generically rather than demonstrated and enforced; air-quality mitigation relies on boilerplate.
- Water, sewer, and stormwater capacity and CCWD pump-station conflicts for 30 new units plus existing demand are not robustly demonstrated.
- The project relies on a Mitigated Negative Declaration to avoid the full EIR the evidence warrants. Separately, significant fiscal-equity and property-rights questions (Section: Fiscal & Procedural Issues) should be resolved by the City Council before approval.

Detailed analysis

1. Emergency evacuation and single point of access

The existing Peacock Creek neighborhood relies on a single primary access point at Clayton Road and Peacock Creek Drive, and there is no adopted emergency evacuation plan specific to the neighborhood. The project adds 30 dwelling units, plus their vehicles and occupants, to that single chokepoint while proposing only one private internal roadway of its own. As designed, the project would give fire apparatus only one-way access — engines could be forced to back out, or risk being trapped, while working a fire on-site or on the adjacent hillside — and during a fire the single Peacock Creek Drive access could be blocked, placing the entire neighborhood at risk. The site in its current open, gravel state also functions as a fire-resistant buffer between the hillside and the neighborhood, which the project would remove. Concluding that this has a less-than-significant effect on emergency access and evacuation — without an evacuation study that models the combined existing-plus-project population — is not supported by substantial evidence. The Contra Costa County Fire Protection District should confirm, on the record, whether the single-access configuration meets current fire-apparatus access and secondary-egress standards; if it cannot, that is cause to redesign or deny the project. An independent review of the public road network (OpenStreetMap data, June 2026) confirms the scale of this vulnerability: the existing Peacock Creek neighborhood — Peacock Creek Drive together with the seven residential streets it feeds (Forest Hill Drive, Inverness Way, Pebble Beach Drive, Brandywine Place, Lone Pine Court, Silverado Court, and Torrey Pines Place) — connects to the external road network at a single point, Peacock Creek Drive at Clayton Road. As discussed in Section 6, peer-reviewed research published in June 2026 identifies roughly six outward roads as the threshold below which wildfire fatalities rise sharply; Peacock Creek has one.

2. Traffic and circulation at the neighborhood's intersections

The project's own Initial Study trip-generation estimate (on the order of roughly 560 average daily trips, with peak-hour trips concentrated at the access point) is used to support a finding of insignificance, but the analysis does not adequately evaluate operations, queuing, and emergency-vehicle access at the intersections that actually carry this traffic — **both Clayton Road / Peacock Creek Drive (the neighborhood's only way in and out) and Clayton Road / Oakhurst Road**. A current, intersection-level, peak-hour and cumulative study of both is required; reliance on past studies is not adequate. The review should also resolve the long-deferred pedestrian crossing on the south side of the Clayton Road / Peacock Creek Drive intersection — curb cuts were already installed in anticipation of it — by providing proper ramps and crossing controls as a project condition. (The exact trip figures should be confirmed against the final Initial Study traffic section; they are cited here as the project's own numbers.)

3. Parking and inevitable spillover

Clayton Road is a major arterial with no shoulder or on-street parking at this location, and there is no room to add any. If on-site parking proves insufficient for 30 households and their guests — a real risk given two-car garages as the primary supply — the overflow has nowhere to go except Peacock Creek Drive and adjacent residential streets. The City has already experienced parking spillover from other higher-density projects, prompting resident requests for permit-parking programs. The Initial Study should demonstrate full compliance with the Clayton Municipal Code off-street parking requirements and analyze guest/overflow parking; absent that, a fair argument of a significant neighborhood parking and circulation impact exists.

4. Loss of established public access and uses

The site is not functionally vacant. As configured under the original Oakhurst Development Agreement and the General Plan land-use designations, it provides public uses that the project would eliminate without replacement: Park-and-Ride parking serving the adjacent CCCTA bus stop; designated horse-trailer parking, with a turnaround built at Developer and City expense; parking for hikers, runners, and Black Diamond Trail day-users (reportedly several vehicles on weekdays and organized groups of twenty or more on weekends, with the adjacent trail connecting to the Middle School and Community Park); and “overflow” parking that the Oakhurst Country Club relies on to satisfy its own Use Permit and Municipal Code parking obligations during golf tournaments, swim meets, weddings, and conferences. Removing this parking raises impacts a CEQA review must address rather than assume away: displaced event and trail parking will spill into adjacent neighborhoods and potentially downtown, and the loss may place the Country Club out of compliance with its Use Permit. The elimination of an established public benefit should be analyzed, and replacement or mitigation considered.

5. Geologic and slope-stability risk near the Oakhurst GHAD

The site sits immediately adjacent to the Oakhurst Geological Hazard Abatement District, an area with a documented, ongoing history of slope instability. This is not theoretical. The GHAD’s own geotechnical consultant (BSK Associates) performs annual slope reviews; its March 9, 2023 site-reconnaissance letter identifies the GHAD “South Area” — which expressly includes Peacock Creek Drive — as containing slopes with known areas of instability and previously installed mitigation measures, and it documents mudflow damage from the severe storms of early 2023 near the GHAD boundary.

Residents and prior geotechnical studies further report destabilized slopes adjacent to the site (evidenced by the condition of nearby inclinometers and a slide scar on the slope above), poor settlement characteristics of the underlying soils, and a historical determination under the original Oakhurst Use Permit that this ground was suitable only for limited uses such as additional tennis courts. Because the project involves the sale of City-owned land carrying these known conditions, the City should evaluate its disclosure obligations and potential liability for future remedial work; who would pay for and maintain any required mitigation; and whether loading three-story structures here could, through settlement, affect adjacent facilities — the CCWD pump station, Clayton Road, and the Easley Estates neighborhood. The nearby underground fuel pipeline along the Marsh Creek right-of-way should also be assessed, and the 15th-hole slide and its costly remediation stand as a cautionary local precedent. These questions can only be resolved through a full EIR, not standard mitigation language. (Specific slip-plane depths cited in prior testimony should be quoted directly from the GHAD geotechnical record before being asserted.)

6. Wildfire and emergency-route vulnerability

Clayton lies in a high wildfire-hazard region at the base of Mount Diablo. The July 2018 Marsh Fire burned roughly 247 acres east of Clayton, forced evacuations along Marsh Creek Road, and used the Clayton Library as an evacuation center — a concrete demonstration of regional wildfire risk and the strain that evacuations place on local infrastructure. Adding 30 units served by a single neighborhood access point, with no corresponding evacuation-route or warning-system improvements, increases the population at risk without mitigation. This impact deserves substantive analysis, not a conclusory finding. This concern is now reinforced by peer-reviewed science published as the City’s review proceeds. In June 2026, researchers at the University of California, Santa Barbara published “Egress thresholds and wildfire fatalities” in the Proceedings of the National Academy of Sciences (PNAS) — the first study to quantify this

relationship at a national scale. Drawing on 342 U.S. wildfire deaths from 2008 to 2024, the authors found that fatalities are sharply concentrated in communities with very few outward roads, declining steeply up to roughly six non-residential egress routes, beyond which additional roads add little further protection. They estimate that 17.7 million Americans — including 2.5 million in high wildfire-hazard areas — live in communities below this six-road threshold. The study’s own examples are sobering: Paradise, California had six outward roads when 66 of the 86 Camp Fire deaths occurred there in 2018; Lahaina, Hawai’i had four in 2023; and Berry Creek, California had two in 2020. The existing Peacock Creek neighborhood has one. Because the study expressly covers small communities of fewer than 50,000 residents, Clayton falls squarely within its scope. Regional reporting has tied this research directly to the East Bay: on June 8, 2026, CBS News Bay Area (KPIX) reported on the UCSB study under the headline “New study from UCSB identifies fire-prone Bay Area communities with few evacuation routes,” with Contra Costa County among the areas flagged. Approving 30 additional units on a single-egress neighborhood in a designated high wildfire-hazard area, with no evacuation-route or warning-system improvements, is contrary to this published evidence and is itself substantial evidence of a potentially significant effect that a Mitigated Negative Declaration cannot dismiss.

7. Cumulative impacts and piecemeal review

CEQA requires analysis of cumulative impacts from past, present, and reasonably foreseeable projects. The review evaluates Oakhurst largely in isolation. In particular, the **Silver Oak Estates project** — 32 single-family units on roughly 14 acres at 5701 Clayton Road, undergoing its own CEQA review (State Clearinghouse #2024040225) — and other developments identified in Clayton’s Housing Element are not adequately combined with this project for traffic, parking, wildfire-evacuation, public-safety, and infrastructure analysis. The cumulative pressure on the same Clayton Road corridor is precisely what CEQA’s cumulative-impacts requirement exists to capture.

8. Biological, cultural, and tribal-cultural resources

The Initial Study itself flags Biological Resources, Cultural Resources, and Tribal Cultural Resources as potentially significant. The mitigations, however, are described in general terms (for example, pre-construction surveys and standard avoidance measures for nesting birds and special-status species). General commitments are not a substitute for demonstrated, enforceable, and monitored mitigation, particularly given proximity to local creek/riparian corridors. The City should confirm, on the record, that required Native American consultation under AB 52 was completed and that the biological mitigations are supported by current field surveys.

9. Community character: noise, lighting, and landscape

The original Oakhurst approval imposed deliberate measures to preserve Clayton’s small-town character, several of which this project would undercut. Noise restrictions once placed on operations have since been waived; the added noise from this development warrants either reinstating those limits or honestly analyzing the combined impact — and Noise is itself a category the Initial Study flags as potentially significant. Oakhurst’s original “warm-white” / amber lighting standard, intended to limit light pollution, has not been consistently enforced and should be made a condition of this project, including for surrounding areas. Finally, the project should be conditioned to redesign and restore neighborhood landscaping affected by it — the Peacock Creek entry median and sign, the Peacock Creek Drive median above the site, and the Clayton Road and Peacock Creek Drive streetscape — with an HOA or comparable mechanism established to fund ongoing maintenance, as required of other recent projects.

10. Air quality and greenhouse-gas emissions

Air Quality is another category the Initial Study flags as potentially significant before applying mitigation. Where mitigation relies on generic, boilerplate measures rather than project- and location-specific analysis, courts have found such analyses inadequate. Given the constrained Clayton valley setting and the combined emissions of this and other nearby projects, the air-quality and greenhouse-gas analysis should be site-specific and cumulative.

11. Infrastructure, service capacity, and the CCWD pump station

The documentation does not robustly demonstrate that water, sewer, and stormwater systems can serve 30 new units in addition to existing neighborhood demand. Stormwater features are cited generally, but their adequacy under cumulative loading is not proven. Of particular concern is the adjacent Contra Costa Water District pump station: the project would constrain CCWD access, maintenance room, and the ability to expand the facility, and may encroach on the established access easement. Utility markings at the site suggest the existing 6-inch and 8-inch water mains — which supply potable and fire-safety water to much of the City — fall within the project's building footprint and would have to be relocated and/or reinforced, with access remaining an issue even if relocated. These conflicts should be specifically resolved with CCWD before approval.

12. Reliance on an MND instead of an EIR

Taken together, the record contains substantial evidence supporting a fair argument that the project may have significant effects — on emergency access and evacuation, neighborhood traffic and parking, loss of established public uses, slope stability, wildfire risk, community character, and cumulative conditions. Under settled CEQA law, that triggers a mandatory EIR. Proceeding by MND, on a closed evidentiary record, and after individual notice to commenting residents as short as roughly 26 hours before the first hearing date, deprives the community of the full analysis, alternatives, and public review the law contemplates.

Fiscal & Procedural Issues (non-CEQA)

Note: The following are not environmental impacts under CEQA and do not bear on the EIR question above. They are raised separately as fiscal-equity and procedural matters for the City Council to resolve — as conditions of approval, or before approval — to avoid inequity and litigation risk.

A. Property rights and a required Oakhurst vote

The parcels enabling this project lie within the Oakhurst Planned District and are subject to the Oakhurst Development Agreement and the property rights embedded in it. Residents who purchased and developed under that Agreement are entitled to a vote on substantial changes to it, and a change of use of this magnitude is substantial. Precedent exists: Oakhurst owners were given a vote on the recent GHAD amendments. The City Council should review this question and call for the required vote before any approval, change of ownership, or change of use proceeds — both to honor those rights and to avoid wasted process and litigation should the proposal be rejected by that vote.

B. Fiscal equity and fair-share assessments

For more than twenty-five years, existing Oakhurst residents have borne Mello-Roos taxes, multiple Oakhurst parcel taxes (street, school, and park funding), streetlight, citywide landscape, and GHAD assessments, the county 1% ad valorem tax, and a share of original development costs embedded in their home prices. The project parcels have carried little of this burden yet

would share its benefits. Several City assessments (for example the Landscape Maintenance District and Downtown Park assessment) and core municipal services (police, general government) are budgeted and collected on a one-unit-per-property basis; this property would add thirty units. Before issuing permits, the City should: (1) commission an expert accounting of the development fees and parcel taxes comparable parcels have paid over the District's life, and set a one-time compensation payment to the General Fund; (2) amend its ordinances and assessment mechanisms so a thirty-unit property is assessed equitably; and (3) review per-unit municipal-service costs and adjust accordingly.

C. Short-term rentals and the Country Club Use Permit

The project notice implies some units may be used as short- to mid-term rentals. The Municipal Code may not currently address this use. The City should determine whether code changes or project conditions are needed, and whether such use affects the Use Permit and Municipal Code exceptions the Oakhurst Country Club currently relies on.

Procedural note and preservation of rights

This report is submitted to ensure these issues are part of the administrative record before any decision, consistent with the City's published notice (Government Code § 65009(b)(2)) and CEQA's exhaustion requirement (Public Resources Code § 21177). The author reserves all rights to appeal any approval to the City Council and to pursue further review. Failure to address, mitigate, or take these items into account will be treated as grounds for appeal.

Selected sources

1. City of Clayton — Planning Division (project page): <https://claytonca.gov/community-development/planning/>
2. Oakhurst Townhouse Development — CEQAnet (SCH #2025080315): <https://ceqanet.lci.ca.gov/2025080315>
3. Oakhurst Townhouse — Notice of Intent / MND (City): https://claytonca.gov/fc/community-development/planning/Oakhurst_NOI_signedscan.pdf
4. Oakhurst Townhouse — Draft Initial Study / MND (LSA, July 2025): https://claytonca.gov/fc/community-development/planning/OakhurstTownhomes_DraftIS_sm.pdf
5. Claycord — 30-unit townhouse project coverage (Oct 2025): <https://www.claycord.com/2025/10/14/city-of-clayton-to-review-30-unit-townhouse-project-at-october-hearing/>
6. Silver Oak Estates — CEQAnet (SCH #2024040225): <https://ceqanet.opr.ca.gov/2024040225>
7. Silver Oak Estates — Initial Study (City): http://ci.clayton.ca.us/fc/community-development/planning/SilverOakEstates_InitialStudy_March2024.pdf
8. Oakhurst GHAD — Site Reconnaissance Letter (BSK, Mar 9, 2023): [https://claytonca.gov/fc/ghad/Oakhurst%20GHAD%20Site%20Recon%20Letter%20\(March%209,%202023\).pdf](https://claytonca.gov/fc/ghad/Oakhurst%20GHAD%20Site%20Recon%20Letter%20(March%209,%202023).pdf)
9. Marsh Fire (July 2018) — Community Warning System: <https://cwsalerts.com/2018/07/25/marsh-fire-update/>
10. CCC Fire Protection District — Local Responsibility Area maps: <https://www.cccfpd.org/lra-maps/>
11. Fong, C. R., Broderick, C. W., Moritz, M. A., & Halpern, B. S. (2026). "Egress thresholds and wildfire fatalities." Proceedings of the National Academy of Sciences 123(23), e2535081123: <https://doi.org/10.1073/pnas.2535081123>
12. UC Santa Barbara — "Six roads to safety: New study finds a critical threshold for wildfire survival" (The Current, June 1, 2026): <https://news.ucsb.edu/2026/022617/six-roads-safety-new-study-finds-critical-threshold-wildfire-survival>

13. CBS News Bay Area (KPIX) — “New study from UCSB identifies fire-prone Bay Area communities with few evacuation routes” (June 8, 2026):
<https://www.cbsnews.com/sanfrancisco/video/new-study-from-ucsb-identifies-fire-prone-bay-area-communities-with-few-evacuation-routes/>
14. UCSB Wildfire Resilience Index — interactive community egress & wildfire-hazard map:
<https://www.wildfireindex.org/>
15. Clayton 6th-cycle Housing Element (HCD):
<https://www.hcd.ca.gov/housing-elements/docs/clayton-6th-draft071422.pdf>
16. Neighbor comment letters submitted to the City (G. Miller): “Concerns” (Sept 29, 2025) and “Oakhurst Development Property Rights” (Oct 1, 2025).