Exhibit D
Design Review Board
Meeting Minutes

Town of Moraga

PLANNING DEPARTMENT
329 RHEEM BOULEVARD, SUITE 2
MORAGA, CA 94556
(925) 888-7050

DESIGN REVIEW BOARD ACTION MEMORANDUM

On June 23, 2008, the Town of Moraga Design Review Board considered the application described below:

> **RICHFIELD INVESTMENT CORPORATION (APPLICANT), BIGBURY COMPANY (OWNER), PALOS COLORADOS SUBDIVISION TRACT 8378:** As required by condition C.XI.4 in PC Resolution 26-07, the Design Review Board reviewed the proposed fencing between the Park and Ride lot and Moraga Road for the 123-lot Palos Colorados residential development project.

DESIGN REVIEW BOARD ACTION:

The DESIGN REVIEW BOARD hereby grants approval of the fence between the Park and Ride Lot and Moraga Road for the Palos Colorados subdivision in accordance with the following findings and conditions of approval:

PART 1: DESIGN REVIEW FINDINGS:

Planning Commission Resolution 16-01 lists four findings that need to be made in order for the Design Review Board to approve a project within a single-family residential land use district:

1.) The proposed improvement conforms with good design as set forth in the Town of Moraga Design Guidelines, and in general contributes to the character and image of the town as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality because the design of the fence is basic, unadorned, and unobtrusive. Its low and open profile allows the fence to blend in with the proposed hedge and landscaping on the east side of the fence.

2.) The proposed improvement will not have a substantial adverse affect on neighboring properties or the community due to poor planning; neglect of proper design standards; or the existence of building and structures unsuitable to and incompatible with the character of the neighborhood and the character of the community because the location of the fence is setback more than 100-feet from Moraga Road and does not adversely affect traffic or passersby on Moraga Road. The metal fence will be painted a dark color which minimize any glare from the metal railings.

3.) The proposed improvement will not lower property values; discourage the maintenance and improvement of surrounding properties; or preclude the most appropriate development of other properties in the vicinity because the proposed fence improvements will be built to a high quality standard and maintained by the Palos Colorados Homeowners Association so that it will not become dilapidated or contribute to any negative impacts on property values in the area.

4.) The proposed improvement will not impair the public health, safety or welfare because the fence is proposed as a safety barrier to prevent anyone in the parking lot from walking over the low 2-foot high rock wall adjacent to the Laguna Creek channel.

PART 2: CONDITIONS OF APPROVAL:

1.) The metal fence shall be painted a dark color to blend with the hedge behind the fence as stated by the applicant at the meeting.

2.) During project construction, the hours of operation shall be limited to the hours from 8 a.m. to 5 p.m. Monday through Friday to minimize potential disturbance of adjacent residents.

Design Review Board action is appealable to the Planning Commission within 10 calendar days after the date of the decision. If you have any questions regarding the action of the Board, please contact the Moraga Planning Department at (925) 888-7040.

Town of Moraga

PLANNING DEPARTMENT
329 RHEEM BOULEVARD, SUITE 2
MORAGA, CA 94556
(925) 888-7050

DESIGN REVIEW BOARD RECOMMENDATION

On June 23, 2008, the Town of Moraga Design Review Board considered the application described below:

RICHFIELD INVESTMENT CORPORATION (APPLICANT), BIGBURY COMPANY (OWNER), PALOS COLORADOS SUBDIVISION TRACT 8378: In accordance with condition C.VTM.43 in PC Resolution 26-07, the Design Review Board reviewed the site plan and planting plan for the proposed pocket park for the 123-lot Palos Colorados residential development project for the purpose of making recommendations to the Planning Commission. The applicant also submitted revisions to the proposed planting pallet for the park at the DRB meeting, which were also reviewed by the Board.

DESIGN REVIEW BOARD RECOMMENDATIONS:

In response to questions from the Board, the applicant confirmed that the lighting in the park would be low level lighting, with no light standards and no pole mounted lights. The highest lights would be some lights in the proposed trellis that would be directed down. A majority of the Design Review Board members present at the meeting agreed upon the following recommendations:

1. The proposed revisions to the plant pallet were an improvement over the previous two plant lists, with the use of only Oak Tree species native to Moraga and the introduction of wildflowers in the native grass areas.

2. The Planning Commission should consider a requirement for drinking facilities and sanitary facilities within the park.

3. The Design Review Board questioned whether the Moraga Postmaster had the authority to refuse delivery of mail to each of the 123 detached residential lots. If the cluster mailbox units are a mandatory requirement by the U.S. Postal Service, then it was recommended that the project developers consider at least six (6) mailbox clusters.

DESIGN REVIEW BOARD STAFF REPORT

MEETING DATE: June 23, 2008 **REPORT WRITTEN:** June 16, 2008

ITEM NUMBER: V.A. – Design Review

FILE NUMBER: **RICHFIELD INVESTMENT CORPORATION (APPLICANT), BIGBURY COMPANY (OWNER), PALOS COLORADOS SUBDIVISION 8378:** As required by conditions C.VTM.43 and C.XI.4 in PC Resolution 26-07, the Design Review Board shall review and make recommendations to the Planning Commission for the approval of the site plan and planting plan for the proposed pocket park, and, review and approve the proposed fencing between the Park and Ride lot and Moraga Road for the 123-lot Palos Colorados residential development project on a 460-acre site off of Moraga Road.

ZONING: 1-DUA (One Dwelling Unit per Acre) and OS-M (Open Space- MOSO)

GENERAL PLAN DESIGNATION: Residential 1-DUA, Open Space, and MOSO Open Space

ENVIRONMENTAL REVIEW STATUS:
In accordance with the California Environmental Quality Act (CEQA) the Planning Commission made the following finding:

1.) The Town Council certified the final environmental impact report for this project on October 30, 1996 and the Planning Commission adopted the addendum to the final environmental impact report on February 5, 2007.

PUBLIC NOTICE & MAILING LIST:
As required by Moraga Municipal Code Section 8.72.130.B, written notice of the project for design review was mailed to all property owners, residents, and other interested parties on the prearranged Palos Colorados mailing list on Friday, June 13, 2008 (the fixed mailing list includes those property owners within a radius of 300-feet of the subject property). A copy of the public notice and address list are attached as **Exhibit A**. At the time the staff report was written, no correspondence was received. If correspondence is received prior to the meeting, it will be sent separately or brought to the meeting.

BACKGROUND:
On May 7, 2007, the Planning Commission approved the Vesting Tentative Subdivision Map and Hillside Development Permit for the Palos Colorados Project with specified conditions of approval. As stated above, the Palos Colorados project is a 123-lot residential subdivision on a 460-acre site in the Town of Moraga just south of the City of Lafayette. Conditions

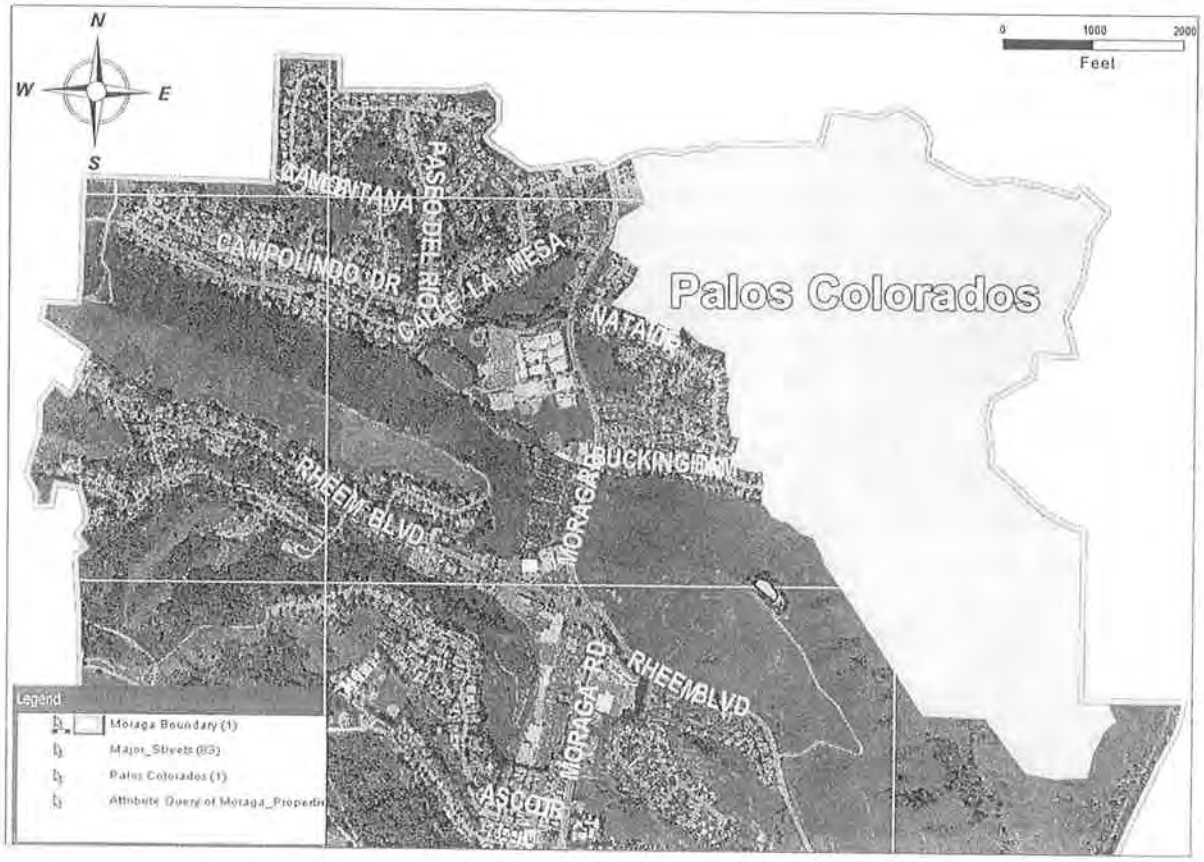
C.VTM.43 and C.XI.4 in PC Resolution 26-07 specifically call for the Design Review Board to review the proposed pocket park and fencing. The conditions state the following:

> *"The site plan and planting plan for the pocket park shall be reviewed by the Design Review Board and Park and Recreation Commission who shall make recommendations to the Planning Commission as part of the Precise Development Plan review and approval process"* (C.VTM.43).

> *"The Applicant shall submit plans for fencing between the Park and Ride lot and Moraga Road for review and approval by the Design Review Board"* (C.XI.4).

The purpose of this agenda item is two-fold: it gives the Design Review Board the opportunity to provide input about the design of the proposed park facility; and it allows the Board to determine whether the proposed fencing conforms to good design as set forth in the Town's Design Guidelines. (The Town's Park and Commission reviewed the plans for the pocket park, as required by Condition C.VTM.43, on Tuesday, June 17th, 2008.)

The location of Palos Colorados is shown on the GIS aerial photo map below:



It is important to note that the pocket park is not the only recreational facility in the Palos Colorados development (refer to the Palos Trail Map in **Exhibit B**). In addition to the pocket park, the applicant is providing approximately 389 acres of open space (including natural habitat areas) and constructing more than 4.5 miles of trails with public access. The

proposed open space and trails are in the MOSO and non-MOSO land use districts and are consistent with the land use requirements of these areas. The trails include a multi-purpose trail for pedestrians and bikers as wells as a hiking trail which will be linked to existing trails in the area. Additionally, a park and ride lot will be located at the entrance of the development and will function as a trailhead. This arrangement will provide reasonable public access to the westernmost portion of the new trails and allow for pedestrian access off the pedestrian pathway and adjacent connector trails in Lafayette.

DESIGN DESCRIPTION FOR THE POCKET PARK:

Richfield is proposing a 1.4 acre pocket park, or mini-park, which will be centrally located in the northernmost portion of the development across the street from Pond #1 (see the applicant's plans in **Exhibit E**). According to the applicant the pocket park is "intended be a desired amenity for the development" and "a privately owned park adapted to the needs of the Palos Colorados community residents..." The park is proposed in this area because it is considerably more level than any other area that would have been available at the entrance. The site had also been selected for its special features, to take advantage of the views to Lafayette, and to enjoy the view of the nearby ponds. An alternate site for the park was the area near the PG&E easement (adjacent to Lot 12) but this would have been a less desirable location because of the overhead power lines.

The new pocket park will feature the following: a trellis, a play structure, a portion of the multi-purpose trail, fencing, seat walls, gateway pilasters, viewing areas, and a grassy meadow/play area. The trellis, which will have a wood lattice supported by wood posts and a concrete base, will primarily serve as a shade/shelter structure for park users and adults supervising their children. Though its design is yet to be determined, the play structure will include slides and swings (there was speculation that a space shuttle/rocket ship design may want to be explored in honor of Moraga astronaut Stephen Robinson). A 3-foot high fence (with a hedge wall) is proposed to border the front of the playground while a 2-foot high retaining/seat wall comprised of concrete and plaster finish is to extend along the back perimeter of the playground. Gateway pilasters, about 3 ½-feet high, are proposed at each end of the playground (see pocket park elevation from 'B' street on sheet L3). The multi-purpose trail will wind in front of the pocket park with a 12-foot wide asphalt path. Off to the side of the trail path in front of the play structure is where one of the four mailbox units for the Palos residents is to be situated. Richfield, in arrangement with the U.S. Postal Service, has placed the mailboxes in a cluster mailbox unit at the pocket park because of its central and accessible location. The 7-foot 3-inch tall mailbox unit will feature a trellis fabricated with wood latticing, wood posts, and wood beams. The mailbox trellis is to match the trellis proposed in the park.

The park's plant palette is comprised of an assortment of trees, shrubbery, and groundcovers (see sheet L3 for a listing of the specific planting species). The following trees are proposed around the immediate park area: thirteen 36-inch box oak trees, four 36-inch box accent trees, and eighteen 15 gallon screen trees. Shrubs, groundcovers, and soded turf are to be placed in landscaped patches around the park. Beyond the park in the surrounding vicinity and meadow area, native grasses are to be preserved and up kept. As shown on the pocket park rendering (sheet L3) additional oak, accent, and screen trees are

to be planted around the meadow area next to the park. The meadow area to the left of the pocket park serves a couple of important purposes: it is part of the open space area that functions as a wildlife corridor (meeting the Settlement Agreement Requirement), it provides a sightline buffer to the proposed residences on lots 106 and 107, and it mitigates "visual impact" from the Lafayette BART station. While the flat portion of the meadow area can be used for recreational play such as catch or Frisbee, the hilly, grassy areas are not intended or appropriate for field games such as soccer.

DESIGN DESCRIPTION FOR THE FENCE:

Richfield is proposing to construct a 3-foot fence on the right side of the Palos Colorados gateway entrance between Moraga Road and the Park and Ride Lot (refer to sheet L2). Located over 100-feet from the Moraga Road scenic corridor, the fence is to wrap around the outer edge (or southwest portion) of the Park and Ride parking lot. The 36-inch high fence will be comprised of narrow metal rails and posts. According to the fence detail on sheet L2, two vertical posts (measuring half an inch by 3-inches) will be set a maximum of 3-inches apart at every post location. Four horizontal rails will be secured between each set of vertical posts. There will be a decorative top rail (measuring a half an inch by 3-inches) and three rails below it (measuring 3/8 of an inch by 2-inches). The rails will be spaced about 10-inches apart with the bottom rail being 6-inches above grade. Per the proposed plans, the fence is to be placed on top of a stone retaining wall and a hedge is to be planted behind it creating a landscaped barrier. Oak trees and other plantings are to be placed in front of the fence helping to screen its visibility from Moraga Road.

CONFORMANCE WITH THE GENERAL PLAN AND THE TOWN DESIGN GUIDELINES:

Though small in size, the proposed pocket park will provide its residents with greenery, physical activities (specifically a children's play area), connection to the multi-purpose trail, and a place to sit and enjoy the outdoors. The neighborhood park is accessible, user friendly, and attractive. The proposed fence between Moraga Road and the Park and Ride lot provides the entry of the subdivision with a low subtle barrier. Its simple and contemporaneous design allows it to blend into its surroundings. Staff believes that the proposed recreational area and fencing meets the requirements set forth in the Town's directives and is compliant with the General Plan policies and the Design Guidelines (see **Exhibit C** for all the applicable policies and design guidelines).

REQUIRED FINDINGS FOR DESIGN REVIEW APPROVAL:

Planning Commission Resolution 16-01 lists four findings that need to be made in order for the Design Review Board to approve a project within a single-family residential land use district. These findings are listed in bold italic print on the following page. Staff comments with regard to each finding follow. To disapprove a project, a finding must be made as to why one or more of the standards below have not been satisfied. (These findings specifically refer to the proposed fencing.)

1. ***The proposed improvement conforms with good design as set forth in the Town of Moraga Design Guidelines, and in general contributes to the character and image of the town as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality.***

The design of the fence is basic, unadorned, and unobtrusive. Its low and open profile allows the fence to blend in with the surrounding structures and landscaping. Furthermore, the fence contributes to the overall look and feel of the development's entrance.

2. ***The proposed improvement will not have a substantial adverse affect on neighboring properties or the community due to poor planning; neglect of proper design standards; or the existence of building and structures unsuitable to and incompatible with the character of the neighborhood and the character of the community.***
   The location of the fence does not adversely affect traffic or passersby on Moraga Road as the barrier is set back more than 100-feet. The proposed landscaping also helps to minimize its visibility and impact on the surrounding areas. However, glare from the metal railings may pose a potential problem.

3. ***The proposed improvement will not lower property values; discourage the maintenance and improvement of surrounding properties; or preclude the most appropriate development of other properties in the vicinity.***
   Generally, improvements to a site will increase the value of the area and thereby increase the value of surrounding properties.

4. ***The proposed improvement will not impair the public health, safety or welfare.***
   The proposed fencing is not expected to have any adverse health or safety impacts on the community.

RECOMMENDATION:
After the Board hears the testimony from the applicant and any other people wishing to testify at the meeting, the Board should first make comments and recommendations to the Planning Commission regarding the site plan and planting plan for the proposed pocket park for the Palos Colorados subdivision.

Then the Board shall determine whether a majority of the Board members can support the draft findings for the proposed fence design. If the design cannot be approved as submitted it can be approved with conditions or it can be denied without prejudice so that a new design could be submitted to the Town. A draft action memorandum has been attached as **Exhibit D**.

REPORT PREPARED BY: Kelly Suronen, Assistant Planner

EXHIBITS:
A – Public Notice and Mailing List
B – Palos Colorados Trail Map
C – Applicable General Plan Policies and Design Guidelines
D – Draft Action Memorandum
E – Applicant's Plans

TOWN OF MORAGA
DESIGN REVIEW BOARD MEETING
MINUTES

June 23, 2008

V. DESIGN REVIEW

A. **Richfield Investment Corporation (Applicant), Bigbury Company (Owner), Palos Colorados Subdivision 8378**: As required by conditions C.VTM.43 and C.XI.4 in Planning Commission Resolution 26-07, the Design Review Board shall review and make recommendations to the Planning Commission for the approval of the site plan and planting plan for the proposed pocket park, and, review and approve the proposed fencing between the Park and Ride lot and Moraga Road for the 123-lot Palos Colorados residential development project on a 460-acre site off of Moraga Road. The property is zoned 1-DUA (One Dwelling Unit per Acre) and OS-M (Open Space-MOSO [Moraga Open Space Ordinance]}.

Senior Planner Richard Chamberlain presented the staff report dated June 16, 2008 for DRB review and recommendation to the Planning Commission for the site plan and planting plan for the proposed pocket park, and review and approval of the proposed fencing between the Park and Ride lot and Moraga Road for the 123-lot Palos Colorados residential development project on a 460-acre site off of Moraga Road.

Mr. Chamberlain reported that written notice of the project for design review had been mailed to all property owners within 300 feet of the Palos Colorados project site and other interested parties on the Palos Colorados mailing list on June 13, 2008. Planning staff had received no written correspondence for the item.

Mr. Chamberlain advised that on May 7, 2007, the Planning Commission had approved the Vesting Tentative Subdivision Map and Hillside Development Permit for the Palos Colorados Project.

Conditions C.VTM.43 and C.XI.4 in PC Resolution 26-07 required DRB review of the proposed pocket park and fencing. The pocket park was not the only recreational facility in the Palos Colorados development. The applicant was providing approximately 389 acres of open space and constructing more than 4.5 miles of trails with public access. The trails included a multi-purpose trail for pedestrians and bikers as well as a hiking trail which would be linked to existing trails in the area. A Park and Ride lot would also be located near the entrance of the development on Moraga Road and would function as a trailhead.

The proposed 1.4 acre pocket park would be centrally located in the northernmost portion of the development across the street from Pond 1. The

pocket park would be privately owned and adapted to the needs of Palos Colorados community residents. The site for the pocket park had been selected to take advantage of the views to Lafayette, and to enjoy the view of the nearby ponds. An alternate site for the park was the area near the PG&E easement (adjacent to Lot 12) although this would have been a less desirable location because of the overhead power lines.

The new pocket park would include a trellis, play structure, a portion of the multi-purpose trail, fencing, seat walls, gateway pilasters, viewing areas, and a grassy meadow/play area. A 3-foot high fence with a hedge wall was proposed to border the front of the playground while a 2-foot high retaining/seat wall comprised of concrete and plaster finish was to extend along the back perimeter of the playground. Gateway pilasters, about 3.5 feet high, had been proposed at each end of the playground. The multi-purpose trail would wind in front of the pocket park with a 12-foot wide asphalt path.

One of four mailbox units had been proposed at the side of the trail path in front of the play structure in accordance with an arrangement with the U.S. Postal Service to have cluster mailbox units. The 7 foot 3 inch tall mailbox unit would feature a trellis fabricated with wood latticing, wood posts, and wood beams. The mailbox trellis was to match the trellis proposed in the park.

The landscaping at the pocket park would include: thirteen 36-inch box oak trees, four 36-inch box accent trees, and eighteen 15 gallon screen trees. Shrubs, groundcovers, and sodded turf were to be placed in landscaped areas within the park. Beyond the park in the surrounding vicinity and meadow area, native grasses were to be preserved. Additional oak, accent, and screen trees were to be planted around the meadow area next to the park. The meadow area to the west side of the pocket park would serve multiple functions as a wildlife corridor and provide a sightline buffer to the proposed residences on lots 106 and 107 to mitigate the visual impact from the Lafayette BART station.

Mr. Chamberlain noted that some of the requirements were part of the approved Settlement Agreement

Mr. Chamberlain explained that the proposed 3 foot fence on the south side of the Palos Colorados gateway entrance between Moraga Road and the Park and Ride Lot would be over 100 feet from the Moraga Road scenic corridor. The fence would wrap around the southwest portion of the Park and Ride parking lot and would have four narrow metal rails and metal posts and a horizontal top rail measuring half an inch by 3 inches wide. The fence was to be placed on top of a stone retaining wall and a hedge was to be planted behind it to create a landscaped barrier. Oak trees and other plantings were to be placed in front of the fence helping to screen its visibility from Moraga Road.

Mr. Chamberlain stated that staff believed that the proposed recreational area and fencing would meet the requirements set forth in the Town's conditions of approval and were compliant with the General Plan policies and the Town's Design Guidelines. He noted that the staff report had listed the findings for approval for the proposed fencing.

Mr. Chamberlain recommended that the Board consider the testimony from the applicant and any other people wishing to testify at the meeting, make comments and recommendations to the Planning Commission regarding the site plan and planting plan for the proposed pocket park for the Palos Colorados subdivision, and then determine whether a majority of the Board could support the draft findings for the proposed fence design. He stated that if the Board could not approve the design, as submitted, it could be approved with conditions or it could be denied, without prejudice, so that a new design could be submitted to the Town. He added that a Draft Action Memorandum had been prepared for approval and had been attached to the staff report as Exhibit D.

Thomas Skinfeld, Landscape Architect, representing Richfield Investment Corporation, presented a PowerPoint presentation and identified the exhibits to be provided as an overall trail and open space map of the site, the entry and Park and Ride lot fencing, the pocket park design, exhibits of the pocket park plant palette, and a revised palette that had been prepared after the submittal of the drawings.

Mr. Skinfeld stated that the open space for the project was to be preserved and the conservation easement to be maintained by a GHAD [Geologic Hazardous Abatement District], which was a separate district that would be responsible for the maintenance of the open space. The trail itself would be maintained by a Town identified public agency, yet to be specified. The pocket park would be privately owned and maintained by the development Homeowners Association (HOA) although it would be publicly accessible.

Mr. Skinfeld presented the overall site, trail and open space map and described three levels of walkway systems throughout the site.

That walkway system would include a multiple purpose trail for biking and hiking along the major roads, regular sidewalks generally located on one side of each street and around access to some trailhead locations at the cul-de-sacs, and hiking trails that essentially followed fire trails.

Mr. Skinfeld noted that the Commission had expressed some concern for the fact that there was not an easily accessible loop to get back to the main hiking and walking trail, and a trail section had been added to address that concern. There had also been concern for access to a waterfall associated with the site although due to some special conditions related to the waterfall related to safety,

environmental damage and endangerment to special species in the area there would be no access to that waterfall.

Mr. Skinfeld highlighted the .94 miles of trail, 3.5 miles of hiking trails, .64 miles of sidewalks and the total walking/trail system of 5.11 miles linked to the various regional trails throughout the site, along with 389 acres of open space and habitat throughout the site and the 1.4 acre pocket park.

Mr. Skinfeld pointed out the retaining wall in the area of the Park and Ride lot and stated that it would be a maximum 24 inches high, all that was required by code at that location. However, because of the fact that there was a drop from the upper level to the lower level, there was a desire to restrict public access to the streambed. The retaining wall therefore would be 36 inches high to serve more as a guard rail to keep people from stepping over the retaining wall. He stated it would eventually be hidden by a hedge that would screen vehicles.

As a result, Mr. Skinfeld suggested it was a misnomer to call it a fence since it would be a simple flat steel bar painted with three horizontals located 8 inches apart and with a slightly larger bar as a top rail. The posts would be the same flat steel bars turned on end, with two bars serving as the posts. The design was intended to accentuate some of the long horizontal lines in the project. While the paint color had not been finalized, it was expected to be a dark color that would disappear into the landscape.

Mr. Skinfeld stated that several oak trees would be planted in the front of the wall in semi-circular rock-faced planters, each to be at the high section of the wall at approximately 24 inches. He stated therefore that the slope would be of native grasses and native shrubs, three rock-faced circular planters with native oaks, and a single retaining wall along the edge also faced in stone with a small fence atop it.

Vice Chair Socolich asked if water or sanitary facilities would be provided at the trailhead.

Mr. Skinfeld advised that there would be no sanitary facilities. He noted that at one time a multi-purpose structure had been proposed with restrooms although the Planning Commission had decided that the structure was not appropriate for the area and had eliminated that element. He stated that the provision of water at that location had not yet been determined. He also explained, when asked, that primarily an oak palette had been proposed with California Live Oaks at the entry and with other trees at other locations. Street trees would be olives or sycamores, along with other access trees. Given the power lines in the area he explained that there were some restrictions involved

With respect to the pocket park, Mr. Skinfeld referred to a plan that had been submitted on June 10, 2008. He stated that there would be a limited but useful

small park that would be a more of a playground for children with tot lot and pre-teen play structures. He described the configuration of the site that also included a semi-circle with a shade structure with some picnic tables underneath, a seating area enclosed by small walls and terraced retaining walls 24 inches high creating an amphitheater that could be used for groups. He pointed out the entries to the park with pilasters to accentuate those entries.

Mr. Skinfeld added that there would be a 3 foot high fence behind the hedge to provide safety to the children in the park. He also pointed out the irrigated landscaped areas and stated that the remainder of the park would be native grasses and wildflowers. He commented that a more active playfield could not be provided given the wildlife corridor proposed through the area.

The four locations of group mailboxes throughout the project were described with standard mailbox elements ganged together in groups of three to five units. The mailbox structure itself had been designed to be rural in character with timbers and wood trellis and with the standard mailboxes inserted into that structure.

Given the project's location adjacent to native oak woodlands along the Lafayette property line, Mr. Skinfeld pointed out where oaks and grass lines would be extended. He pointed out a berm along the edge to help conceal the park from offsite views.

Mr. Skinfeld stated that the non-native oak species had been eliminated from the specimen tree list, with Coast Live Oak, California Black Oak and Valley Oak in the natural areas, the entry elements and the park. He pointed out some of the screen trees that had been taken out of the list and noted that with updated information from the environmental consultant some plants had been eliminated from the native grasses list, primarily from the marsh areas. He pointed out some seasonal color that had been proposed in the natural areas and highlighted the various trees species and shrub species that had been proposed as part of the plant palette. He noted that the shrubs would be drought-tolerant, low water use, Mediterranean or native California plant materials.

Mr. Skinfeld advised of the intent to create something different in the way of play structures. He presented illustrations of play structures for the park, with the intent to provide climbing and sculptural play structures proposed for the play area with different structures for the toddlers groups and the pre-teen groups.

Mr. Skinfeld stated that the project would be made as green and sustainable as possible using not only a drought tolerant and Mediterranean and native plant palette but the use of high efficiency irrigation systems, fire safe landscaping techniques, minimizing turf areas wherever possible, planting shade trees, adding compost to the soil to retain more water and mulching introduced or irrigated planting base with two inches of composted bark mulch.

Mr. Skinfeld requested DRB approval of the application as submitted.

In response to questions, Mr. Skinfeld explained that the open space trails would be comprised of decomposed granite while the hike and bike trail would be asphalt trails. The open space trails would be maintained by a Town identified entity.

When asked by Boardmember Kline if the Town was aware of that situation given what was described as a large undertaking, Ms. Salamack explained that if the Town did not identify someone to maintain the trails, the trails were not required to be constructed. She advised that the Town was receiving in the neighborhood of $17 million from the Palos Colorados project that could be used for an endowment to maintain the trails over the long term. She noted that the funds were intended to address traffic impacts and recreational facilities not being provided on site, specifically the golf course that was not being constructed. The Town may use the funds for alternative recreation facilities or other benefits to the Town that the Town would not receive because the golf course would not be constructed.

As to whether or not there was an issue of security on the trail related to injuries and the like, Ms. Salamack stated that the Town Attorney had expressed no concern in that regard.

In response to Boardmember Kline, Mr. Skinfeld pointed out the four locations of the combined mailboxes.

As to why postal delivery could not be provided to each individual home, Debbie Chung, Richfield Investment Corporation, explained that there had been long discussions with the US Postal Service, which had recently stopped offering individual mail delivery to homes in the area. She stated that Richfield Investment Corporation had been strongly encouraged to provide a location for mail delivery. After several sessions with the Postmaster, she stated that four centralized locations had been negotiated to serve the community.

In response to the concern that the combined mailbox locations could be onerous to the older resident who might have difficulty accessing the mailboxes, Mr. Skinfeld stated that the streets had parking on one side only and the streets would be wide enough to accommodate parking to access the mailboxes. While individual mailbox elements had been considered for each of the driveways, he stated that the US Postal Service had not accepted that arrangement. Four locations with combined mailboxes had ultimately been accepted by the US Postal Service.

Boardmember Kline supported six separate locations for mailboxes as opposed to four and suggested that the combined locations almost turned the development into an apartment complex instead of individual homes.

As to lighting for the parking lot and Park and Ride area, Mr. Skinfeld stated that while not detailed at this point there would be a lighting plan for both. From a conceptual point of view he stated that to minimize light pollution for the home sites and the open space, all street light fixtures would have to be shielded. There would be pilaster lighting at the entry, some tree uplighting and some additional pilaster lighting in other areas. The lighting would be low level and in keeping with the natural character of the area.

For the park, Mr. Skinfeld identified a series of wall lights along the walk and some down lighting in the area of the structure, with wall lightings along the retaining walls, and with pilaster lighting at the entry and in the area of the mailboxes. No pole lights had been proposed in the area of the park.

As to whether or not trees could be planted along Moraga Road in response to Boardmember Kline, Mr. Skinfeld pointed out the location of the Palos Colorados boundary and advised that the developer would have no control of property on the other side of the street. He verified the full boundary of the Palos Colorados project for the DRB. In response to what was described as a triangle area, he described an area that would be kept as natural as possible up to the edge of the graded area.

When asked about the amount of water associated with a specific area of the site, Mr. Skinfeld explained that the Environmental Consultant had indicated that there were California Red Legged Frogs, an endangered species, not only in the central part of the site that would have to be maintained but also downstream adjacent to existing housing tracts. As a result, he pointed out a wildlife corridor crossing that would be kept as natural as possible.

Boardmember Kline reiterated his suggestion that trees be planted along Moraga Road. He suggested that the Town should consider taller street trees, particularly those taller than 40 feet at maturity to create a greater canopy in the Town. While he commended the planting palette, he suggested it could be better with taller street trees.
Mr. Skinfeld stated that while that could be considered the property was not owned by Richfield Investment Corporation. When asked, he also clarified the location of a retaining wall near Moraga Road.

Vice Chair Socolich asked if drinking and sanitary facilities would be provided at the park.

Mr. Skinfeld stated that no sanitary facilities would be provided although a drinking fountain could be considered.

Vice Chair Socolich recommended consideration of both drinking and sanitary facilities at the park.

Mr. Skinfeld stated that there were some restrictions. He noted, for instance, that most HOAs were not set up to provide constant security and maintenance of a full-on restroom, that there would be more liability, and that the park had been designed not so much to provide facilities for the entire Town although it was open to the public, but to take pressure off of existing Town facilities. He added that the project was under a view restriction from the City of Lafayette as part of the Settlement Agreement where no rooflines were to be above the ridgeline or tree line from the Lafayette BART station. Any structure at that location, even any trellis structure, could create view problems. He suggested that the only way to build a structure that would not be visible from the Lafayette BART station would be to significantly lower the ground level.

Vice Chair Socolich also wanted to see a drinking fountain and sanitary facilities at the trailhead, particularly given the availability of 5 miles of walking trail.

PUBLIC HEARING OPENED

There were no comments from the public.

PUBLIC HEARING CLOSED

When asked about Drawing L-2 and the fence drawing and elevation view shown on that sheet, Mr. Skinfeld explained that the fence had been designed to blend into the background. He explained that the only reason for the fence was to keep someone from going through a hedge and stepping off a 2-foot tall wall and potentially getting hurt. He stated that the fence was not required by code but the applicant felt it was necessary.

Boardmember Kline asked that the Planning Commission consider the mailbox issue and the planting of trees along Moraga Road.

On motion by Boardmember Kline, seconded by Boardmember Socolich to adopt the Draft Action Memorandum dated June 23, 2008, approving the proposed fencing between the Park and Ride lot and Moraga Road for the Palos Colorados residential development. The motion carried by the following vote:

Ayes:	Boardmembers Glover, Kline, Murray, Socolich
Noes:	None
Abstain:	None
Absent:	Chair Kuckuk

With respect to making recommendation to the Planning Commission relative to the pocket park, Vice Chair Socolich recommended consideration of sanitary facilities and drinking facilities in the pocket park.

Boardmember Kline reiterated his request for Commission consideration of the mailboxes and the planting of trees along Moraga Road.

All Boardmembers agreed with the recommendation to consider the mailbox issue and the planting of trees along Moraga Road.

Ms. Salamack advised that the Park and Recreation Commission had expressed the same concerns and had made the same recommendations.

Ms. Salamack advised that there was a ten day right of appeal for anyone wishing to appeal the decision of the Design Review Board on the fencing plan to the Planning Commission by filing a letter stating the grounds for the appeal and through the payment of an appeal fee, through the Planning Department. There was no appeal on the recommendation to the Planning Commission.

With respect to the recommendation for trees along Moraga Road, Ms. Salamack stated that recommendation would be forwarded to the Town Engineer since that would involve the Town's right-of-way.