EXHIBIT B

APPLICANT INFORMATION

RECEIVED
MAR 06 2009
MORAGA PLANNING DEPT.

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Alicia Guerra
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March 4, 2009

Ms. Lori Salamack, Planning Director
Town of Moraga Planning Department
329 Rheem Boulevard
Moraga, California 94556

Re: Palos Colorados Precise Development Plan

Dear Lori,

At their joint meeting of February 23, 2009, the Town of Moraga ("Town") Planning Commission and Design Review Board ("DRB") requested further clarification and information regarding the proposed Palos Colorados Precise Development Plan ("Project"). In anticipation of the Planning Commission's March 16th meeting, I am submitting this letter on behalf of my client, Richfield Investment Corporation ("Richfield"), for purposes of supplementing our September 10, 2008 letter and January 5, 2009 letters regarding prior comments from the Planning Commission and DRB concerning the Project. This letter incorporates by reference our September 10, 2008 and January 5, 2009 letters, and November 7, 2008 letter responding to prior comments from the City of Lafayette regarding the Project and Richfield's proposal for Lot 106.

As a prefatory comment, we agree with Commissioner Whitley's reminder last week that the Planning Commission should give this application the "highest scrutiny." We also understand that the Planning Commission retains discretion to impose conditions related to the Precise Development Plan, and we welcome the Commission's constructive deliberations regarding the Precise Development Plan and the accompanying plan prototypes. But we respectfully note three important considerations.

First, the Town previously addressed many of the comments and concerns about the Palos Colorados Project through the 1999 and 2007 Settlement Agreements, the Palos Colorados Final EIR and Addendum, the Conceptual Development Plan, the 2007 General Development Plan ("GDP"), and the Vesting Tentative Map ("VTM"). To the extent that the Town did not have ordinances or regulations in place at the time of the prior approvals that would address many of the concerns, the Planning Commission imposed GDP or VTM conditions that allowed for flexibility to adapt such conditions in the future through the building permit process. In that regard, proposing to change the GDP and VTM conditions or to impose new requirements that

go beyond the original requirements (which have already been addressed in the Precise Development Plan) would appear to be inconsistent with the Subdivision Map Act.

Secondly, in those cases where the Town did not have rules or regulations in place at the time of its 2007 GDP and VTM approvals, Richfield voluntarily agreed to implement certain requested *additional* mitigation measures. For example, on May 1, 2007, Richfield agreed at the request of Ms. JunFish and Parents for a Safer Environment to: (1) implement green building practices, (2) coordinate with the County Mosquito and Vector Control District and Regional Water Quality Control Board to address concerns regarding mosquito breeding associated with detention basins, (3) minimize or eliminate invasive species, (4) use reclaimed water, (5) consider the feasibility of integrated pest management, and (6) use reasonable efforts to minimize dust emission *in addition to* the EIR mitigation measures (see **Exhibit A**). Richfield honors these prior commitments to this day.

Third, to the extent that an issue was not addressed in any of the prior approvals and it pertains to the Precise Development Plan, we understand and acknowledge that the Planning Commission retains the discretion to consider additional conditions. Richfield has fully agreed with all of the additional conditions of approval proposed and revised by Town Staff and the Planning Commission and the recommended conditions offered by the DRB.

With respect to the specific issues that were raised by the Planning Commission and DRB last week, we offer the following responses to assist the Town in its review of the Project.

1. Common Area Landscaping

The Planning Commission requested further information regarding the landscaping plans for common area landscaping. Richfield previously submitted improvement plans as part of the Final Map submittal that identified required landscaping and improvements in accordance with the 2007 VTM conditions of approval. Richfield also submitted engineering plans as part of the PDP submittal in January 2008. The attached memorandum in **Exhibit B** addresses among other items specifically requested by the Planning Commission: landscaping, irrigation, proposed driveway widths, retaining walls, street frontage, the bridge, street lighting, trails, and bioswales.

Further, on January 28, 2008, Richfield submitted conceptual landscaping plans to the Planning Department as part of the PDP submittal. These plans were subsequently updated on April 22, 2008 and on June 10, 2008. The Parks and Recreation Commission and DRB considered these plans at a joint meeting in June, and then the Parks and Recreation Commission approved the landscaping plans on June 17, 2008. On June 23, 2008, the DRB reviewed and

approved the plans for the pocket park and fencing. These plans are on file with the Moraga Planning Department. **Exhibit B** provides further information regarding the native plant types/palette, size, tree spacing, and hardscape improvements. The proposed landscaping plans comply with Moraga's submittal requirements for the PDP as documented in the Planning Department Staff Report for the February 2, 2009 Planning Commission hearing.

2. Green Building Practices

At each of its meetings, the Planning Commission has inquired as to whether or not "green building" practices have been satisfactorily incorporated into the Precise Development Plan. There seems to be some confusion regarding Richfield's efforts to incorporate green building measures. First, although the Town had not adopted a green building ordinance at the time it approved the GDP and VTM, the Town imposed Condition A.VTM.16. That condition was part of the 2007 VTM and it continues to apply to the Project.

In accordance with condition A.VTM.16, Richfield incorporated green building measures into the Palos Colorados Design Guidelines. It is recognized that prior to issuance of building permits, the future homeowner will need to demonstrate that it has incorporated reasonable efforts to employ green building practices into its residence. This requirement was deferred because structures generally do not get rated until after construction. Nonetheless, Richfield voluntarily incorporated green building practices into the Palos Colorados Design Guidelines to provide some guidance to future homeowners regarding the nature of green building practices that may appropriately be incorporated into the project. With the inclusion of those measures, homes can achieve at a minimum a 60-point rating based on the "Build It Green" program.

3. Permeable Driveways

It was requested that the PDP include provision for "permeable driveways." ENGEO, the geotechnical consultant, reviewed this request and concluded that permeable pavements will not be an effective "green" construction method for this project for the reasons discussed in the attached memorandum enclosed in **Exhibit C**. ENGEO recommends against permeable pavements due to the geotechnical considerations affecting development of the site.

4. Retaining Walls

The Planning Commission requested information regarding the location of retaining walls. There are two categories of retaining walls: engineered retaining walls and landscaping

retaining walls. **Exhibit B** addresses the specifics of landscaping retaining walls. The engineering plans prepared by DK Consulting identify the locations and details of the engineered retaining walls as part of the PDP plan set that was submitted in January 2008, as revised on April 22, 2008 and approved through the Town's peer review process.

5. Feasibility of Pedestrian Access via Campolindo Drive

In accordance with Condition L.III.3, Richfield retained Omni-Means to evaluate the vehicular level of service and traffic conditions associated with the need for a traffic signal at the project entry and Moraga Road. The Planning Commission requested further information regarding the potential feasibility of installing a sidewalk or other pedestrian access connecting the Palos Colorados property along Campolindo Drive as an alternative to a stop sign or signal at the project entry and Moraga Road. Omni-Means has evaluated the feasibility of the Campolindo Drive pedestrian access and concluded that such access would be feasible for the reasons set forth in **Exhibit D**. The Campolindo Drive pedestrian access is preferable to construction of a sidewalk in front of the church on the other side of Moraga Road because the latter route may require a sidewalk on private property that is owned by other property owners.

6. Trails

The Planning Commission requested further information regarding the location, width and materials of proposed trails that are incorporated into the Palos Colorados Project. The Planning Commission reviewed the proposed trails plan as part of its deliberations regarding the VTM and GDP in 2007. In accordance with GDP SA2-R-VTM, the Precise Development Plan illustrates the location, width and material of the proposed trails as shown on DK Consulting's engineering plans included in the PDP plan set. **Exhibit B** also contains further information. The trails illustrated in the PDP are consistent with the approved GDP.

7. Partial 2-Story Prototype

The 2007 General Development Plan generally requires that the maximum height of 2-story buildings would be 35 feet. In most instances, 2-story houses will not be sited in groups of two or more, unless they are designed to appear as 1-story houses from the public street (2007 GDP, p. 40). The Planning Commission determined that the 2007 GDP complied with the 1999 Settlement Agreement. The Precise Development Plan similarly incorporates a 2-story residence that is designed to appear as a 1-story residence in substantial conformance with the approved 2007 GDP. That is why the PDP includes a partial 2-story prototype.

8. Homes on Lots Greater Than 20,000 Square Feet

The Palos Colorados plan prototypes include homes that are larger than 4,500 square feet for the lots that are greater than 20,000 square feet in size. Sixty-one (61) of the 123 lots are in excess of 20,000 square feet. Approximately 21 of the lots are custom lots because they are either MOSO or non-MOSO open space lots and are subject to design review. The remaining 40 of the 61 lots would allow residences in excess of 5,000 square feet. Approximately 30 of the 40 lots also could accommodate a secondary unit on "a first come, first served basis."

The Planning Commission and the public inquired as to why homes that are larger than 4,500 square feet do not violate the 1999 Settlement Agreement. The 1999 Settlement Agreement provides that the Town, however, may not prohibit homes that range "from approximately 2,800 square feet to 4,500 square feet plus three-car garages on flat padded lots (except where such a house size or flat pad on a particular lot is not physically feasible due to the topographic constraints of that lot) (see, 1999 Settlement Agreement, p. 40). The 1999 Settlement Agreement does not prohibit homes that are larger than 2,800 to 4,500 square feet.

Importantly, in the Town Council's deliberations concerning the 2007 Settlement Agreement and the Planning Commission's approval of the VTM, the Town decided that with the elimination of the golf course, Richfield would be required to make four payments as specified in Condition A.VTM.2. Pursuant to the condition, the Third Installment provides that the Applicant is not obligated to fund $500,000 of the $3.1 million payment if the Town of Moraga does not authorize the construction of primary residences in excess of 5,000 square feet on all lots in excess of 20,000 square feet for which the Applicant proposes to build such residences as part of the PDP. When the Town approved the VTM in 2007, it found that the VTM (with condition A.VTM.2) complied with the 1999 Settlement Agreement. If, as part of the PDP approval, the Planning Commission does not approve the construction of primary residences in excess of 5,000 square feet on the lots larger than 20,000 square feet, then the $500,000 is not required based on the Council and Planning Commission's prior approvals.

10. Architectural Features and Design Guidelines

The Precise Development Plan includes eight plan prototypes. It is anticipated that in reality, many of the lots will be developed as custom residential lots. Nonetheless, Richfield is interested in accommodating the homebuyer who desires to purchase a lot with a pre-approved design due to circumstances warranting immediate relocation to Moraga or perhaps because they are not in the market for a custom residence. Furthermore, because the design review of the custom lots and buildout of the entire project are anticipated to occur over many years, Richfield

is seeking approval of eight plan prototypes with three different exterior elevation designs that can be used by a future homebuyer as an approved design for a semi-custom residence in order to enable marketing of the project and help "get the project off the ground."

With respect to the Palos Colorados Design Guidelines, we note that there seems to be some confusion regarding the role of the Design Guidelines. Richfield submitted the Palos Design Guidelines because Condition A.VTM.11 required architectural guidelines. The PDP contains the plan prototypes and the architectural requirements for each of the semi-custom plan prototypes, as well as guidance for future custom homes to follow (in addition to the Town's DRB requirements) to provide a consistent design within the Palos Colorados Project. In this regard, Richfield submitted the proposed Palos Colorados Design Guidelines in order to provide direction regarding an acceptable color palette, materials, and exterior texture for the homebuyer who develops a semi-custom lot and for the homeowner who proposes to build a custom home. For these latter homeowners, they must also go through the Town's design review process prior to issuance of a building permit.

11. Passive Solar Opportunities

Members of the public requested further information regarding the proposed passive/active cooling system. On January 5, 2009, Richfield's architect, Robert Hidey Associates, submitted a memorandum describing opportunities for passive and natural solar heating and cooling for the project in accordance with the 2007 VTM conditions of approval.

12. Mailbox Design

One of the Planning Commissioners requested further information regarding the precise design of the mailbox clusters. Richfield submitted detailed information regarding the mailbox cluster design, color, materials, and location. The 4-mailbox cluster design was approved by the U.S. Postal Service on May 2, 2008 with the identified specifications (see **Exhibit E**).

13. Density Bonus/Secondary Units

Condition A.PDP.VTM.12-R provides that the applicant may submit plans for no more than 30 secondary living units which would be in addition to the square footage of the primary residence. It was anticipated that the Project could assist the Town in meeting its affordable housing requirements. In accordance with this condition, as indicated in our September 10th and

January 5th letters, the Project includes plan prototypes that are sufficiently sized to enable the conversion of guest suite space to up to 30 secondary units on a first come, first served basis. The density bonus referenced in the September 10th letter was for purposes of illustrating that allowing for the additional square footage which would accommodate these units (i.e., 750 square feet per unit) would be the type of incentive to which an applicant proposing affordable housing might be entitled under State Density Bonus laws. Richfield proposed these units as an accommodation to the Town and to comply with the 2007 GDP.

14. Standard DRB Conditions

Richfield agrees to the standard DRB conditions of approval that may be applied to the semi-custom plan prototypes prior to issuance of building permits for the semi-custom home residences that may be approved as part of the PDP.

We appreciate your consideration of our letter and prior correspondence with the Town and Lafayette in response to the questions raised at the prior Commission and DRB meetings. Please feel free to contact myself or Debi Chung if you have any questions regarding this matter. We look forward to the Planning Commission's approval of the Palos Colorados Precise Development Plan on March 16th.

Sincerely yours,

BRISCOE IVESTER & BAZEL LLP

Alicia Guerra

Attachments

cc: Chair Margaret Goglia and Members of the Planning Commission
Chair Christine Kuckuk and Members of the Design Review Board
Michelle Kenyon
Rick Sabella
Debi Chung

EXHIBIT A

Richfield
May 1, 2007 Letter in response to
Susan JunFish's Suggestions for
Palos Colorados Landscaping
Conditions of Approval

Richfield Investment

May 1, 2007

Lori Salamack
Planning Director
Town of Moraga

Re: Response to Susan JunFish's Suggestions for Palos Colorados Landscaping Conditions of Approval

Dear Ms. Salamack,

This letter is in response to Susan JunFish of Parents for a Safer Environment letter dated April 16, 2007 (April 16th Letter). Although Richfield understands that the Town of Moraga (Town) has not adopted an ordinance requiring the incorporation of "green building" design strategies and techniques at this time, Richfield has identified several items suggested in the April 16th Letter that it is able to feasibly incorporate into the project design. Consequently, the following responds to Ms. JunFish's letter and identifies those measures which Richfield voluntarily agrees to implement as part of the project.

Item I. We will coordinate with the County Mosquito & Vector Control District and the Regional Water Quality Control Board to address potential concerns raised by Ms. JunFish regarding mosquito breeding associated with detention basins.

Item II. The newly implemented C.3 requirements will address this concern and have been incorporated into the project.

Item III. All our landscaping for public spaces will be drought-tolerant and we will, as a matter of standard practice, minimize or eliminate invasive species. Due to the fact that native species are almost entirely fire-dependent, installation of at least 50% native plants will cause fire hazards and will not be acceptable to the fire authority. Also most native plants decline without fire and will eventually become a maintenance issue. We will incorporate native plants into the landscaping design to the extent feasible. Our current plant list consists of about 25% native plants, overall.

Item IV. We will consider the use of reclaimed water for the common, ornamental landscaped areas to the extent feasible without introducing danger for children or pets, and provided that there is existing reclaimed water mainline service at the project entry.

Item V. Depending upon the applicability of the Town's pending IMP policy, we will consider adopting the Town's IMP policy after being provided a copy and having a

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chance to evaluate it. We will also give first priority to IPM expert/contractor for common area landscaping, if selection of such a contractor is economically feasible.

Item VI. We will use reasonable efforts to comply.

Item VII. We will provide relevant information to project residents if PfSE can provide the information, and to the extent the information is applicable to the homeowners.

Item VIII. We will use reasonable efforts to consider this information when the developer awards contracts to contractors.

Item IX. We will use reasonable efforts in minimizing dust emission from the construction site during mass grading, and will comply with the dust control mitigation measures set forth in the project EIR.

Should you have any other questions, please do not hesitate to contact us.

Sincerely,

Richfield Investment

Ricardo Sabella
President

April 16, 2007

Submittal to the Moraga Planning Commission
Re: Suggestions for the Palos Colorados Landscaping Conditions of Approval

I. **Flood Control & Mosquito Breeding Prevention:**
Storm drain and flood control basins: In addition to assuring flood-control prevention and storm drain detention basins that settle out solids, coordinate with the County Mosquito & Vector Control District and the Regional Water Quality Control Board to address problems with certain designs that have supported mosquito breeding in Contra Costa County communities and which continue to cause serious public health dilemmas as well as requiring much staff attention and afflicting financial burden.

II. **Storm Water Protection from Auto Leaks, Cleanings, and Landscape runoff.**
Provide proper grading of all driveways and yards to allow for draining of any oil leaks, detergents used for washing cars on driveways, and any pesticides/fertilizers to be drained *away* from streets and storm drains, and into French drains that direct water into surrounding soil around the house and increase the chance for absorption and subsequent biological degradation of these pollutants that are found in problematic concentrations in our creeks, drinking water reservoirs, and in the Delta.

III. **Disease & Drought Resistant Landscaping that are not Invasive**
Install at least 50% Native Plants and the rest with drought resistant varieties that are not considered to be invasive plants by the Contra Costa County Dept of Agriculture and the California Invasive Plant Council. Install plantings with the assistance of Professional Arborists and Horticulturalists with training in Integrated Pest Management. PfSE has a list of several highly recommended IPM consultants.

IV. **Use Reclaimed Water for the Common, Ornamental Landscaped Areas**
Contra Costa Sanitary District provides reclaimed water at a highly reduced cost for use in landscaping. Parents for a Safer Environment recommends this only in properly designed landscaped areas where there will be minimal to almost no runoff from landscaping due to proper grading and installment/setting of irrigation, and that the landscaping area receiving the reclaimed water is highly unlikely to be an area where children or pets would play in for any prolonged period of time except for incidental entry on occasion.

V. **Least Toxic Pest Management for the Common Landscaped Areas**
Choose a verifiable IPM expert with experience in installing higher disease-resistant varieties of grasses, shrubs, ornamentals and trees in the drier climates of Contra Costa County. In addition, maintenance of landscaping should include least toxic pest management practices by a proven IPM experienced contractor. This includes turf, trees, shrubs, and ornamentals management with cultural, physical, and biological prevention methods first prior to resorting to pesticides. Please consider adopting the Town of Moraga's IPM policy for Palos Colorados. We can provide the contact info of 3 landscapers that work in Contra Costa County and who have been shown to practice true IPM. A certification program for IPM landscape maintenance contractors exists in Santa Cruz but has not reached our area to date.

VI. Minimize the Use of Synthetic Fertilizers in the Common Landscaped Areas
Utilize a Contractor who uses grass clippings for slow nitrogen release and fertilization or organic fertilizers as used by the Town of Moraga Park & Recreation Department, instead of using synthetic fertilizers that emit nitroxide (N20), a by-product during the manufacturing process. N20 use causes the equivalence of 300x more global warming effect as compared with carbon dioxide (CO2) emission.

VII. Educate Home Owners and Provide Information on Sustainable Landscaping
Provide List of Sustainable Landscapers who work with Native Plants and Low Maintenance/highly disease resistant landscapes to each property owner. Provide information to owners regarding sustainable landscaping methods and reasons for decreasing or eliminating synthetic fertilizer and pesticides for decreasing polluting runoff that damages our aquatic environment as well as increasing public health risks. PfSE would be happy to provide samples of literature used by other public agencies to help educate the community and assist in meeting NPDES permit requirements.

VIII. Minimize Diesel Engine Exhaust Emissions from all Construction Vehicles
Require all contractors to have refurbished diesel engines or to use cleaner burning fuels and have documentation submitted by developer prior to approval. Studies that have been conducted in UCLA in 2005 have shown that not only does diesel engine exhaust trigger asthma; exposure to diesel exhaust can also *cause* chronic asthma. In addition, diesel exhaust contains a long list of very hazardous chemicals including carcinogens and reproductive/developmental toxins in much higher concentration than exhaust emitted from refurbished engines. Considering that the development will take place over several years, it is prudent to use contractors who have taken the steps to replace equipment and vehicles that unnecessarily pollute the air we breathe.

IX. Minimize Dust Emission from the Construction Sites
Require all construction crew to document anytime a decision is made not to spray or mist with water during earth disturbing activities with the date, time, name of Foreman making the decision, approximate amount of soil to be disturbed, and the reason for not spraying water to mitigate dust. Small particulates of dust can cause significant harm to those with immature or impaired lung systems such as infants, the elderly, and those with allergies and more serious pulmonary ailments. Dust particles smaller than 20 micrometer is known to cause permanent lung damage and thus the mitigation with water spraying is critical during the years of planned, massive soil disturbance.

Thank you for your attention to our concerns and we look forward to providing you with any reference material you would need to assist in your review of suggestions listed above.

Yours,

Susan JunFish, MPH
Director, Parents for a Safer Environment
junfishpfse@hotmail.com
925-283-4609
www.pfse.net

EXHIBIT B

Rabben/Herman design studio
March 4, 2009 Memorandum
On Landscaping

Rabben/Herman
design office

Landscape Architecture Master Planning Urban Design

MEMORANDUM

Date: March 4, 2009

To: **Lori Salamak - Town of Moraga Planning Department.**
Debi Chung – Richfield Development

From: Tom Skinfill

Project: Palos Colorados

RE: **Responses to Comments from the 2-23-09 Planning Commission and Design Review Board Special Joint Meeting**

A. Responses to Planning Commission/Design Review Board and Public Comments - 2-23-09;
Based on comments from the Planning Commission and Public attendees at the 2-23-09 meeting, we have the following responses regarding Landscape and design-related issues;

1. Common Area Landscaping:
We have submitted a Site Illustrative, Sheet L1 dated 1-28-2008, 4-22-2008, and 6-10-2008 which denotes street trees, entry trees, park and open space tree plantings as well as the extent of groundcover and shrub plantings, and we have submitted a plant palette for the site. The entire plant palette consists of drought-tolerant and fire- resistant Mediterranean and native species. Pursuant to the Submittal on 6-23-2008, we presented to the Design Review Board an updated list of plant materials. This list included minor revisions of an updated native grasses list, street tree list, Oak list, and a refined shrub and groundcover list.

Streetscape R.O.W's will be landscaped common area, and those areas will be planted in drought-tolerant, fire-resistant shrubs with regularly-spaced street trees. Tree spacings vary by species but are between 35' and 45' O.C. (on-center). Street trees will be planted at a minimum size of 36" box to assure adequate impact upon installation. Shrub plantings will be planted at a minimum size of 1 gallon container, and groundcovers at a minimum size of flatted stock or 6" pots. Shrub spacings will be a minimum of 18" O.C. but vary based upon the species. Groundcovers will be spaced at 12" O.C. up to 48" O.C. based upon the species. Irrigated Shrub and Groundcover buffers will be established to provide an aesthetic buffer between streets, private lots, and open space areas as well as a fuel modification zone for fire control. All streetscapes, park, entry and buffer landscapes will be irrigated and maintained by the homeowner's association.

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em: design@rhdo.com
CA Landscape Architecture License # 2985

The Current Plant Palette is attached. The current Plant Palette has been updated subsequent to the one presented to the DRB on 6-28-2008. The plant revisions are consistent with the Wildlife Hazard Assessment Plan that was prepared by Wildlife Resource Management Inc. dated July 2008 and approved by Moraga-Orinda Fire District (MOFD) in September 2008.

The project entry gateway, for which we have submitted a Schematic Design plan, Sheet L2, with Sections/ Elevations and legend delineates a major entry statement consisting of "bridge" entry, open space, Park 'n Ride lot, trailhead, entry monumentation and entry planting. The hardscape elements consist of bridge pilasters and rail, auto court low plaster walls, special paving, stone planter walls, sign wall, metal fencing, trail, sidewalk, and entry pilasters/monumentation and attached trellis. These items are called out individually as to material and heights on the legend shown on sheet L2 "Entry Gateway". This legend has been subsequently revised regarding the height of the Entry Pilasters as described in the Feb 19, 2009 Memorandum from RHDO.

Feature Element colors such as bridge abutments, pilasters, sign walls, and 'auto court' low walls are to be muted and subdued, with an earthtone palette of off-white to beige color range. Railings are to be Black or Chocolate Brown color, to minimize impact on the surrounding landscape.

The Entry Plantings consist of Live Oak, Sycamore, and Valley Oak tree plantings with a shrub and ground cover base below these trees. Tree size varies, but because of the desire to provide an impressive, marketable, and welcoming entry for both residents and visitors, the intent is to plant specimen size trees to make an immediate impact and the help screen views into the site. Minimum heights of 10-12' height and 6'-8' spread with some specific specimens of up to 18'-20' height and 14'-16' spread will be provided. The Park 'n Ride will be screened from Moraga Boulevard with a continuous Ligustrum (Privet) hedge.

2. Driveway Widths;
Typical Driveway widths as shown on the plans shall be a minimum of 12' and a maximum of 14'.

3. Driveways Materials:
Driveway Materials will vary and may include such items as concrete unit pavers, stone paving , or poured-in-place concrete.

4. Retaining Walls:
Landscape planter walls will be located at the Project Entry and at the Pocket Park will retain up to

24" of soil. The walls at the entry are for individual oak tree plantings along the stream slope, and also along the edge of the Park 'n Ride lot. These walls are aesthetic in nature and have a stone or artificial stone veneer. The walls at the Pocket Park are designed as seating walls and are of poured-in-place, integral color concrete in an earthtone color range. Other retaining walls on-site are described on the PDP civil engineering plan.

5. Bioswales:
Previously submitted as a part of the Integrated Management Practice Plan (IMP) dated 01-28-2008. It is further described in Section 3.00 of the Palos Colorados Design Guidelines dated July 30, 2008.

6. Street Lighting:
The street lighting shall comply with the Town's Lighting standards and provides for subdued, but continuous street lighting of all streets and street-adjacent Multi-Use Pedestrian trail and sidewalks, as well as providing accent lighting of entry and park trees and feature elements. Street lighting will be provided architectural pole lighting spaced at regular intervals. A detailed street and landscape lighting plan and light fixture specification sheets will be submitted as a part of improvements plans subject to approval by the Town prior to the recordation of the Final Map.

7. Trails – The multi-purpose Pedestrian Trail has been identified on the Landscape Plans dated 1-28-08 and updated for the 4-22-08 PDP Submittal.

8. Pocket Park Design:
The Landscape Plan for the Pocket Park dated June 10, 2008 was submitted and approved by the Parks and Recreation Commission on June 17, 2008 and was reviewed and approved by the Design Review Board on June 23, 2008.

9. Bridge Design at the Project Entry;
The bridge design is shown on the PDP Landscape Plans, Sheet L2 "Entry Gateway" submitted on 1-28-2008 and 4-22-2008. The bridge materials are of colored concrete and metal pipe railings. Railings are designed to provide control for both vehicles and pedestrians. The Bridge has low-level pedestrian lighting only on the pilasters. Concrete colors are to be of subdued, muted earth-tone colors such as off-white or beige. Metal railings will be painted a muted, dark, non-reflective color. Additional clarification on the Entry Bridge was submitted on the Memorandum from RHDO dated Feb 19, 2009.

10. Irrigation – The planted areas other than native grazing and oak woodland areas will be irrigated will an automatic irrigation system designed to monitor water use, and will be provided with automatic rain-shut off switches. Irrigation Heads will be low-volume spray with some drip irrigation employed for tree plantings. While we feel that using reclaimed water is a very appropriate approach and encourage this, there is currently no reasonable source or reclaimed water within access distance of the site. If reclaimed water supply lines are extended by the Town to the site, then the Palos Colorados irrigation system could be easily converted to reclaimed water at that time. The use of "detention" water is impractical due to the limited availability and short duration of any storage, the biological impacts of using that water, and the additional equipment and filtration necessary to utilize the highly-silted water that would be available immediately after a storm.

Regarding the Irrigation Water Consumption, a detailed Irrigation plan and water use calculations will be submitted as a part of Improvements Plans subject to approval by the Town prior to the recordation of the Final Map.

End Of Memorandum

Enclosures:
Plant Palette 3-4-09

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Plant Palette

Oak/Specimen Trees

Quercus agrifolia - Coast Live Oak
Quercus kelloggii - California Black Oak
Quercus lobata - Valley Oak

Street Trees

-"A" Street

Olea europea 'Fruitless' - Fruitless Olive
Platanusacerifolia - London Plane Tree
Liriodendron tulipifera - Tulip Tree

-Residential Streets "B"-"G"

Quercus virginiana - Southern Live Oak
Alnus cordata - Italian Alder
Pistacia chinensis - Chinese Pistache
Koelreuteria bipinnata - Chinese Flame Tree
Laurus nobilis - Grecian Laurel
Agonis flexuosa - Peppermint Tree

Woody Species in Riparian Areas

Salix lasiolepis - Arroyo Willow
Salix laevigata - Red Willow
Salix lasiandra - Yellow willow
Acer negundo - Box Elder

Woody Species in Oak Woodland and Buffer Areas

Quercus lobata - Valley Oak
Rhamnus californica - Coffee Berry
Rosa californica - California Rose
Rubus ursinus - California blackberry
Sambucus mexicana - Elderberry
Symphoricarpos albus - Snowberry
Umbellularia californica - Bay Laurel

Accent Trees

Arbutus menzesii - Madrone
Aesculus californica - California Buckeye
Cercis occidentalis - Western Redbud
Punica granatum - Pomegranate
Acer negundo - Box Elder

Screen Trees

Sambucus spp.- Elderberry
Rhamnus californica - Coffeeberry
Arctostaphylos spp. - Manzanita (tree form)
Pittosporum spp. - Pittosporum (tree form)
Melaleuca quinquenervia - Paperbark Tree

Shrubs and Groundcovers (in irrigated zones)

Arctostaphylos spp. - Manzanita
Ceanothus spp. - Ceanothus
Cistus spp - Rockrose
Grevilliea spp. - NCN
Salvia leucantha 'Midnight' - Mexican Bush Sage
Kniphofia uvaria - Red Hot Poker
Anigozanthos flavidus - Kangaroo Paw
Rosmarinus spp. - Rosemary
Westringia fruticosa - Coast Rosemary
Agave spp. - Agavest
Raphiolepis indica - Indian Hawthorn
Ligustrum j. 'Texanum' - Wax-Leaf Privet
Dietes bicolor - Yellow Fortnite Lily
Rosa spp. - Rose
Photinia fraseri - Photinia
Coleonema pulchrum - False Heather
Aloe spp.- Aloes
Bougainvillea spp. - Bougainvillea
Helictrotrichon sempervirens - Blue Oat Grass
Festuca mairei - Marie's Fescue
Nassella tenuissima - Mexican Feather Grass
Heteromeles arbutifolia - Toyon
Xylosma congestum - Shiny Xylosma
Myoporum parvifolium - Creeping Myoporum

Native Grasses (in preserved/cattle grazing areas)

-Grasses

Bromus carinatus - California brome
Deschampsia caespitosa - Hairgrass
Elymus glaucus ssp. glaucus - Blue Wildrye
Festuca idahoensis - Idaho Fescue, Blue Bunchgrass
Hordeum brachyantherum - Meadow Barley
Leymus triticoides - Creeping Wildrye
Nassella lepida - Foothill Needlegrass
Nassella pulchra - Purple Needlegrass
Vulpia microstachys var. cilata - Eastwood Fescue

-Wildflowers

Achillea millefolium - Yarrow
Eschscholzia californica - California Poppy
Lupinus succulentus - Arroyo Lupine
Trifolium willdenovii - Tomcat Clover

Rabben/Herman
Design Office
Landscape Architecture Master Planning Urban Design

Revised on March 4, 2009

EXHIBIT C

ENGEO
March 2, 2009 Letter
On Permeable Pavements

ENGEO INCORPORATED

GEOTECHNICAL
ENVIRONMENTAL
WATER RESOURCES
CONSTRUCTION SERVICES

Project No.
1658.105.301

March 2, 2009

Ms. Grace Chen
Richfield Investment Corporation
1990 North California Boulevard, Suite 830
Walnut Creek, CA 94596

Subject: Palos Colorados Project, Tract 8378
Moraga, California

PERMEABLE PAVEMENTS

Reference: ENGEO Inc.; Geotechnical Exploration, Palos Colorados, Moraga, California; April 21, 2008; Project No. 1658.1.053.01.

Dear Ms. Chen:

We understand that permeable pavements have been suggested as a concept for driveways at the Palos Colorados Project. In our opinion, permeable pavements will not be an effective "green" construction method for the reasons discussed below:

The concept for permeable pavements assumes that urban storm water will pass through a permeable surface pavement, such as a porous paver block and infiltrate directly into the native soil subgrade rather than running off. The perceived benefits would be that water quality will be improved by treatment in the soil layer and that runoff to the storm drain system will be reduced. However, in the Moraga area clayey subgrade soils are not capable of infiltrating any significant amount of runoff due to their very low permeability.

Infiltrating even small amounts of storm water into the natural ground anywhere near improvements in hillside developments is highly undesirable due to the potential for swelling of expansive soils and slope stability concerns. Problems with storm water infiltration into clay soils have been widely recognized in published County storm water design guidelines for the Bay Area. Where treatment by infiltration is desired, a filter medium and an underdrain system are required to collect the treated water and direct it to the storm drain system. Balance Hydrologics, the project hydrologist, has already incorporated storm water treatment systems utilizing filter media and underdrains into the project in the form of grassy swales and bioretention cells. The proposed water treatment systems for the project already meet the very strict requirements of Contra Costa County and the Regional Water Quality Control Board for both water quality and hydromodification.

In conclusion, it is our opinion that the use of permeable pavers to driveways will therefore not improve the green aspects of the project. Moreover, we would not recommend the use of permeable pavement due to geotechnical concerns.

We trust that this letter provides the information you require at this time. Please feel free to contact us with any questions.

Very truly yours,

ENGEO Incorporated

Philip J. Stuecheli, CEG

Theodore P. Bayham, GE

REGISTERED PROFESSIONAL ENGINEER
THEODORE BAYHAM
No. 2480
Exp. 9/30/2010
GEOTECHNICAL
STATE OF CALIFORNIA

cc: 1 – Ms. Debi Chung, Richfield Investment Corporation (e-mail only)
1 – Mr. David Francke, dk Associates (e-mail only)
1 – Mr. Eric Riedner, Balance Hydrologic (e-mail only)

EXHIBIT D

OMNI-MEANS
March 4, 2009
Analysis of Pedestrian Access
Via Campolindo Drive

omni · means
ENGINEERS · PLANNERS

March 4, 2009

Ms. Lori Salamack, Planning Director
Town of Moraga
2100 Donald Drive
Moraga, CA 94556

RE: Analysis of Pedestrian Traffic Signals/Pedestrian Access for the Palos Colorados Development

Dear Ms. Salamack:

This letter report provides a summary of our analysis of Pedestrian traffic signal needs and overall pedestrian access related to the Palos Colorados development. Our analysis is a response to questions raised at the February 23 Planning Commission and Design Review Board meeting and further discussions you have had with Ms. Debi Chung of Richfield Investment.

Pedestrian Traffic Signal Evaluation:

As you know, we have prepared a traffic signal warrant analysis that evaluated the need for a traffic signal at the Moraga Road/Project Access intersection.[1] Standards for signal installation are listed in the California Manual on Uniform Traffic Control Devices (MUTCD).[2] That analysis was based on measurements of existing conditions (vehicle volumes and speeds on Moraga Road) and projected vehicle traffic generated by the development (without the golf course). The focus of that analysis was vehicle traffic volumes without the golf course, as required by GDP/VTM condition L.III.3.

With respect to pedestrian conditions, the MUTCD also provides explicit warrants whereby a signal can be installed to control pedestrian access. The MUTCD standard for a pedestrian signal is as follows:

"Warrant 4: Pedestrian Volume - The need for a traffic control signal at an intersection or midblock crossing shall be considered if an engineering study finds that both of the following criteria are met:

> A. The pedestrian volume crossing the major street at an intersection or midblock location during an average day is 100 or more for each of any four hours or 190 or more during any one hour of an average day, and
>
> B. There are fewer than 60 gaps per hour in the traffic stream of adequate length to allow pedestrians to cross during the same period when the pedestrian volume criterion is satisfied."

Although a pedestrian warrant analysis would involve somewhat tenuous projections of pedestrian volumes, the warrant can be used in this case to assess the likelihood that such volumes would be met. The pedestrian crossings of Moraga Road would primarily be related to persons accessing the trail head on the west side of the road and students wishing to cross Moraga Road and use the sidewalk on the west side of the Road to walk to schools.

The 22 space parking lot within the Palos Colorados development would be available for commuters and for persons wishing to access the trail on the west side of Moraga Road. If half of the spaces were used by persons intending to use the trail, it is projected that Moraga Road pedestrian crossings would be a maximum of 15-20 persons per hour. If another 5 Palos Colorados residents crossed Moraga Road to access the trail, a total of 20-25 pedestrian crossings per hour could occur. In our professional judgment, this would be a very conservative (highest) estimate of pedestrian crossings.

Although school pedestrian crossings of Moraga Road (generated by Palos Colorados residences) could add slightly to the volume, it is again our professional judgment that such school crossings would not be substantial. Further, we believe that an alternative pedestrian access (as described in the following section) would be a superior plan for school pedestrians

As the above estimates suggest, it appears that the pedestrian crossings of Moraga Road would be well below the requisite 100 hourly pedestrian crossings needed to warrant a pedestrian traffic signal.

Pedestrian Access Plan:

We believe that the pedestrian access needs of Palos Colorados students (and residents walking to/from the Rheem Shopping Center) could be met by installing a pedestrian connection between the development and the end of Campolindo Drive. As shown on the attached aerial photo, a path connecting the development's parking lot to Campolindo Drive would be about 120 feet in length. The topography is such that the path could be implemented with minimal grading and disruption to the landscape.

The advantage of this pedestrian connection would be the protected nature of pedestrian access on Campolindo Drive vs. pedestrian access along Moraga Road. Traffic volumes on Campolindo Drive are minimal and existing sidewalks on Campolindo Drive would provide a secure pedestrian environment. Finally, these pedestrians would have a protected crossing of Moraga Road via the existing traffic signal at the Moraga Road/Campolindo Drive intersection.

Summary of Findings:

As noted above, it is expected that the pedestrian crossings of Moraga Road at the development access intersection would be well below the minimum thresholds at which a traffic signal could be warranted. If a crosswalk is provided for the limited Moraga Road pedestrian crossings, signs and possible alternative warning devices (including in-pavement flashing lights) could be used to alert motorists to the presence of pedestrians.

Nonetheless, to enhance pedestrian circulation, we recommend that the Palos Colorados development provide a pedestrian path connection to the end of Campolindo Drive. This pedestrian connection could be readily provided with minimal grading or disruption to the landscape. Campolindo Drive would provide a protected pedestrian connection with the existing signal controlled pedestrian crossings at the Moraga Road/Campolindo Drive intersection.

I trust that this letter report addresses the issue of pedestrian access related to the Palos Colorados development. Please let me know if you have any questions or if further input is needed.

Sincerely,

OMNI-MEANS, Ltd.
Engineers & Planners

George Nickelson

George W. Nickelson, P.E.
Branch Manager

Cc: Ms. Debi Chung

Enc. Aerial photo showing pedestrian access.

GWN
OMNI C1283LTR002.doc

References:

(1) Omni-Means, LTD., *Analysis of Proposed Palos Colorados Intersection at Moraga Road with Stop-Sign (Unsignalized) Control*, letter report addressed to Ms. Jill Mercurio, Town Engineer, September 9, 2008.

(2) State of California Department of Transportation, *California Manual on Uniform Traffic Control Devices for Streets and Highways*, September 26, 2006.

PEDESTRIAN ACCESS EXHIBIT

MARCH 2, 2009

1"=300'

CONSULTING
PLANNING · ENGINEERING · CONSTRUCTION
1440 Marib Lane, Suite 200, Walnut Creek, California 94598 (925) 932-0808 Tel. (925) 932-0810 Fax

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EXHIBIT E

UPSP
May 2, 2008 Letter
Approving
4-Cluster Mailbox Locations

UNITED STATES
POSTAL SERVICE

RECEIVED

MAY - 7 2008

May 2, 2008

Debi Chung, AIA
1990 N California Blvd Ste 830
Walnut Creek, Ca. 94596

Re: Proposed Cluster Mailbox Locations for Palos Colorados Project in Moraga

Dear Ms. Chung,

We have met on several occasions regarding placement of the outdoor cluster boxes for the Palos Colorados project. We mutually agreed upon the proposed sites

The last set of plans you submitted for our approval placing the cluster boxes in four strategic locations is acceptable.

We are looking forward to working with you further in the future.

Rose Mims

Rose Mims
Officer in Charge
Moraga Post Office
460 Center St
Moraga, Ca. 94556-9998

Fax.