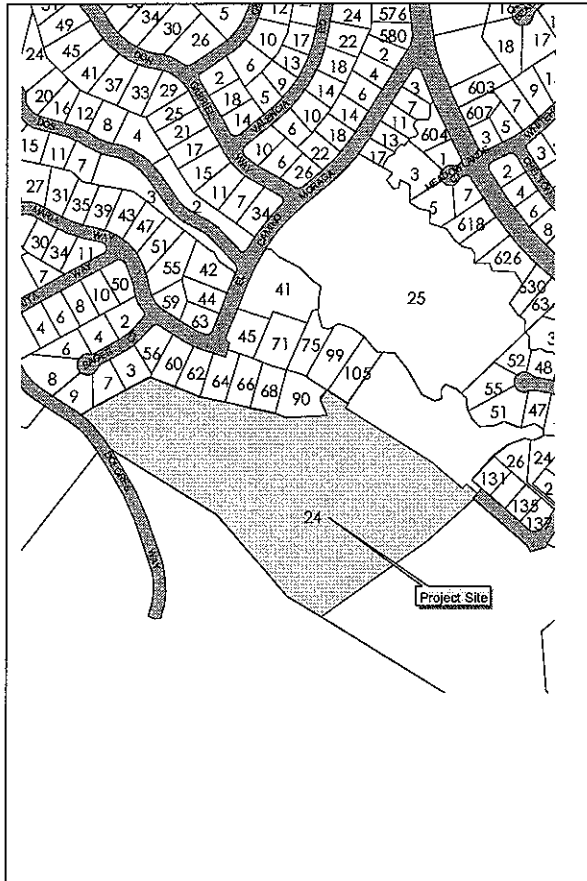


STAFF REPORT

Supplement



AGENDA ITEM: 5

TO: Chair Adamson and
Members of the
Planning Commission

FROM: Planning Director

HEARING DATE: October 9, 2012

SUBJECT: Major Subdivision 09-
001
Tree Removal Permit
10-017

PROJECT SITE: 24 Adobe Lane
APN 271-150-002 &
271-130-003

**OWNER /
APPLICANT:** J & J Ranch, LLC
100 School Street
Danville, CA 94526

AGENT: Michael Olson

**STAFF
REFERENCE:** Scott Pacheco, AICP
Associate Planner

Driving Directions: From the downtown travel southbound on Moraga Way to El Camino Moraga and turn right. At Donna Maria Way turn left. The project site is at the end of the street.

REQUESTED ACTION: Request for Vesting Tentative Map approval of a major subdivision (MJS 09-001) and a tree removal permit (TRP 10-017) to subdivide a 20.33-acre site into 13 lots ranging in size from 24,676 square feet to 154,569 square feet ("Project"). The site will be graded to repair existing unstable soil conditions and to construct the subdivision improvements. The Project will require the removal of approximately 35 trees, approximately eight of which require a tree removal permit. The Project includes planting 80 native trees.

ZONING: RL-40

LOT SIZE: 20.33 Total
Gross Acres

ACTION DEADLINE: 50 Days after the Environmental Review Document is acted upon. **AVERAGE SLOPE:** 24.05%

CEQA STATUS: The City has prepared an Environmental Review Document (Exhibit A) for the Project in compliance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183. The Environmental Review Document has been distributed to the Planning Commission and made available for public review at the Orinda Library, the Orinda Planning Department, the Orinda City Clerk's Office and on the City's website at www.cityoforinda.org.

COMMISSION MEMBERS RESIDING WITHIN 500 FEET OF SUBJECT PROPERTY:None

BACKGROUND:

This Planning Commission Staff Report is a supplement to the Staff Report prepared for the September 11, 2012 Planning Commission hearing on the Project. At the request of the applicant, the Planning Commission did not consider the Project on September 11 and continued the public hearing to October 9, 2012.

After the Staff Report for the September 11 hearing was prepared and published and prior to the September 11 meeting, the Planning Department received letters and emails in favor of the project from 17 individuals and two letters opposed to the project, including a letter from Leila H. Moncharsh, the attorney representing a neighborhood group, Preserve Adobe Lane (PAL). Attached to Ms. Moncharsh's letter were letters from a landscape historian, landscape architect, archeologist, civil engineer, biologist, and geotechnical engineer.

Staff carefully reviewed the letters in opposition to the Project with the appropriate technical consultants and with the deputy City Attorney. This supplemental Staff Report provides clarification and responses to the issues presented in the letter from Robin and Nick Sitar, Steve Austin and Evanthia Spanos (Exhibit A) and from Ms. Moncharsh (Exhibit B), including the attached letters from the six consultants (Exhibits E, F, I, K, L and N). A summary of the comments and staff's responses follows.

ANALYSIS:

Sitar/Austin/Spanos Letter (Sitar Letter)

This letter includes comments on geotechnical and traffic issues. Regarding the geotechnical analysis, the Sitar Letter suggests that additional study is required to ensure accuracy of the reports and stability of the site during construction. The traffic concerns include the number of elementary school age children per household assumed in the Traffic Study, traffic impacts on Donna Maria Way, and the recommendations in the Traffic Study to alleviate existing traffic congestion at Del Rey Elementary School.

Response:

A detailed response to each of the points raised regarding soils and geology issues was provided on October 1, 2012 by geotechnical engineers for the Project. (Exhibit C). According to the project geotechnical engineer no additional preconstruction subsurface

investigation is warranted or required and the existing regulations and the grading contractors and various professionals will work closely together to ensure that the safest methodology is utilized during construction. In addition, Project construction will be limited to the dry season and repair of the existing slides will improve the stability of the hillside.

The City's consulting traffic engineers, TJKM, provides a detailed response to the traffic concerns set forth in the Sitar letter regarding the number of elementary age children per household and the traffic impact on Donna Maria Way. (Exhibit D). TJKM provides clarification on how it determined the number of school age children that are likely to be in the proposed development and notes that even if a higher number is assumed, traffic will not be impacted and therefore additional studies are not warranted. They also find that *"the proposed project is not expected to have any impact with regards to the roadway capacity"* and that *"the additional cars generated by the proposed project can be easily accommodated on Donna Maria Way."*(Exhibit D).

In addition, staff spoke with Mr. Chris Kinzel of TJKM regarding their suggestions to reduce the existing congestion at Del Rey Elementary School. (Exhibit A, Appendix E of the September 11, 2012 TJKM Traffic Impact Study at p. 438). As noted in the traffic study (Id. at pp. 427 and 428), the trips generated by the project would travel in the opposite direction of the school traffic congestion and therefore the project would not have a significant impact on the congestion at the school. TJKM's suggestions were for the school's consideration, not requirements for the developer as they are unrelated to the project's impacts.

Law Office of Veneruso and Moncharsh Letter (Exhibit B)

Ms. Moncharsh's comment letter primarily addresses the validity of the City's review of the project under the California Environmental Quality Act (CEQA). Her letter also claims that the City's CEQA review relies on outdated information from the 1987 General Plan Environmental Impact Report. Finally, Ms. Moncharsh summarizes the comments of six (6) technical experts hired by PAL regarding the geo-technical, hydrology, biological and historic resource analyses that are part of the City's Environmental Review document.

Before addressing the specifics of the Moncharsh letter, staff provides this summary of CEQA's streamlined environmental review provision under which the City reviewed the Project.

1) Public Resources Code ("PRC") Section 21083.3 and CEQA Guidelines Section 15183 provide that a lead agency shall streamline environmental review for projects that are consistent with the development density established by existing general plan policies for which an Environmental Impact Report ("EIR") was certified, except as might be necessary to examine whether there are project-specific effects that are peculiar to the project or its site. As made clear in the Environmental Review document (at pp. 2-3), the "Project is consistent with the use and development density for the site established by the City's existing General Plan and analyzed in the certified EIR for the General Plan."

2) Once consistency is established, CEQA mandates that the agency shall limit its examination of the project's environmental effects to those effects that the agency

determines (a) are peculiar to the project, (b) were not analyzed as significant effects in the prior certified EIR with which the project is consistent, (c) are potentially significant off-site and cumulative impacts that were not discussed in the underlying EIR, or (d) were identified in the prior certified EIR but substantial new information, not known at the time the EIR was certified, evidences that the effect is now more severe. CEQA Guidelines §15183(b).

3) Finally, and of particular significance in the City's analysis of the Project, CEQA provides that the environmental effects of a project shall not be considered peculiar to the project if the agency has adopted uniformly applied development policies or standards that will substantially mitigate the project's effects. CEQA Guidelines § 15183(f).

As the Environmental Review document makes clear, the Project's potentially significant effects on the environment will be mitigated through (1) feasible mitigation measures set forth in the General Plan EIR that will be undertaken consistent with PRC section 21083.3 (c) and/or (2) uniformly applied development policies and standards adopted by the City.

Comment: (Exhibit B, p. 2)

There is no indication in the 1987 General Plan or in its EIR that the city intended the EIR to assess impacts from the J & J Ranch project on Adobe Lane. Nor is there any indication in the staff's environmental document or in its staff report that that the General Plan EIR contemplated the instant project.

Response:

The City does not contend that the General Plan EIR specifically addressed this Project. Instead, the City analyzes the General Plan EIR as part of the multi-step environmental review discussed above. Whether the General Plan EIR specifically contemplated this Project is not determinative for this analysis. The starting point for the analysis is whether the Project's density is consistent with the development density set forth in the existing General Plan for which an EIR was certified. That question has been answered in the affirmative.

Comment: (Exhibit B, p. 2)

Cities are legally permitted to "tier" their environmental review, which streamlines the CEQA process. When a city elects to "tier," it generally starts with a master EIR (MEIR) of a proposed General Plan, just as Orinda did here. CEQA Guidelines § 15175 (a) describes the process"

Response:

The City's environmental review does not rely on a Master EIR under CEQA Guidelines

section 15175 as the comment suggests. Instead, the City is employing an entirely separate environmental review process codified in PRC section 21083.3 and CEQA Guidelines section 15183, as explained above.

While both of these processes streamline the environmental review of a proposed project, they are distinct and should not be read together. The Master EIR process allows an agency to perform limited environmental review if it determines that the project is "within the scope of the Master EIR." CEQA Guidelines § 15177(a).

In contrast, streamlined environmental review under Section 21083.3 and Guidelines section 15183 look at both the previous EIR *and* the project's consistency with applicable development policies. PRC § 21083.3 and CEQA Guidelines § 15183. Also, and tellingly, these two review processes appear in separate articles of the Guidelines: section 15175 is in "Article 11.5 Master Environmental Reports" while section 15183 is in "Article 12 Special Situations." Because the City is employing environmental review under section 15183, the requirements enumerated in Guidelines section 15175 are irrelevant.

Comment: (Exhibit B, p. 3)

Here, staff is not contending that any of the exceptions to the five-year cutoff rule apply to the proposed project. Nor is there evidence that these exceptions do apply. In its environmental document, the city has not reviewed the adequacy of the 25-year-old General Plan EIR pursuant to Guideline § 15179 (b).

Response:

As discussed above, the City is not using a Master EIR environmental review process. Therefore, CEQA Guidelines section 15179(b) does not apply to this Project. Section. Section 15183, which the City does rely on, does not have a "five-year cutoff rule." See CEQA Guidelines § 15183.

Comment: (Exhibit B, p. 4)

Staff's contention that this subsection can be read without considering the time limits under Guideline § 15179 is contradicted by case law, the basic concept of 'tiering,' and logic. . . . Had the legislature intended for PRC § 21083.3 (b) to apply without any regard to the time limits in Guideline § 15179, it would have preceded the code section with the words: 'irrespective of the time limits set forth in Guideline § 15179' More significantly, the appellate courts have interpreted Guideline § 15179 as applicable to MEIRs and to projects that postdate MEIRs.

Response:

Section 21083.3 permits reliance on General Plan EIRs, regardless of their age. Other CEQA provisions do establish time limits for relying on prior EIRs, but not section 21083.3. See, e.g., PRC §§ 21081.2(c)(1), 21094(a)(2)(D), and 21157.6. The Legislature did not establish a time limit for section 21083.3 because, by its own terms, it requires a public agency to study impacts of a project that are peculiar either because

the previous EIR on which the agency is relying did not evaluate the impact or, if it did, the impact is more severe than when it was analyzed. CEQA § 21083.3(b). CEQA further provides that the environmental effects of a project shall not be considered peculiar to the project or its site if the agency has adopted uniformly applied development policies or standards with a finding that these policies or standards will substantially mitigate that environmental effect when applied to future projects. The City properly relied on its General Plan EIR, which remains operable. Additionally, the City's comprehensive Environmental Review document analyzed all of the Project's potentially significant impacts and concluded that they are mitigated through feasible mitigation measures set forth in the General Plan EIR and/or uniformly applied development policies and standards adopted by the City. Therefore, there are no impacts peculiar to this Project. Finally, because the City is not using the Master EIR process for this Project, the discussion of section 15179 is irrelevant.

Comment: (Exhibit B, p. 6)

*On page 10 of the staff report, first full paragraph, the city misunderstood the Guideline as requiring it to only review impacts if **all four** of the above criteria were present Instead, if **any** of these four criteria are present, the city was required to obtain an EIR.*

Response:

The comment correctly notes that the City misquoted CEQA Guidelines section 15183(b) by using an "and" instead of an "or." However, the City fully understands section 15183(b)'s requirements and, as a review of the environmental review document evidences, it has *correctly applied* them by analyzing whether the Project triggers any of section 15183(b)'s four criteria.

Comment: (Exhibit B, p. 6)

The General Plan EIR that was certified by the city in 1987 will not apply to the proposed project if PAL presents a fair argument that there is a "reasonably foreseeable project-specific significant change in the environment that is peculiar to the [project] or its site." (Wal-Mart Stores, Inc. v. City of Turlock (2006) 138 Cal.App.4th 273, 288.) "Peculiar" is defined as "a physical change in the environment [that] belongs exclusively or especially" to the project or its site. (Id. at pg. 294.) The effects of the environmental change peculiar to the project can occur directly or indirectly, but they must be reasonably foreseeable and not speculative. (Id. at p. 288.)

Response:

First, the comment incorrectly suggests that a "fair argument" standard applies when determining whether peculiar impacts exist. Under Guidelines section 15183(e), an agency must only provide "substantial evidence" to support its findings regarding about whether a peculiar impact exists.

Furthermore, the comment uses a definition of "peculiar" that is not germane to the analysis under Guidelines section 15183(e). For the purposes of streamlined environmental review, "An effect of a project on the environment shall not be considered peculiar . . . if uniformly applied development policies or standards have been previously adopted by the city . . . with a finding that the development policies or standards will substantially mitigate that environmental effect" Thus, site-specific impacts are not peculiar if the City finds that they are mitigated through development policies or standards. As the Environmental Review document demonstrates, all impacts not mitigated by the General Plan EIR have been mitigated through uniformly applied development policies or standards. Thus, the Project does not result in peculiar impacts.

Comment: (Exhibit B, pp. 7-8)

[T]he 1987 General Plan is seriously outdated . . . There are no expert reports referenced in this very old EIR or any indication that anyone with expertise prepared it. Each of PAL's experts has demonstrated that the impacts that they have identified are either not discussed at all in the EIR or that the discussion does not incorporate new information. For example, the 1987 EIR incorporated a flood map that was redrawn in 2009 to be more accurate. Yet, staff is relying on the 1987 flood map.

Response:

The City's environmental analysis is based on several post 1987 studies and reports that are incorporated into the Environmental Review document, including the most recent FEMA flood maps which document that the Project does not expose any structures to flood hazards. These FEMA maps show that homesites on Lots 1 and 2 and the bio-retention basin are outside the 100-year flood plain level. Other studies and reports that were prepared specifically for the City's CEQA review of the project include geotechnical reports, a storm water control plan, a traffic impact study, a historic/cultural resources study, a biological resources assessment, an arborist report, a survey of rare plants, and a health risk analysis report.

Detailed responses to the letters from the six technical consultants to which Ms. Moncharsh refers are set forth below and in the letters attached as Exhibits C, D, G, J and M.

Comment: (Exhibit B, p. 8)

[T]he EIR admitted [sic] that 'no original geologic studies were conducted for the General Plan because it was anticipated that site-specific studies would be required for most projects regardless of the detail of [the] General Plan detail. . . .' Similarly, the 1987 General Plan EIR, on pgs. 4-16 to 4-17, recognized that there were potential drainage issues with future development, but did not see any need for mitigations. It did not address the impacts from the project and instead, relied on grading policies The 1987 General Plan also did not find any mitigations necessary to preserve special species or their habitat."

Response:

As discussed above, the relevant question under PRC section 21083.3 and CEQA Guidelines section 15183 is whether the General Plan EIR *combined with* uniformly applied development standards will mitigate the environmental impacts peculiar to the project. This City has used this multi-step analysis throughout the environmental review document. See, e.g., Environmental Review Document, pp. 42-46 (analyzing potential geologic impacts). Viewing the General Plan EIR in isolation, as Commenter does here, improperly truncates environmental review under section 15183. The City has not evaluated this Project using the Commenter's improper analysis.

Comment: (Exhibit B, p. 8)

[The City's] analysis overlooks the informational function of CEQA, which requires the city to specifically identify the potential mitigations and impose them through a Mitigations Monitoring Reporting Program.

Response:

There is no requirement that the City implement a Mitigation Monitoring or Reporting Program ("MMRP") for this Project. First, and most importantly, CEQA only requires MMRPs when an agency imposes changes on a project to mitigate environmental impacts. See Guidelines §§ 15091(d), 15097(a). Here, there is substantial evidence that the feasible mitigation measures set forth in the General Plan EIR and the uniformly applied development policies or standards that the City has adopted and that are set forth in the environmental analysis will substantially mitigate the Project's environmental impacts so that there are no impacts peculiar to the Project. Thus the City is not imposing additional mitigation requirements on the applicant.

Furthermore, MMRPs solely apply to Mitigated Negative Declarations and EIRs. CEQA §§ 21081, 21081.6, and Guidelines §§ 15091, 15097. Because the City's streamlined environmental review document is neither a Mitigated Negative Declaration nor an EIR, it does not trigger the requirement to prepare an MMRP. Nevertheless, staff has recommended that the City adopt a condition requiring the applicant to prepare a document that identifies the mitigation measures from the General Plan EIR that will be undertaken and the City's development policies and standards with which the applicant must comply.

Comment: (Exhibit B, p. 9)

[T]he staff report states: 'As part of its action, the Planning Commission is requested to find that the feasible mitigation measures identified in the General Plan EIR will be undertaken.' What mitigation measures? . . . What would the mitigation measures be for the geo-tech issues given that the 1987 General Plan EIR admittedly did not even evaluate the landslide issues?

Response:

The Environmental Review document throughout identifies feasible mitigation measures from the General Plan EIR that will be undertaken, as required by PRC section 21083.3(c), as well as uniformly applied development policies and standards that the City has adopted that apply to the Project and with which the applicant must comply. For example, the Environmental Review document discusses the mitigation related to “geo-tech issues” at pages 44 through 47 and development policies and standards applicable to the Project at pages 78-79, 86. .

Geotechnical

The September 10, 2012, letter from Danus Abolhassani Consultant & Associates (DAC) (Exhibit E) discusses concerns regarding the Geotechnical Reports prepared for the project by Jensen-Van Lienden.

Response:

The developer’s soils engineers, Jensen-Van Lienden Associates, Inc. addresses all of the points raised in the DAC letter and provides clarification, as needed, in a detailed response dated September 17, 2012 (Exhibit C). Jensen-Van Lienden’s response finds that all of the issues raised in the DAC letter were adequately addressed in the original report or by existing regulations and that additional studies are not warranted.

Hydrology

The September 10, 2012 letter from Wildscape Engineering Services raises two potential impacts on the hydrology of the site:(1) the project will “[s]ubstantially alter the existing drainage pattern of the site, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on-or off-site” and (2) “Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Map or other flood hazard delineation map.” (Exhibit F).

Response:

A response has been prepared by the project stormwater engineer, CDM Smith (Exhibit G) wherein they find that the project design and the applicable regulations adequately address the concerns raised in the Wildscape letter. City Engineer Janice Carey reviewed both the Wildscape letter and the CDM Smith response letter and she finds “that the letter from CDM Smith accurately and adequately addresses the concerns raised in the Wildscape letter.” (Exhibit H).

Biology

The September 10, 2012 letter from K. Shawn Smallwood, Ph.D. (Exhibit I) raises several concerns with the Biological Resource Assessment (BRA) that was prepared for this site by the City’s biological consultants, WRA Environmental Group.

Response:

WRA’s September 26, 2012 detailed response to Dr. Smallwood’s letter clarifies and provides additional background on the BRA’s findings. (Exhibit J). WRA’s responses are keyed to the points in the Smallwood letter. In summary, WRA found that “While Dr. Smallwood raises several points with regards to wildlife ecology and other issues, he fails

to provide rationale based on scientific literature to support many of those points..." and "Contrary to the comments set forth in Dr. Smallwood's letter, we have determined that the BRA does not contain any substantial errors or omissions."

Archeologist

The September 10, 2012 letter from Greenwood and Associates (Exhibit K) discusses concerns regarding the archeological aspects of the project. The letter states that testing for possible archeologically important items should be carried out prior to approval of the project.

Response:

Potential impacts to archeological resources were assessed by Architectural Resources Group, Inc. (ARG) and William Self Associates, Inc in the Historical/Cultural Resources Study and the Cultural Resource Assessment Report and it was determined through an archeological survey that the project as designed will have less than significant impacts to potential cultural and paleontological resources.

The subdivision includes the following project elements, recommended in the Historic/Cultural Resources Study, that will reduce impacts on the Moraga Adobe and its site to less than significant:

- Prior to site clearing and grading, a test excavation program will be conducted at the Moraga Adobe by a qualified archeologist meeting federal criteria under 36 CFR Part 61 in order to determine the extent and potential significance of the archaeological deposits. In addition, a California Department of Parks and Recreation, Archaeological Site Record form will be completed for the Moraga Adobe site. (Appendix G, page 35)
- If the archaeological deposits at the Moraga Adobe are determined to be potentially significant, they will be avoided. If avoidance is not feasible, project impacts will be mitigated in accordance with the recommendations of the evaluating archaeologist and CEQA Guidelines §15126.4 (b)(3)(C), which require development and implementation of a data recovery plan that would include recommendations for the treatment of the discovered archaeological materials. The data recovery plan will be submitted to the City of Orinda for review and approval. Upon approval and completion of the data recovery program, the archaeologist will prepare a report documenting the methods and findings. The report will be submitted to the City of Orinda. Once the report is reviewed and approved by the City of Orinda, a copy of the report will be submitted to the Northwest Information Center. (Appendix G, page 35)
- A qualified archaeologist shall conduct a training session for all construction personnel prior to the beginning of construction. Training shall address the proper procedures to follow in the event that cultural resources are uncovered during excavations and shall include an explanation of the regulatory policies protecting resources; basic identification of cultural resources; and the protocol to follow in case of a discovery of such resources. If deposits of prehistoric or historic archaeological materials are encountered during project activities outside the Moraga Adobe site, all work within 25 feet of the discovery will be stopped and a qualified archaeologist meeting federal

criteria under 36 CFR Part 61 will be contacted to assess the deposit(s) and make recommendations. (Appendix G, page 36)

- Prepare a paleontological monitoring plan that includes the following provisions: ensures paleontological monitoring during construction activities; avoidance measures; implementation of a paleontological salvage program developed by a professional paleontologist should artifacts be discovered; provisions for recovered specimens to be housed in an institutional paleontological repository; and preparation of a Final Report to be reviewed by a vertebrate paleontologist designated by the City. (Appendix G, page 37)

- In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, excavation or disturbance of the site or any nearby area will cease until the County Coroner has examined the remains. If the County Coroner recognizes the remains as being of Native American origin, he/she is responsible to contact the Native American Heritage Commission ("NAHC") within 24 hours. The Commission has various powers and duties, including the appointment of a Most Likely Descendant ("MLD") to the project. The MLD, or in lieu of the MLD, the NAHC, has the responsibility to provide guidance as to the ultimate disposition of any Native American remains. (Appendix G, page 37)

- The archaeological consultant, City of Orinda, and MLD would then make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters. If the MLD and the other parties do not agree on the reburial method, the project will follow Section 5097.98(e) of the PRC, which states that "the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."

Historic Landscape

The September 11, 2012, Cal Poly Letter from Christine Edstrom O' Hara (Exhibit L) sets forth concerns that the Historical/ Cultural Resources Study, prepared by (ARG) does not adequately address the project's "*permanent negative impacts on the historic vernacular landscape*" of the site.

Response:

ARG has provided a detailed response to Ms. O'Hara's concerns in a letter, dated September 28, 2012, (Exhibit M). Their letter states that based on their "on-site field work and archival research, we did not find *evidence that a historic vernacular landscape was present at the Moraga Adobe property.*" ARG goes on to state that the concerns in the letter from Ms. O'Hara were adequately addressed in the existing Historical/Cultural Resources Study and that no further studies are warranted.

Setting and Lot Density

The September 9, 2012 letter from Ellen Miramontes (Exhibit N) identifies concerns regarding the impact the project would have on the setting of the adobe structure and the lot density.

Response:

Staff prepared the following responses to the main comments in the letter from Ms. Miramontes.

The first concern is that the construction of homes on proposed lots #12 and #13 and the destruction of historic Adobe Lane would constitute a substantial adverse change in the significance of a historical resource. . . .

The Historical/Cultural Resources Study prepared by ARG states that the historic setting of the Moraga Adobe includes *"the historic sightlines of the Moraga Valley and Mount Diablo to the northeast."* To prevent the project from having a significant impact on these views, ARG recommended, and the developer incorporated into their project description, that the future development and landscaping on Lots 12 and 13 shall *"not extend above the elevation of the base of the Moraga Adobe, which sit at 667.4 feet above sea level."* This requirement preserves these historic sightlines and reduces the impacts of the development on Lots 12 and 13 to less than significant. The ARG report did not find that any of the site's characteristics have historic relevance.

The second concern discussed in Ellen Miramonte's letter is in regards to the project density and the applicant's request to approve clustering the lots to avoid sensitive areas of the property, as allowed in OMC section 17.7.5. Ms. Miramonte states that because of the constraints on the lot, for example: the location of the historic Moraga Adobe, the 3 tributaries that traverse the site and the landslides on the site. adjustments to lot sizes allowed in OMC section 17.7.5 should not be granted. She states that just because *"buildings may simply not be sited on well over half the property"* is not a reason to allow smaller lot sizes under OMC section 17.7.5 Adjustments.

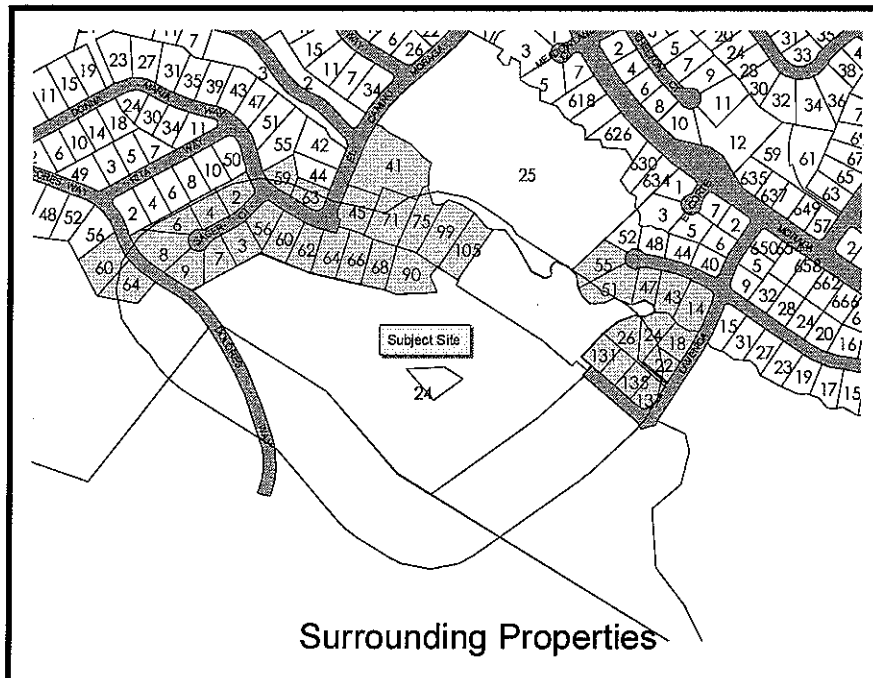
The intent of OMC section 17.5.5 is to allow development to occur in areas that will have less impact on the environment. The code states that *"an adjustment may be granted from the requirements of Section 17.7.4 to allow lot sizes smaller than those shown, if such a plan is found to be in conformance with the intent and development standards of this chapter, subject to the following requirements: (1) no lot may be less than twenty thousand (20,000) square feet in size; and (2) the total number of allowable units per acre may not be exceeded."* To grant an adjustment, the Planning Commission must make the findings that the project meets the following two discretionary standards:

"A. The clustering of lots reduces either environmental impact and/or off-site visual impact, and the proposed plan is consistent with any underlying tentative map and/or planned development approval.

B. The clustering of lots allows for a greater degree of conformity to development standards of the underlying zone.”

As stated in the September 11, 2012 Planning Commission Staff Report (pp. 14 and 15), the proposed plan appears to comply with the requirements of OMC section 17.5.5. By clustering the lots, the proposed plan avoids development within creek setbacks, minimizes roadway construction and associated water runoff, minimizes the impact of creek crossings, and preserves protected trees, thus reducing the Project's potential environmental impacts and allowing for a greater degree of conformity to the design review standards.

Furthermore, the proposed lot sizes are larger than the existing development in the surrounding neighborhoods. The average lot size of the developed sites within 300 feet of the project site is 19,639 square feet, with the largest lot being 61,240 square feet and the smallest lot being 10,400 square feet. The smallest lot proposed in the subdivision is 24,676 square feet and the largest lot is 154,569 square feet. The following map depicts the developed sites within 300 feet of the subject property.



Ms. Miramonte also states that she does “not believe that the proposed project is consistent with development density allowed by the Orinda Municipal Code”.

As stated on page 14 of the September 11, 2012 Planning Commission Staff Report, the project meets the lot size regulations in OMC section 17.7.4. The calculations for the allowable density are attached to the September 11, 2012 staff report as Exhibit A, Appendix A.

RECOMMENDATION:

Staff recommends that the Commission open the public hearing, take testimony, close the public hearing, and evaluate the proposal for conformance with the applicable regulations. If the Commission takes action on the Project (approve/deny), then direct staff to prepare a Statement of Official Action and Notice of Determination reflecting the Commission's action.

However, before the Commission can approve the subdivision and tree removal permit applications, it must first take action on the Environmental Review document. Staff recommends that the Commission find that (a) the feasible mitigation measures identified in the General Plan EIR will be undertaken, as required by PRC § 21083.3 (c); (b) the uniformly applied development policies and standards adopted by the City and identified in the environmental analysis will substantially mitigate the Project's environmental effects; (c) the Commission has reviewed the Environmental Review document and exercised its independent judgment; and (d) the Environmental Review document sets forth the City's compliance with CEQA.

Recommended Conditions of Approval:

Prior to final map approval, the applicant shall produce a comprehensive list of the mitigation measures from the General Plan EIR that will be undertaken and the uniformly applied development standards and policies with which the applicant must comply, all as referenced in the Environmental Review Document.

ATTACHMENTS:

- Exhibit A: Sitar, Austin, Spanos Letter
- Exhibit B: Moncharsh Letter
- Exhibit C: Jensen-Van Lienden Letters
- Exhibit D: TJKM Letter
- Exhibit E: DAC letter
- Exhibit F: Wildscape Letter
- Exhibit G: CDM Smith Letter
- Exhibit H: Janice Carey, City Engineer, email
- Exhibit I: Smallwood Letter
- Exhibit J: WRA Letter
- Exhibit K: Greenwood Letter
- Exhibit L: O'Hara Letter
- Exhibit M: ARG Letter
- Exhibit N: Miramontes Letter

This Staff Report along with all of its attachments is available on the City of Orinda website at www.cityoforinda.org.

ADDITIONAL CORRESPONDENCE

Robin & Nick Sitar

64 Donna Maria Way

Orinda CA 94563

Steve Austin & Evanthia Spanos

66 Donna Maria Way

Orinda CA 94563

Orinda Planning Department

SEP 11 2012

COMMENT RE THE J.J. RANCH PROPOSAL AT MORAGA ADOBE

RECEIVED

September 10, 2012

To: Orinda Planning Commission:

We are long time residents on Donna Maria Way between El Camino Moraga and the proposed development project. Thank you for allowing us to express our concerns regarding this proposed development.

Geotechnical

We have a great deal of concern regarding the soils and slope stability on the Moraga Adobe property. Up until just recently, virtually the entire project area was universally considered to be part of a very large, deep, ancient landslide that stretched from above the Moraga Country Club Golf Course, to below the Adobe. It was recognized as such in reports prepared by Radbruch (1969), Wagner (1978), Nilsen (1975), Crane (1988) and Dibblee (2005). Only after the Claxtons prepared to sell the property to the present developers did reports began to appear indicating that this large landslide, thought by many to be nearly 70 feet deep, may not exist. Even these recently retained experts agree that the project site is covered with landslides that will need extensive grading, compaction and drainage to provide adequate support for the proposed development. The recent Alan Kropp report that is generally favorable to development notes that one or more large landslides extend into the southern portion of the proposed project. Orinda has been the location of many devastating landslides over the last few decades. More study is needed to ensure that the large, deep slide that until recently the experts have all agreed exists has been proven to be either inactive and incapable of reactivation or is actually not present.

The geotechnical portion of the assessment is also deficient in its treatment of the stability of the site during construction. As stated in the report, there will be a very large amount of earth moving in order to mitigate the landslides on the site. Such work can and will result in at least temporarily lowered stability of the existing slopes, both in the areas of the proposed excavations and in the areas in which the excavated material will be stock piled.

We are especially concerned with two aspects of this issue. Firstly, the excavated landslides will be at times large depressions in the ground surface which will collect rainfall runoff and feed it directly to the subsurface. The infiltrating water can then destabilize previously stable slopes both on and off the property. Secondly, the slope on the edge of the property bordering Donna Maria Way is quite steep.

Exhibit A

While currently stable, uncontrolled or improperly placed fill from the earth moving operation could easily destabilize this slope leading to major, long term problems for all the properties below.

Traffic study:

The traffic study as submitted by TJKM, while purporting to use actual site data, does not represent any situation that anyone with the tiniest shred of knowledge would consider representative of the actual conditions. The traffic study submitted by our neighbor, former Miramonte student Katie Reid, persuasively points out the inaccuracies in the TJKM report. One of the most glaring of these mistakes is the use of the countywide figure for number of elementary age children per household in the report (.21). This led the authors to the conclusion that only 4 elementary school children will live in the 13 homes of the project. As long time residents of this neighborhood, we can without reservation state that no one buys a house in this location unless they have one or more (sometimes many more) school age children. That is the central attraction that draws people to buy here. There will certainly be at least 13 elementary age children living in these homes and potentially many more. When one considers the probability that people will purchase these homes because of the proximity to Miramonte and OIS, it is likely that the number of trips taking children to school each day from these homes will be in the dozens. The authors of the TJKM are professionals and must have known this. Instead they chose to use a misleading analysis to support their pro-development posture.

Another concern about the TJKM report is the recommendation that Del Rey Elementary "assign staff/volunteers/parents/crossing guards" during drop off and pick times and then redesign its parking lot and driveways to accommodate the increased traffic from this development project. Will the developers be paying for this increased staff presence and will they donate the construction crew for the parking lot project?

The typical traffic day includes Miramonte High School students, as well as the traffic from Valley View via Don Gabriel with traffic backed up frequently all the way past the intersection of El Camino Moraga and Don Gabriel. Two snapshots of the more commonly encountered conditions are presented on the attached page.

The CEQA document mistakenly states that "the project site is accessible from Donna Maria Way, a public street." See pg. 55. The section of Donna Maria Way connecting Adobe Lane to El Camino Moraga is a narrow privately owned and maintained lane which is not designed for a significant volume of traffic beyond that which it already serves. The attached photos show a typical setting on a garbage collection day. Therefore, to suggest that additional dozens of day trips along this narrow lane will have no adverse impact is lacking in veracity.

Given the size of the proposed development and the layout of the neighborhood, a much more logical and neighborhood friendly solution would be to channel traffic onto Donna Maria Way only from the properties along the current extension of Donna Maria Way in the north eastern part of the property. The remaining access should be provided via the city maintained portion of Donna Maria Way which

abuts the eastern edge of the property and from the existing access from Rita Way. Besides distributing the burden of traffic, this solution would also allow a much better emergency access and egress.

EIR

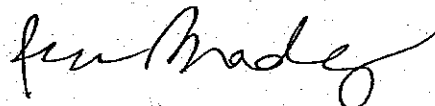
Under CEQA, a full environmental impact report is required where substantial evidence supports a "fair argument" that significant impacts "may" occur-even if other substantial evidence supports the opposite conclusion. No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 75; Friends of "B" Street v. City of Hayward (1980) 106 Cal.App.3d 988, 1000-03. The "'fair argument' standard imposes a "'low threshold'" for requiring the preparation of an EIR. Citizen Action to Serve All Students v. Thornley (1990) 222 Cal.App.3d 748, 754. Such a standard "reflect[s] a preference for requiring an EIR to be prepared." Mejia v. City of Los Angeles (2005) 130 Cal.App.4th 322, 332. Expert testimony is not required where, as here, substantial local resident observations support a "fair argument" of significant impacts.

We strongly urge that a full EIR be ordered and that the Planning Commission require the developers to address these and the other concerns that have been expressed by our community.



Nicholas Sitar

64 Donna Maria Way




Robin Bradley

64 Donna Maria Way



Evanthia Spanos

66 Donna Maria Way



Steve Austin

66 Donna Maria Way

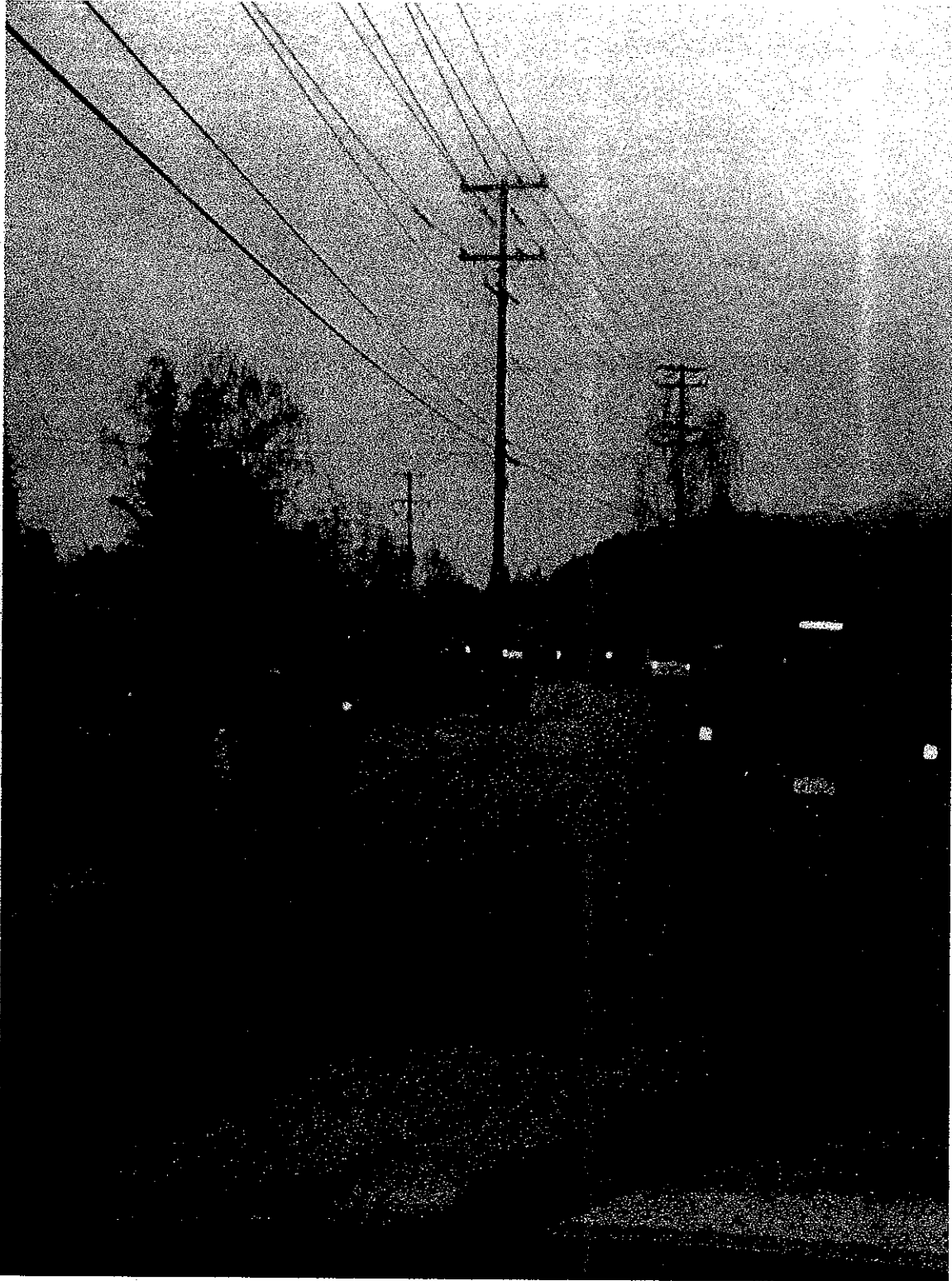


Figure 1 Backup on Don Gabriel at intersection with El Camino Moraga at Del Rey school on a typical winter morning



Figure 2 Same day situation at the crosswalk to Del Rey Elementary showing the traffic turning into the drop off zone crossing the traffic from Don Gabriel and El Camino Moraga

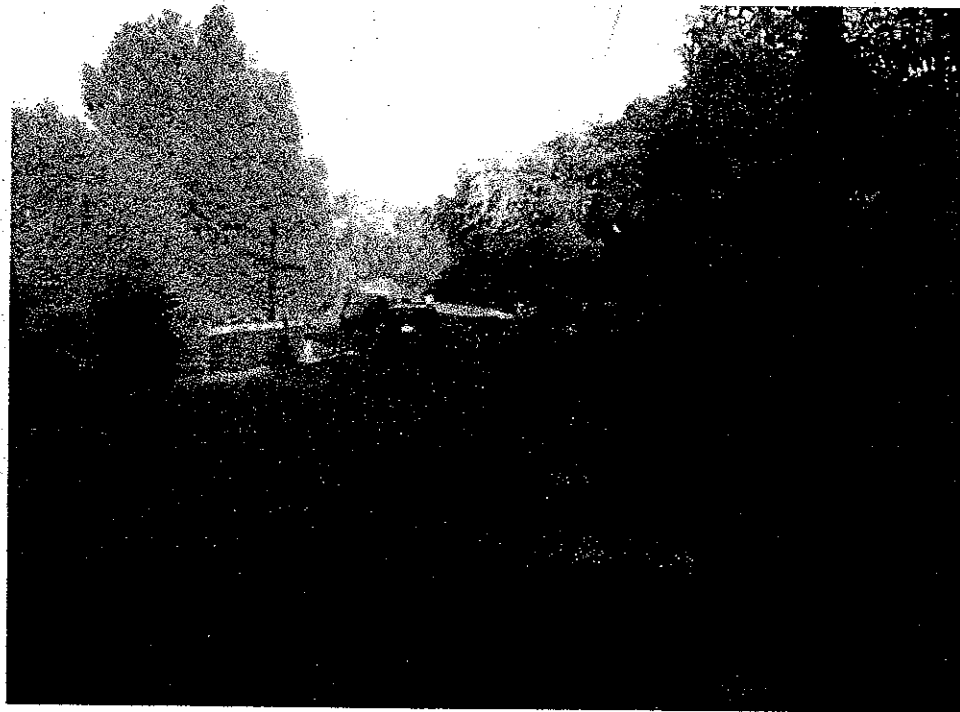


Figure 3 Donna Maria Way leading to Adobe Lane showing the constricted nature of the road.

DONNA M. VENERUSO (d.'09)
LEILA H. MONCHARSH

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September 10, 2012

Scott Pacheco
Associate Planner
City of Orinda
Planning Department
22 Orinda Way
Orinda, CA 94563

Re: J & J Ranch Project – 24 Adobe Lane

Dear Mr. Pacheco,

I represent PAL regarding the above proposed project. This is to discuss the issues, under the California Environmental Quality Act (CEQA), raised by staff in its Environmental Review document. Neither under the legal rules for “tiering,” nor under the partial exemption in PRC § 21083.3 does this project qualify for permitting without a complete environmental impact report (EIR). It is an abuse of discretion under CEQA for a city to grant permits for a project when it presents environmental negative impacts for which no specific and feasible mitigations have been identified. The city should obtain an EIR to fully analyze the potential project impacts, consider alternatives, and identify mitigations.

A. The 1987 General Plan EIR is Outdated and Cannot Legally be Relied Upon for Analyzing the Proposed Project’s Environmental Impacts

1. The 1987 General Plan EIR Was Never Intended to Apply to the J&J Ranch Project

Prior to 1987, Orinda decided to prepare a General Plan that would describe the city’s potential future growth over a twenty year period between 1987 and 2007. The city obtained an EIR that addressed the possible impacts from possible future development over the 20 years. “The primary objective of the General Plan is to provide a policy guide for decisions on future physical development . . . The EIR will used as a tool in the General Plan review and approval process.” (1987 EIR, pg. 4-3.)

The General Plan EIR found that only the then anticipated development of Gateway Boulevard would present potentially significant adverse environmental impacts. The EIR did not intend to consider the specific environmental impacts and possible mitigations for a specific plan: “Detailed environmental review and evaluation of mitigating design features will appropriately occur prior to approval of a Gateway Valley Specific Plan.” (1987 EIR, pg. 4-1.)

Exhibit B

As is typical with General Plan EIRs, the preparer advised that the EIR “evaluates the probable environmental effects of the City of Orinda’s General Plan as required by the California Environmental Quality Act (CEQA) and California EIR Guidelines.” As is customary, the EIR then warns: “However, since the General Plan covers a wide range of planning issues, it will necessarily discuss them in more general terms than would the EIR for a specific development project.” (1987 EIR, pg. 4-2.)

The EIR also assumed that “all General Plan policies will be implemented and that all projected development will occur by 2005.” (1987 EIR, pg. 4-3.)

There is no indication in the 1987 General Plan or in its EIR that the city intended the EIR to assess impacts from the J & J Ranch project on Adobe Lane. Nor is there any indication in the staff’s environmental document or in its staff report that that the General Plan EIR contemplated the instant project.

2. Legally, the 1987 EIR is Outdated and Cannot Be Used to Get Around CEQA’s Obligation to Prepare an EIR for the Project

Cities are legally permitted to “tier” their environmental review, which streamlines the CEQA process. When a city elects to “tier,” it generally starts with a master EIR (MEIR) of a proposed General Plan, just as Orinda did here. CEQA Guidelines § 15175 (a) describes the process:

The Master EIR process is an alternative to preparing a project EIR, staged EIR, or program EIR for certain projects which will form the basis for later decision making. It is intended to streamline the later environmental view of projects or approval included within the project, plan or program analyzed in the Master EIR
...

Guideline § 15175 (b) (1) provides that a city may prepare an MEIR for “[a] general plan, general plan update, general plan element, general plan amendment, or specific plan.”

Once a city completes its MEIR for a general plan, the Guideline sections following § 15176, instruct the city how it should view proposed projects that come before it, after the MEIR has been certified. (Guidelines §§ 15178 – 15179.5.) Generally, the city will rely on its General Plan EIR for impacts relevant to a project and that were analyzed in that EIR. However, as to any impacts that were not analyzed in the MEIR, the city will obtain subsequent EIRs as to those impacts.

However, there is a time limitation on how an MEIR can be used:

(a) The certified Master EIR shall not be used for a subsequent project described in the Master EIR in accordance with this article if either:

(1) The Master EIR was certified more than five years prior to the filing of an application for a subsequent project except as set forth in subsection (b) below . . .

(b) A Master EIR that was certified more than five years prior to the filing of an application for a subsequent project described in the Master EIR may be used in accordance with this article to review such a subsequent project if the lead agency reviews the adequacy of the Master EIR and takes either of the following steps:

(1) Finds that no substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, or that there is no new available information which was not known and could not have been known at the time the Master EIR was certified; or

(2) Prepares an initial study and, pursuant to the findings of the initial study, does either (A) or (B) below:

(A) certifies subsequent or supplemental EIR that updates or revises the Master EIR and which either:

1. is incorporated into the previously certified Master EIR,

2. references any deletions, additions or other modifications to the previously certified Master EIR;

(B) approves a mitigated negative declaration that addresses substantial changes that have occurred with respect to the circumstances under which the Master EIR was certified or the new information that was not known and could not have been known at the time the Master EIR was certified.

(Guideline § 15179.)

Here, staff is not contending that any of the exceptions to the five-year cutoff rule apply to the proposed project. Nor is there evidence that these exceptions do apply. In its environmental document, the city has not reviewed the adequacy of the 25-year-old General Plan EIR pursuant to Guideline § 15179 (b). As described by our experts, there have been substantial changes in the status of species and animal habitat since 25 years ago. Also the techniques for evaluating drainage and landslides have evolved since 25 years ago. As we know, the drainage patterns have changed just with the development of the area, including the golf course, over the last 25 years. These changes constitute information that was not known and was unavailable to the EIR preparers in 1987.

The city has not complied with subsection (b) (2) because staff is not recommending that the planning commission obtain a subsequent EIR or approve a mitigated negative declaration.

Rather than contending that the five-year time limit applies to the proposed project and claiming an exception, staff claims that there simply is no time limit on a city's ability to use an old EIR: "For purposes of conducting streamlined environmental review, it is not important that the General Plan was adopted, and its EIR certified, in

1987. Neither General Plans nor EIRs have expiration dates.”¹ (Staff report, pg. 11.) For the assertion that there are no limits on EIRs, staff relies on PRC § 21083.3:

(b) If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report

Staff’s contention that this subsection can be read without considering the time limits under Guideline § 15179 is contradicted by case law, the basic concept of “tiering,” and logic. Environmental impact reports, by their very nature, cannot provide reliable information to decision makers after 25 years of development in the area of the proposed project site, improvements in technology for assessing environmental impacts, and changes in the biological makeup of a project site over such a long period of time. Had the legislature intended for PRC § 21083.3 (b) to apply without any regard to the time limits in Guideline § 15179, it would have preceded the code section with the words: “irrespective of the time limits set forth in Guideline § 15179 . . .”

More significantly, the appellate courts have interpreted Guideline § 15179 as applicable to MEIRs and to projects that postdate MEIRs. The California Supreme Court has warned that MEIRs can become outdated and unreliable for later analysis of project impacts. “Tiering is properly used to defer analysis of environmental impacts and mitigation measures to later phases when the impacts or mitigation measures are not determined by the first-tier approval decision but are specific to the later phases.” (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 431.) In footnote 7, the court further explained:

Conversely, once a general project impact has been analyzed in the broadest first-tier EIR, the agency saves time and resources by relying on that first-tier analysis in later, more specific environmental analysis documents, provided of course that passage of time or factors peculiar to the later project phase do not render the first-tier analysis inadequate. [cites] . . .

(*Id.* at p. 457.)

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¹ Staff does concede in this paragraph of the staff report that a new EIR would be necessary if conditions or impacts have changed since the General Plan EIR was certified.

Similarly, in *Health First v. March Joint Powers Authority* (2009) 174 Cal.App.4th 1135, the appellate court recognized that the lead agency had utilized tiering, just as staff attempts to do here:

. . . After federal and redevelopment environmental review, CEQA review occurred in 1999 and 2003. In the General and the Specific Plans and the Master and Focused EIR's, industrial uses like the Tesco distribution facility were anticipated and evaluated and mitigation measures were identified and approved. When Tesco sought approval for its distribution facility, it followed the procedures for submission of a Design Plan Application. As discussed more fully below, we agree the development by Tesco in 2006 did not require further environmental review beyond that accomplished in the 1999 and 2003 CEQA project documents.^[4]

(*Id.* at p. 1142.)

In Footnote 4, the appellate court combined the use of tiering and the time limit for MEIRs: "As explained in Tesco and the Authority's reply briefs, the 2003 Specific Plan for the March Business Center, including the Focused EIR, properly "tiered" off the 1999 Master EIR within five years. (Guidelines, § 15179, subd. (b).)" (*Ibid.* at p. 1147.)

The fundamental purpose of an EIR is "to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment." (PRC § 21061.) The EIR "shall include a detailed statement setting forth . . . [a]ll significant effects on the environment of the proposed project." (PRC § 21100, subd. (b)(1).) (*Vineyard, supra*, 40 Cal.4th at p. 428.) A 25-year-old EIR that did not consider the proposed J&J Ranch project impacts cannot conceivably meet that burden.

Even if the 1987 General Plan EIR was more timely and recent, the partial exemption in Guideline § 15183 does not relieve the city of its duties under CEQA to obtain a project-specific EIR.

B. Staff has Misinterpreted Guideline § 15183(b) as Requiring Evidence of all Four Criteria for the Partial Exemption

1. The Partial Exemption Defined

Guideline § 15183 applies to "various special circumstances [where] CEQA offers partial or conditional exemptions which operate much like 'piggy-backing.' [This] partial exemption applies to a residential development project that is consistent with a general plan for which an EIR has been certified." (*Gentry v. City of Murrieta* (1995) 38 Cal.App.4th 1359, 1374.)

This Guideline requires the city to limit its environmental examination to impacts that:

(1) Are peculiar to the project or the parcel on which the project would be located,

(2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent,

(3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or

(4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time, the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

On page 10 of the staff report, first full paragraph, the city misunderstood the Guideline as requiring it to only review impacts if **all four** of the above criteria were present. (See the use of “and” between numbers (3) and (4) in the third line of the paragraph.) Instead, if **any** of these four criteria are present, the city was required to obtain an EIR.

C. The Exemption Does Not Apply to the Proposed Project Because Each of the Four Criteria Above Has Been Met

1. There are Impacts Peculiar to the Proposed Project or the Parcel Upon Which it Would Exist

The General Plan EIR that was certified by the city in 1987 will not apply to the proposed project if PAL presents a fair argument that there is a “reasonably foreseeable *project-specific* significant change in the environment that is *peculiar* to the [project] or its site.” (*Wal-Mart Stores, Inc. v. City of Turlock* (2006) 138 Cal.App.4th 273, 288.) “Peculiar” is defined as a “a physical change in the environment [that] belongs exclusively or especially” to the project or its site. (*Id.* at pg. 294.) The effects of the environmental change peculiar to the project can occur directly or indirectly, but they must be reasonably foreseeable and not speculative. (*Id.* at p. 288.)

Here, PAL’s expert hydrologist has opined that there is a reasonably foreseeable impact from the project of drainage problems. Primarily, she believes that the condition of the site, combined with the amount of cubic yards of material that will be removed during the project, will cause alteration of the drainage patterns. The change in the drainage patterns will, in turn, cause erosion or siltration on and off the project site.

Similarly, PAL’s geo-tech expert opined that the project site requires considerable investigation and landslide corrections. The project divides the hillside into small lots without first making sure that the investigation and remediation of the entire hillside is complete. He expressed concern that without adequate further investigation, as also

recommended by the developer's experts, it is reasonably foreseeable that property damage will occur due to instability of the hillside.

PAL's historical landscape expert also found that the layout of the proposed roadways and the proximity of the proposed housing would reduce the historical significance of the adobe building. Biologist Shawn Smallwood envisions the project resulting in loss of special species habitat which is peculiar to the project site.

Therefore, PAL has met its burden to show that there are reasonably foreseeable negative environmental impacts due to the project and to its site.

2. The Ordinances, Guidebooks, Federal and State Laws, etc. Cited by the City do Not Apply to the Project

Staff apparently is relying on Guideline § 15183 (f), which states in part:

An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. The finding shall be based on substantial evidence which need not include an EIR . . .

There are three reasons why this subsection does not apply: First, there is substantial new information from PAL's experts that these development standards, laws, etc. do not mitigate the impacts that they found related to the project and its site.

Second, almost all of the laws, guidebooks, development standards, etc. cited by staff are completely irrelevant to the proposed project or its impacts. Third, and very significantly, the city has failed to identify any specific mitigations based on its references and incorporate them into an MMRP. We will discuss *post* this important failing in the Environmental Review.

PAL has met the substantial evidence test, under the above subsection, through its experts, who have demonstrated the references' lack of relevancy and applicability to the environmental impacts that the experts identified.

3. The Impacts Identified by PAL's Experts Include Potentially Significant Off-site impacts and On-site Impacts that Were Not Addressed in the 1987 General Plan EIR

As discussed, *supra*, the 1987 General Plan is seriously outdated. In most instances, the EIR handles weighty topics like hydrology in less than two pages. There are no expert reports referenced in this very old EIR or any indication that

anyone with expertise prepared it. Each of PAL's experts has demonstrated that the impacts that they have identified are either not discussed at all in the EIR or that the discussion does not incorporate new information. For example, the 1987 EIR incorporated a flood map that was redrawn in 2009 to be more accurate. Yet, staff is relying on the 1987 flood map.

4. Significant Impacts Identified in the 1987 General Plan EIR Have a More Severe Adverse Impact than Discussed in the EIR

In the 1987 General Plan discussion about landslides, on pages 4-17 to 4-18, the EIR acknowledged that Orinda has lots of landslide areas. However, the EIR admitted that "no original geologic studies were conducted for the General Plan because it was anticipated that site-specific studies would be required for most projects regardless of the detail of [the] General Plan detail." Indeed, according to PAL's expert geotech expert, and even the developer's experts, the impacts of the project are evident, while in the 1987 General Plan EIR, they were not even discussed.

Similarly, the 1987 General Plan EIR, on pgs. 4-16 to 4-17, recognized that there were potential drainage issues with future development, but did not see any need for mitigations. It did not address the impacts from the project and instead, relied on grading policies. PAL's hydrologist expert clearly found impacts that were more serious than what was analyzed because she focused on the amount of cubic yards of material being removed, rather than just on the grading techniques.

The 1987 General Plan also did not find any mitigations necessary to preserve special species or their habitat. (EIR, pgs. 4-10 – 4-11). PAL's biologist found additional species not identified by the 25-year-old EIR and the need for mitigations. The EIR did not consider the impact of roadway design and proximity of housing on the historic view shed for the adobe building. (EIR, pgs. 4-14 to 4-15.)

D. The City Overlooked the Legal Obligation to Provide a MMRP for the Proposed Project

The city acknowledged in its environmental review that there was a need for mitigations. Instead of identifying the specific mitigations, the city essentially "threw the book" at PAL by citing every conceivable ordinance, law, guidebook, and policy that it could find. The city in essence claimed that "since there are all of these ordinances, laws and guidebooks, we don't have to obtain an EIR." That analysis overlooks the informational function of CEQA, which requires the city to specifically identify the potential mitigations and impose them through a Mitigations Monitoring Reporting Program.

PRC § 21083.3, relied upon by the city to avoid obtaining an EIR, specifically states that to rely upon this section, the city must "undertake or

require the undertaking of any feasible mitigation measures specified in the prior environmental impact report or, if not, then the provisions of this section have no application to that effect. The lead agency shall make a finding, at a public hearing, as to whether those mitigation measures will be undertaken.” (PRC §§ 21083.3 (c) and 21081.6, subd. (a)(1), and Guideline § 15283 (e) (1 and 2).)

On page 11 of the staff report, staff offers: “As part of its action, the Planning Commission is requested to find that the feasible mitigation measures identified in the General Plan EIR will be undertaken.” What mitigation measures? In some instances, there were no mitigations in the 1987 General Plan EIR and in other instances, the mitigations were to “go write an ordinance,” which was very general and did not contemplate the instant project or anything remotely like it. What would the mitigation measures be for the geo-tech issues given that the 1987 General Plan EIR admittedly did not even evaluate the landslide issues?

E. The Environmental Review Involves Improperly Deferring Environmental Impacts Until a Later Time

Essentially, the city attempted to skirt CEQA through use of excessive citations to irrelevant documents, including a seriously outdated, 25-year-old EIR. Every single check box on the Initial Study form is checked the same way, indicating that there are development standards that “will take care of” any environmental impacts. Often, there are references to reports that contained material constituting mitigations, but then the city offers no mitigations for the project other than those in the outdated EIR and various development standards -- none of it is in an MMRP so that the decision makers can identify the impacts and the mitigations for them.

In many instances, the so-called development standards are nothing more than promises that a city engineer will look at something before the project will be built out. None of these efforts to get around the informational requirements can legally succeed. In *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, the First District Court of Appeal rejected putting off CEQA review to another day:

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By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process. [Cites.] . . . [T]he Supreme Court approved the principle that the environmental impact should be assessed as early as possible in government planning. Environmental problems should be considered at a point in the planning process where genuine flexibility remains. [Cites.] A study conducted after approval of a project will inevitably have a diminished influence on decision making. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA. [Cites.]

(*Id.* at p. 307.)

F. The City's Document Does Not Comply with CEQA's Informational Requirements

PAL has met its burden of demonstrating that the partial exemption under PRC § 21083.3 and Guideline § 15183 does not apply to the project. Furthermore, PAL has established, by the "fair argument" standard, that the project presents significant impacts to the environment that have not been reduced to a less-than-significant level by any mitigations in the 1987 General Plan EIR or elsewhere in the city's Environmental Review document. Therefore, the planning commission should require that the city obtain an EIR as to at least aesthetics, hydrology, historic resources, biology, and geology.

The "heart" of CEQA is the provision requiring preparation of an environmental impact report (EIR). (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 84.) The objective of the EIR is to compel government at all levels to make decisions with environmental consequences in mind. (*Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 283.) The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." (*County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.) It is an abuse of discretion for a city to grant a permit for a proposed project when the environmental impacts have not been analyzed in an EIR.

Thank you for considering our comments.

Very truly yours,



Leila H. Moncharsh
Veneruso & Moncharsh

LHM:lm

October 1, 2012
Job No. V113AA

J & J Ranch LLC
100 School Street
Danville, California 94526

Attn: John French and Matt Branagh

Re: Response to 9/10/12 Sitar Comments
J & J Ranch Project
Orinda

We have been asked to review and respond to the issues raised in the subject report. Geotechnical recommendations for this project were presented in our report dated July 28, 2009.

The Sitar letter raises a number of geotechnical and traffic issues with respect to the project. In this letter, we will attempt to paraphrase the Sitar concerns (bold type) and present our responses.

Response to assertion that additional geotechnical investigation is required to adequately investigate the deep-seated landslide issue.

This issue is addressed specifically in our July 28, 2009 report. A considerable amount of investigation has been done regarding this important issue. We have concluded that a deep-seated landslide does not exist. We do not believe that additional investigation is warranted or required.

Response to assertion that the site will be unstable during construction.

This is a valid area of concern for this and every other project where grading work is done, but impacts can be rendered insignificant through adherence to standard industry practices and/or applicable regulations. The selection of the method for grading to repair slides, or to make excavations near property lines should reflect the topography and subsurface conditions at each location. The grading contractor and various professionals typically will work closely together to develop the safest methodology. For example, some of the slides may be repaired in small sections rather than completely over-excavating the slide mass all at once.

Exhibit C

J & J Ranch LLC

October 1, 2012

Page 2

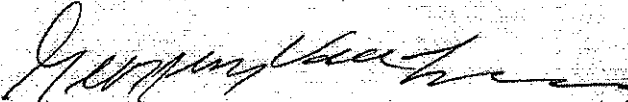
The depressions created by the excavations to remove landslides will not be left open during periods of rain. We concur with the Sitar's that this would create a potentially unstable situation.

We recognize that the weight of soil in stockpile areas creates a lower factor of safety against sliding in areas within and downslope of the stockpile. Stockpile areas will be selected based on existing slope inclinations, proximity of adjoining improvements, and known subsurface conditions in areas where stockpiling is being considered.

We trust that this letter provides you with the information you require.

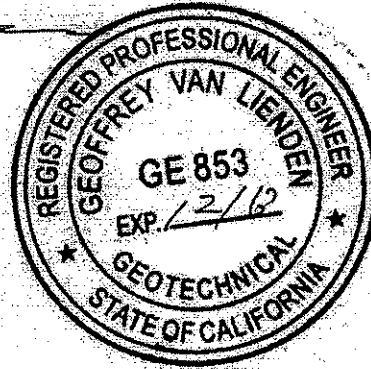
Very truly yours,

JENSEN-VAN LIENDEN ASSOCIATES, INC.



Geoffrey Van Lienden
G.E. # 853

Cc: Howard Martin



Jensen - Van Lienden Associates, Inc.
GEOTECHNICAL ENGINEERING CONSULTANTS

September 17, 2012
Job No. V113AA

J & J Ranch LLC
100 School Street
Danville, California 94526

Attn: John French and Matt Branagh

Re: Response to 9/10/12 DAC Report
J & J Ranch Project
Orinda

We have been asked to review and respond to the issues raised in the subject report. Geotechnical recommendations for this project were presented in our report dated July 28, 2009.

The DAC report raises a number of geotechnical and drainage issues with respect to the project. In this letter, we will attempt to paraphrase the DAC concerns (bold type) and present our responses.

Response to assertion that additional geotechnical investigation is required

This comment is made in connection with the identification of the landslides and Pleistocene debris flow deposits on the site. DAC suggests a number of additional boring locations.

To date, the site has been explored with 36 conventional test borings, 29 test pits, 4 long exploratory trenches, and 2 large-diameter borings (logged by our geologist by viewing the soil in the sides of the hole). The studies have included exhaustive aerial photograph interpretation, reviews of the considerable amount of data collected on adjoining sites (much of this adjoining site investigation conducted by James Joyce, the Engineering Geologist working on our study), extensive laboratory testing and site reconnaissance. By any standard, this represents a comprehensive investigation.

In our opinion, the locations of Pleistocene debris flow deposits and landslides have been adequately identified. The proposed slide repair/ground improvement plans recommended by us primarily involve excavations to construct buttress fills and remove the Pleistocene deposits. This will be done under the direct observation of both the engineering geologist and the geotechnical engineer. This will enable detailed examination of the subsurface conditions and a refinement (either expansion or contraction) of the areas where over-excavation is appropriate.

Accordingly, we do not believe that any additional preconstruction subsurface investigation is warranted or required. Furthermore, it is not unusual for geotechnical evaluations to be finalized after project approval because the project might undergo changes during the approval process.

Response to assertion that the quantity of earthwork (over 100,000 cubic yards for slide repair and removal/recompaction of Pleistocene deposits) is very high.

We think that this earthwork volume estimate is appropriate for a hillside project of this scale. Contemporary geotechnical engineering practice dictates a conservative approach with respect to ground stabilization in subdivision construction. The well-compacted fills and extensive subdrainage associated with the earthwork operation will significantly improve the overall stability of this site and adjoining sites.

Response to assertion that the impervious surfaces and extensive earthwork associated with the project will be detrimental to the hydrology and groundwater hydrology of the surrounding areas.

The project hydrologist and civil engineer have addressed the method of handling surface flow associated by impervious surfaces. In general, from a geotechnical perspective, the less water that gets into the ground the better from a stability point of view. Extensive subdrainage will be installed as part of the earthwork operation. The subdrain outlet pipes will be integrated into the project drainage system. The subdrains will have the effect of lowering groundwater levels within and adjacent to the site.

The over-excavation/recompaction operation associated with the slide repair/ground improvement portion of the grading will involve reuse of the same on-site soils. This means that there will be essentially no change in the permeability or infiltration rate of the soils in the areas to be graded.

Response to assertion that the grading operation may create instability at the property lines

This is a valid area of concern for this and every other project where grading work is done, but impacts can be rendered insignificant through adherence to standard industry practices and/or applicable regulations. The selection of the method for grading to repair slides, or to make excavations near property lines should reflect the topography and subsurface conditions at each location. The grading contractor and various professionals typically will work closely together to develop the safest methodology. For example, some of the slides may be repaired in small sections rather than completely over-excavating the slide mass all at once.

Slide repair will take place on the whole site during the site preparation stage, not during individual lot development stage.

J & J Ranch LLC
September 17, 2012
Page 3

DAC mentions Landslide F on page 4. For clarification, the current development plan has eliminated a lot at this location. Therefore no earthwork repair work is planned in this area. The decision to eliminate the lot at this location was largely based on the results of our investigation.

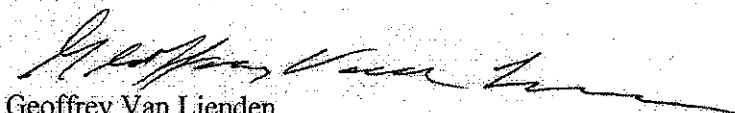
Response to assertion that there are risks associated with constructing a project on expansive soils

We concur. This issue has been identified in our report and recommendations have been incorporated into the project that avoid this potential problem. This is an issue that is prevalent throughout Contra Costa County.

We trust that this letter provides you with the information you require.

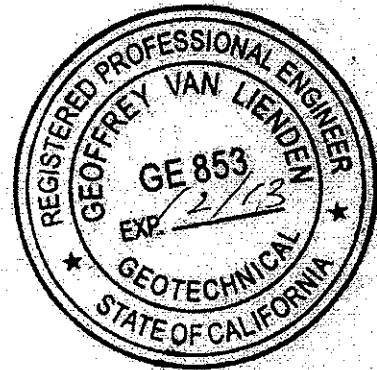
Very truly yours,

JENSEN-VAN LIENDEN ASSOCIATES, INC.



Geoffrey Van Lienden
G.E. # 853

Cc: Howard Martin



Jensen - Van Lienden Associates, Inc.
GEOTECHNICAL ENGINEERING CONSULTANTS



Transportation
Consultants

MEMORANDUM

Date: September 17, 2012

To: Scott Pacheco *Project No.:* 208-009

From: Chris Kinzel *Jurisdiction:* Orinda

Subject: Response to comments

Comment 1: Use of the countywide figure for the number of elementary age children per household in the report is a mistake.

Response 1: TJKM used the typical data for a single family home in Contra Costa County which is 0.21 elementary school students per household. The countywide number is typically used for a standard traffic impact study. However, TJKM received comments stating that Orinda is not like every other Contra Costa community and people buy homes in Orinda for better schools and therefore the number of students per household should be higher.

In order to calculate the actual elementary school students per household for the City of Orinda, TJKM compared the 2010 Census Data with the student enrollment data available from the Orinda Union School District Adoption Budget for 2011-12. The table below summarizes the student enrollments for all the four elementary schools in Orinda. Based on the 2010 census data, there are 6,553 household in the City of Orinda. The Elementary School enrollment varies between 1,536 students and 1,593 students based on the 2007 and May 2011 data. This result in approximately 0.23 (=1,536/6,553) elementary school students per household for the City of Orinda based on the latest enrollment numbers.

Table 1: Elementary School Data

	2007 Data	May-11
Del Rey	386	386
Glorietta	443	398
Sleepy Hollow	384	393
Wagner Ranch	380	359
Total Elementary School Students	1,593	1,536
Total Households	6,553	
Elementary School per Household	0.24	0.23

The 2010 census also reported that there are 3,706 children between the age of 5 and 17 living in the City of Orinda. Assuming all of them are students, this results in 37

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Fresno, CA
93704-2515
559.325.7530
559.221.4940 fax

Sacramento
980 Ninth Street
16th Floor
Sacramento, CA
95814-2736
916.449.9095

Santa Rosa
1400 N. Dutton Avenue
Suite 21
Santa Rosa, CA
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707.575.5800
707.575.5888 fax

tkm@tkm.com

0.57 ($=3,706/6,553$) students per household. This includes all elementary school students, middle school students, and high school students in the City. Based on the total student population, 0.23 elementary school students per household seem reasonable. Therefore, the 13 new houses are expected to generate approximately 4 ($=0.23*13$) elementary school students.

As stated in the report, during the morning drop off period the school trips generated from the new subdivision would be in the opposite direction of school drop-off traffic. The congestion near the school occurs for the southbound direction, whereas the school trips from the new development would access the school in the northbound direction. Therefore, the new trips would not affect the school drop off queues. As stated in the report, even if the children from the proposed development do not walk to school, but are dropped off by cars, they would access the school from the less congested direction (i.e. the northbound direction near the school).

Scott Pacheco

From: Chris Kinzel [ckinzel@TJKM.com]
Sent: Monday, September 24, 2012 8:40 AM
To: Scott Pacheco
Cc: Rich Haygood
Subject: Adobe Lane Response

Hello Scott: Here are some additional comments that were prepared following our discussion on Friday. Let us know if there are any additional questions.

Currently the Donna Maria Way carries 19 vehicles during the a.m. peak hour and 21 vehicles during the p.m. peak hour. The proposed project is expected to add 9 vehicles on that road during the a.m. peak hour and 13 vehicles during the p.m. peak hour. Therefore, once the project is completed, Donna Maria Way is expected to carry 28 vehicles during the a.m. peak hour and 34 vehicles during the p.m. peak hour. The capacity of a private alleyway is considerably higher than 34 vehicles per hour. Therefore, the proposed project is not expected to have any impact with regards to the roadway capacity. The additional cars generated by the proposed project can be easily accommodated on Donna Maria Way.

Chris

Chris Kinzel, P.E.
Direct: 925-264-5006
Office: 925-463-0611
ckinzel@TJKM.com



**Transportation
Consultants**

Vision That Moves Your Community

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~~Darius Abolmehani Consultant & Associates~~

7 Mt. Lassen Dr., Suite A-129, San Rafael, CA 94903
(415) 499-1919 Fax (415) 491-4217 Email: darius@dac.us.com

September 10, 2012

TO WHOM IT MAY CONCERN

Re: A Geotechnical Engineering Review

Proposed J & J Ranch Subdivision
24 Adobe Lane, Orinda, CA
DAC Project No.: 564-0611M

The proposed subdivision is located on a property with plan area of about 20.33 acres, located at 24 Adobe Lane, in Orinda, California. It is an upslope property, irregular in shape with slope gradients ranging from 2:1 (horizontal: vertical) to about 5:1. It is proposed to subdivide the property into 13 lots ranging in size from 24,676 square feet to 154,569 square feet.

There are four existing drainages on the site and dense vegetation borders all sides of the site, except for the south side. One perennial drainage, Lower Moraga Creek, borders the site on the north and runs between the subject site and the Del Rey School property. Three ephemeral drainages traverse the site and flow generally in a northeasterly direction, draining into Lower Moraga Creek.

The scope of work of this review included a walk through reconnaissance of the site to observe site conditions and site surface features from a geotechnical engineering standpoint. In addition, it included review of previous reports of geologic and geotechnical studies performed by others on the subject property, as well as preparation of this letter, which describes the results and conclusions of my geotechnical site reconnaissance and data review.

Attached please find a copy of my current resume reflecting my qualifications, and for your reference.

I performed a walk through site reconnaissance of the subject site on March 28, 2011. And, I have also reviewed the following documents.

Alan Kropp & Associates, 2008, *Summary Report of Preliminary Findings, Geologic/ Geotechnical Investigation, Claxton Parcels (APN 271-150-002 & 271-130-003), 24 Adobe Lane, Orinda, California, AKA Job #2525-1A, L-28444 (report dated October 7, 2008).*

Jensen-Van Lienden & Associates, 2009, *Geologic and Geotechnical Engineering Study, Proposed Subdivision, Adobe Lane, Orinda, California, JVL Job #VII3AA (report dated July 28, 2009).*

Darwin Myers Associates, 2010, *Geologic Peer Review- Subdivision 9721/J & J Ranch APN 271-130-003 & 271-150-002/ 24 Adobe Lane, City of Orinda, DMA Project # 3005.10*



A Geotechnical Engineering Review
Proposed J & J Ranch Subdivision
24 Adobe Lane, Orinda, CA
(Continued)

City of Orinda Environmental Review and Staff Report

General Plan and General Plan EIR

Based on my site reconnaissance, the subject property exhibits signs of active landsliding as well as localized slope stability and drainage issues. During my walk through on the property down from the golf course through the historical Adobe building site to Donna Maria Way and Lavenida Drive, I observed surface undulations, animal burrows, shallow groundwater and seepage, as well as deformation in tree trunks indicative of severe soil creep and landsliding. Such observations were specifically made immediately downslope from the golf course boundary onto the site, as well as entire upper parts, western half, and eastern third of the subject property.

Based on my review of previous geologic and geotechnical investigation reports as referenced above, the property is underlain by weak and expansive sedimentary rocks of Siesta Formation, overlain by a blanket of unstable soils with variable thickness. The site is also marked by extensive landsliding and debris flows.

Within the past 4 years, two geologic and geotechnical investigations including extensive exploratory works were performed by Alan Kropp & Associates (AKA) and Jensen-Van Lienden & Associates (JVL). A 2010 geologic/geotechnical peer review was also performed by Darwin Meyers Associates (DMA), as requested by the City of Orinda.

AKA 2008 report concludes that ".....At a minimum, the site is underlain by weak materials of the Siesta Formation as well as some weak volcanic deposits and colluvium."

JVL 2009 report states that "The entire site is underlain by sedimentary rocks of the Siesta Formation consisting mainly of claystone, siltstone, with some interbedded sandstone, conglomerate and volcanic tuff. In general, these rocks are friable to weak and moderately to closely fractured. "

AKA 2008 report recommended "... extensive additional investigations be performed to investigate the local stability of the proposed development areas. These investigations should include multiple test pits and/or borings adjacent to the steeper slopes. An unresolved issue is the age and stability of the volcanic mudflow deposits observed in several of the test borings, pits and trenches. These materials are usually weak and may be, in whole or part, landslide debris that could pose a significant risk of instability. These areas should be investigated to determine the potential for instability and to determine appropriate corrective measures."

JVL 2009 report states that ".....Depending on the final development plan, additional investigations may be necessary to further define conditions in some areas. It will be necessary to more accurately define the location of Pleistocene debris flow deposits in areas to be



A Geotechnical Engineering Review
Proposed J & J Ranch Subdivision
 24 Adobe Lane, Orinda, CA
 (Continued)

developed. This will require additional subsurface investigation. The additional investigation could be performed at a later stage of planning or at the outset of grading. Our conclusions and recommendations may be modified as a result of new data uncovered during future site investigations."

I performed calculations of surface area and estimated volumes of landslides mapped on the site plans by AKA 2008 and JVL 2009, respectively.

Based on AKA geologic and geotechnical report of 2008, the surface area of slide zones add up to be about 7 acres, more than 33 percent of the total site area (see Figure 1, attached). Volume of slide considering an average 10-foot depth would be 107,000 cubic yards.

Based JVL 2009 report (Figure 2), the slide surface areas (so far identified) add up to about 5 acres, more than 23 percent of the total land area. The total volume of the slide material to be removed and/or stabilized comes to around 100,000 cubic yard (see Table 1, below). These values are in agreement with those indicated in the recent Staff Report for the project.

Figure 2 shows JVL slide map with the locations of previous exploratory works performed by different investigators including JVL 2009. As a preliminary recommendation, additional exploration points have also been indicated on this site plan. These locations may need to be evaluated further and modified based on the observed site conditions.

Table 1-JVL 7/28/2009 REPORT

SLIDE DESIGNATION	AREA IN (FT ²)*	PERCENT OF TOTAL PROPERTY AREA	MAXIMUM DEPTH (FT)	MAXIMUM VOLUME* (CYD)	MAXIMUM VOLUME* (CYD)	MEAN VOLUME* (CYD)
A	59,676	6.85%	25	55,256	27,628	41,442
B	9,485	1.09%	12	4,216	2,108	3,162
C	6,501	0.75%	12	2,889	1,445	2,167
D	14,744	1.69%	10	5,461	2,730	4,096
E	8,250	0.95%	10	3,056	1,528	2,292
F	32,949	3.78%	29	35,390	17,695	26,542
G	20,023	2.30%	10	7,416	3,708	5,562
H	17,727	2.03%	10	6,566	3,283	4,924
I	28,344	3.25%	5	5,249	2,624	3,937
		22.69%		125,497	62,748	94,123

*These values do not include the extension of slide area in the adjoining properties.

Based on the referenced Staff Report, the project includes grading to repair unstable soils and five landslides on the site. The report continues with "... Landslides A, B, C, F, and I should be



mitigated by removing the landslides and rebuilding the area as a well-compacted fill with appropriate subsurface drainage..." "...The Project would result in approximately 75,000 - 100,000 cubic yards of earthwork for the slide repairs and 10,500 cubic yards of cut, and 2,250 cubic yards of fill for site preparation resulting in a total maximum of 112,750 cubic yards of earthwork..."

However, this effort needs to be planned for after supplemental geotechnical investigation is completed for a more accurate landslide mapping and better determination of extents of already identified slides and debris flows. It should also precede subdivision planning and permitting.

Moreover, in my opinion, slide repair cannot be performed on individual lots after the proposed subdivision plan is implemented. This is due to stability issues at the property lines, which is bound to occur due to depth and erratic nature of the landslides. As an example, Landslide A, as labeled in JVL 2009 report (Figure 2), covers proposed lots 4,5,6,7, and 8. The depth of this slide has been estimated to be up to 25 feet below surface.

A second example is Landslide F, which according to JVL is a moderately large landslide in the northern portion of Lot 13. JVL states that "...In this area, borings indicate up to 29 feet of clay soil containing gravel and boulders..."

The recent Staff Report also states that approximately 193,700 square feet of impervious surfaces are created as a result of the proposed development. In my opinion, such a drastic change in the drainage characteristics of the site would be of serious concern in consideration to the hydrology as well as groundwater hydrology of the site and surrounding parcels.

In my opinion, the entire property needs to be further investigated to fully determine the boundaries of the slide zones and the depth across each of the mapped landslides. At that time, it would be more realistic to determine what portion of the property can be developed and what areas should be stabilized and kept as open space. As discussed earlier, several locations recommended to be explored, by borehole drilling or test pit-excavations, are specified (see Figure 2) to observe subsurface conditions in consideration to more accurate slide mapping.

The slide repair should then be performed on the entire segment of the property that gets the designation of being suitable for residential development. At that stage, the land can be adequately subdivided for development and open space purposes, respectively.

Because of the conditions on the project site, it is reasonably foreseeable that the project will lead to landslides and substantial soil erosion during construction. Without the further investigation and planning discussed above, to address the site conditions, the project would be constructed on expansive soil and could present substantial risks to life and property.



A Geotechnical Engineering Review
Proposed J & J Ranch Subdivision
 24 Adobe Lane, Orinda, CA
 (Continued)

Before consideration of any project permit, the investigation recommended by the geotechnical reports and this letter should be implemented and included as part of the environmental impact report. Based on my review of pertinent information, the references provided by the City in its Environmental Review do not address the issues that I have raised here. They do not provide mitigations that would reduce the potential impacts of the project to a less-than-significant level.

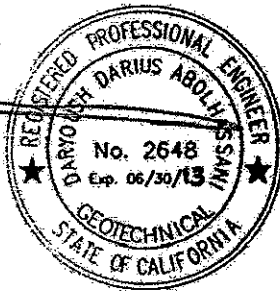
The reasonably foreseeable impacts that I have discussed in my report are peculiar to the project.

I trust this letter will fulfill your geotechnical review requirements.

Sincerely,
DAC Associates

D. Abolhassani

Darius Abolhassani, P.E., G.E.
Principal



Copies: Addressee (2)

Attachments: -Resume
 -Figures 1 and 2

Resume



EDUCATION:

Master of Science in civil and structural engineering
(Geotechnical engineering emphasis), 1979
Cardiff University, Wales, England
Bachelor of Science (with honors) in civil engineering, 1977
Surrey University, Guildford, England

PROFESSIONAL LICENSES:

California PE C58778
California GE GE2648

EMPLOYMENT HISTORY:

2002 – present Founder and Principal, DAC Associates
1997 – 2002 Senior Project Manager, Harza/MWH/Fugro.
1996 – 1997 Senior Project Engineer, Parikh Consultants, Inc.
1994 – 1996 Chief Design Engineer, Foundation Company of Canada, Ltd.
1991 – 1994 Director, GeoEnvironmental & Foundation Consultants, Inc.
1989 – 1991 Senior Engineer, Acres International Ltd.
1983 – 1989 Senior Project Engineer, JV Stucky-Electrowatt Ltd.
1979 – 1983 Project Engineer, Technicon Engineering Company Ltd.

PROFESSIONAL PROFILE:

With over 31 years of professional experience, Darius has broad-experience in the geotechnical and structural engineering disciplines including: foundation investigation/design for bridges, parking structures, pump stations, treatment plants, pipelines, aqueducts, and dams; pavement engineering of roads, highways and port facilities; design and performance evaluation of dams, dikes, levees, tanks and other retaining structures; engineering of tunnels; earthquake engineering; instrumentation and monitoring; building technology and construction services. His responsibilities include project management duties such as project planning, cost and schedule control, quality control, project execution. In addition, he is involved in business development, preparation of proposals, and client liaison. He also directs engineering analyses, supervises engineers, and reviews reports.

EXPERIENCE:

TRANSPORTATION PROJECTS:

Alternative Pavement Sections for Red Bluff and Colorado River Sites, Riverside County, California, USA
Martin Luther King Jr. Way Pavement Rehabilitation, Oakland, California, USA
East 14th Street/Route 185 Phase I Improvements, San Leandro, California, USA
Belle Haven Streets, Menlo Park, California, USA
35th Avenue/Redwood Road Rehabilitation, Oakland, California, USA
Route 237/880 Interchange, Santa Clara County, California, USA
Route 101/85 South Interchange, San Jose, California, USA
Two Bridge Replacements on Pleasants Valley Road, Solano County, California, USA



Rehabilitation of Seventh Street, Oakland, California, USA
Cummings Skyway Extension Project, Contra Costa County, California, USA
Route 237 / 880 Interchange Project, Santa Clara, California, USA
Watt Avenue Widening, Sacramento, California, USA
Airway Boulevard Interchange Project, City of Livermore, California, USA
Allison Drive Extension Project, Vacaville, California, USA

PIPELINES:

Benicia I/I Relief Sewer Pipeline, Benicia, California, USA
North Fair Oaks Pipeline Replacement, San Mateo, California, USA

WASTEWATER TREATMENT FACILITIES:

Recycled Water Facility, LGVSD, San Rafael, California, USA
South San Francisco WQCP, South San Francisco, California, USA
City of Millbrae Hypochlorination Conversion, Millbrae, California, USA

FLOOD CONTROL, SHORELINE PROTECTION, SLOPE STABILITY:

Slope Stabilization, Harbor Point Apartments, Mill Valley, California, USA
Colma Creek Improvement Project, San Mateo County, California, USA
East Chipawa Road Slope Stability, Chipawa, Ontario, Canada
Bank Stabilization and Docking Platform Foundation, Niagara Falls, Ontario, Canada

PORTS:

Pavement Evaluation for Intermodal and Container Yards, Port of Long Beach, California, USA
Berth 30 Expansion, Oakland, California, USA
Pavement Renovation and Rehabilitation Projects for Berth 55/56 Facilities, Oakland, East Waterway Dredging Project, Seattle, Washington, USA
Richmond Terminal 3 South Lot, Port of Richmond, California, USA
Berth 25 Container Yard, Port of Oakland, California, USA

HOSPITALS:

Washington Hospital Emergency Room Renovation, Fremont, California, USA
Geologic Hazard Evaluation, California Pacific Medical Center - California and Pacific campuses, San Francisco, California, USA
Children's Hospital Oakland, Oakland, California, USA
Psychogeriatric Inpatient Nursing Unit, Menlo Park, California, USA
Washington Radiation Oncology Center, Fremont, California, USA
Marin General Hospital Geotechnical and Geologic Hazard Study Project, Greenbrae, California, USA



EDUCATIONAL FACILITIES:

Peralta Colleges, Oakland, California, USA
Skyline and Castlemont High Schools, Oakland, California, USA

OTHER BUILDINGS:

SF Examiner Press Foundation, Mission Bay, San Francisco, California, USA
Seismic Upgrade of a UMB (URM) Commercial Building, San Francisco, California, USA
Seismic Upgrade of an UMB (URM) Commercial/Retail Building, San Francisco, California, USA
Bushrod Recreation Center, Oakland, California, USA
Aviation Facilities Maintenance Complex, Oakland, California, USA
Jack London Aquatic Center, Oakland, California, USA
Elihu M. Harris State Office Building, Oakland, California, USA
Higgins Lumber Building, Livermore, California, USA
Yellow Cab Parking Structure, San Francisco, California, USA
City of Berkeley Center Street Parking Structure Seismic Retrofit Project, Berkeley, California, USA
Central Parking Structure Seismic Retrofit and Expansion, San Mateo, California, USA

DAMS AND HYDROELECTRICITY:

Nathpa-Jhakri Hydroelectric Project in Himalayas, North India
Halele-Werabesa Hydro Project in Ethiopia
Karun III Hydro Project in Iran
Cobourg Creek Dam, Ontario, Canada
Mattogomy River Hydroelectric Project, Ontario, Canada
Grand Falls Hydropower Project, New Foundland, Canada
Belledune Dam Construction, New Brunswick, Canada

ENVIRONMENTAL ENGINEERING:

Phase I & II Environmental Assessment of Commercial and Industrial Real Estate properties, Ontario, Canada
Environmental Impact Study of Reef Deposits in Welland River, Welland, Ontario, Canada

STRUCTURAL ENGINEERING:

Photovoltaic Panel Installation on a Steel Frame Office Building, Novato, California, USA
Solar Panel Installation on a Steel Frame 7-Story Commercial Building, San Rafael, California, USA
Shop Expansion, San Pablo, California, USA
Single Family Residential Buildings, Marin County, California, USA
Shoring Design for slope cut support, Marin County, California, USA
Nathpa-Jhakri Project, Himalayas, North India



Adaptation of gINT (Geotechnical Integrator) software for computerized processing and presentation of geotechnical investigation data, including exploratory borehole and test pit logs, compilation and analysis of site investigation data. Preparation of a user's manual and training of the geotechnical department staff at Acres International Ltd, in Canada.

Training of Technical Staff of all large embankment dams in Iran for systematic monitoring, maintenance, and safe operation of the hydro-complexes. Work included preparation and running of a short course at Gorgan dam site for the operating personnel of embankment dams and relevant engineers from the Ministry of Energy (MOE), Iran.

PUBLICATIONS:

"Instrumentation and Monitoring of Large Dams", 21st Annual Acres Geotechnical Seminar, Niagara Falls, Ontario, 1990.

"Behaviour of Mahabad Dam and its Safety", Second Technical Bulletin on Dam Engineering, IRCOLD 1989.

"Unusual Behaviour of an Earth-Rockfill Dam", Second International Conference on Case Histories in Geotechnical Engineering, University of Missouri-Rolla, USA, 1988.

"Operation Management and Safety of Large Dams", Sixteenth International Congress on Large Dams (ICOLD), San Francisco, 1988.

"Fundamentals of Behaviour Monitoring and Instrumentation of Earth- and Rock-fill Dams" Prepared for the Basic Training Course, Mahab-Ghodss Publications, 1987.

"Safety and Stability Control of Existing Large Dams", First Symposium on Dam Engineering, IRCOLD Publications, 1987.

"A Study of Soil Plasticity by Undrained Extrusion of Kaolin Clay", M.Sc. Thesis, University College Cardiff, England 1979.

"A Case Study of the Stability of Staghill Landslide", Final year project, B.Sc. Civil Engineering, Surrey University, Guildford, England 1977.

Figures

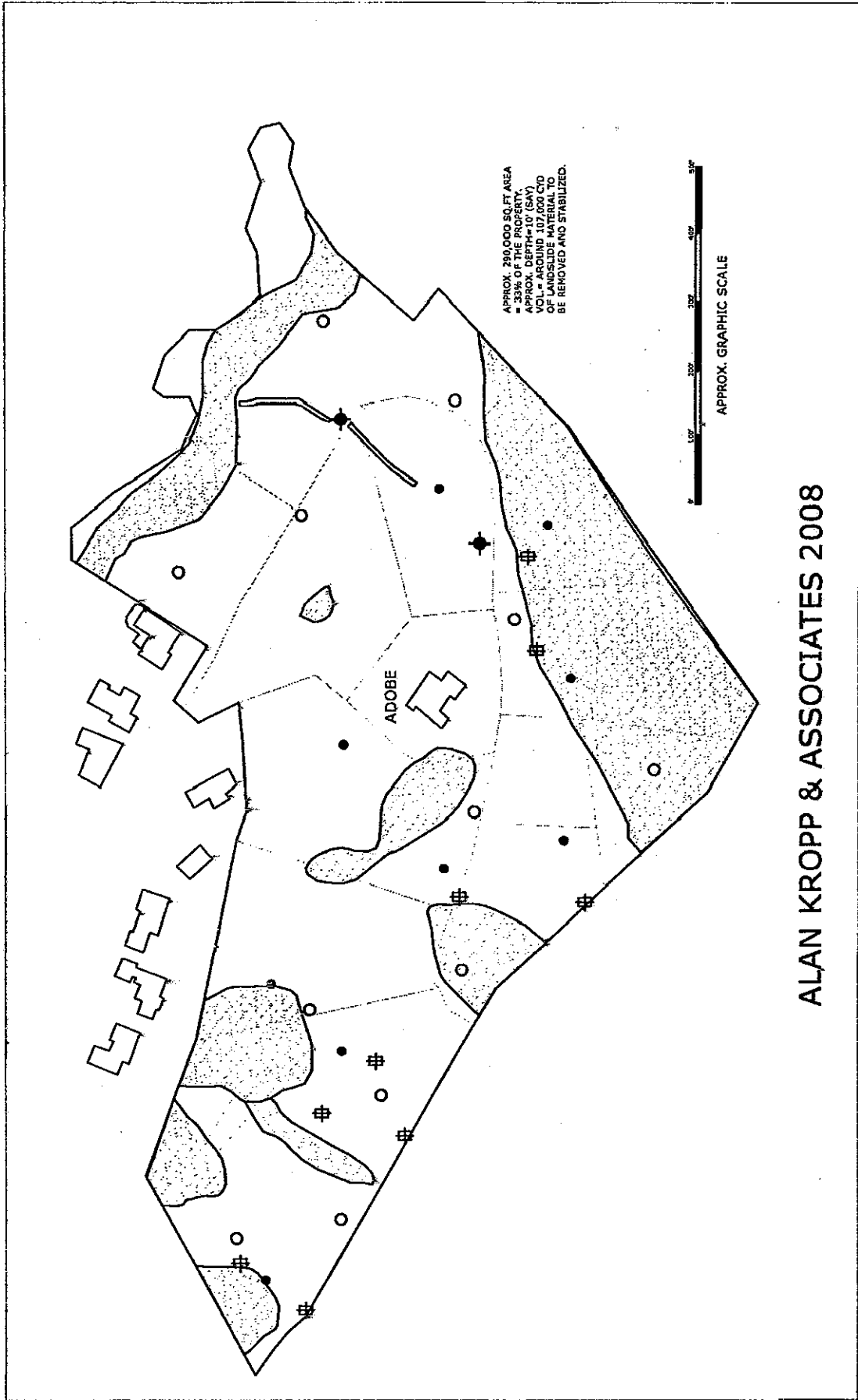
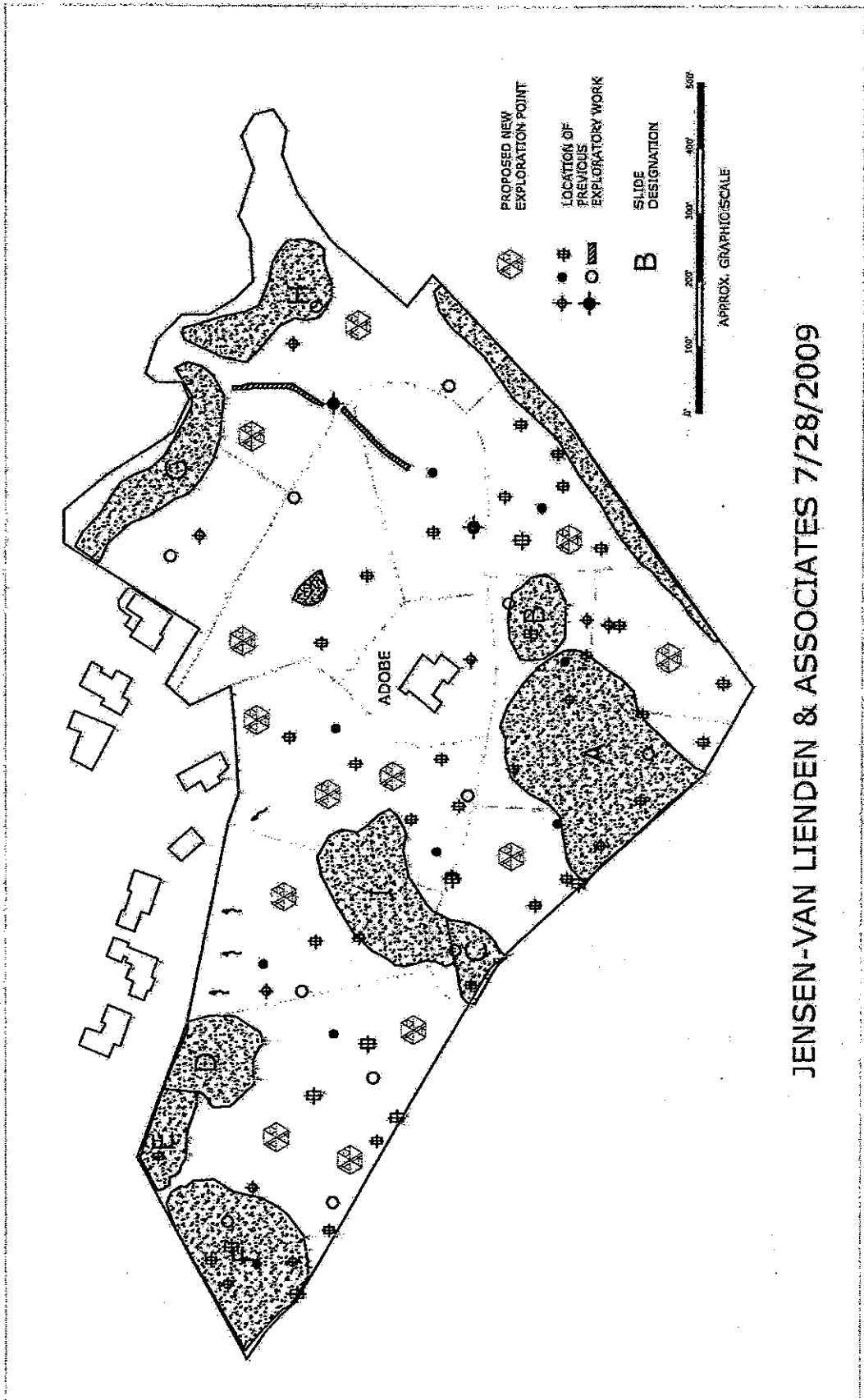


FIGURE 1- AKA SITE PLAN AND LANDSLIDE MAP



JENSEN-VAN LIENDEN & ASSOCIATES 7/28/2009

FIGURE 2- JVL SITE PLAN AND LANDSLIDE MAP



WILDSCAPE ENGINEERING SERVICES

P.O. Box 7041
Corte Madera, CA 94976
(415) 924-6970
(415) 924-8147 (FAX)

September 10, 2012

Scott Pacheco, AICP
Associate Planner
City of Orinda
Planning Department
22 Orinda Way
Orinda, CA 94563

**Subject: J & J Ranch Development Environmental Review under CEQA –
Comments Regarding Potential Hydrology and Water Quality Impacts**

I thank you for this opportunity to comment on the J & J Ranch Proposed Subdivision (Project) Environmental Review and request that you consider and respond to the concerns listed here regarding potential hydrology and water quality impacts not adequately addressed by the policies of the 1987 City of Orinda (City) General Plan or current City ordinances. The hydrology impacts identified in this letter as significant and needing further examination are due to one or more of the following reasons:

- Are peculiar to the Proposed Project or its location;
- Were not analyzed as significant effects in the 1987 City General Plan or its accompanying EIR;
- Pose potentially significant off-site or cumulative impacts not discussed in the General Plan EIR;
- New information has come to light that implies the effects may be more severe than originally understood in 1987.

In preparation for this report, I have reviewed the City's Environmental Document for the project, the appendices with hydrology reports, the codes, ordinances, etc. cited within the Environmental Document, the General Plan and General Plan EIR, and the planner's staff report. I have also visited the site for the proposed Project and reviewed the project description.

Attached to this report is a current resume reflecting my qualifications related to hydrology and water quality.

Understanding of Project Setting

The Project site has a high runoff potential due to its steep topography (24 percent average slope) and low permeability soils making suitable drainage a challenge. Based on a site visit in 2011 the three existing on-site ephemeral drainages were noted to be steeply sloped, flashy in nature, and showed signs of accelerated degradation. For these reasons, they are considered highly susceptible to any significant changes in hydrologic regime. A good example of this is the

Exhibit F



current condition of the Central Drainage (i.e. Tributary 2) within the Project site. This drainage runs adjacent to private parcel, APN 271-141-015 and displays evidence of significant downcutting that likely resulted from installation and operation of a large detention basin on the golf course to the south. The golf course basin design appears to function more as a “collector and conveyor” of stormwater rather than a detention facility due to the size, position, and placement of the outlet pipe and dramatic evidence of erosion and channel incision directly below where the basin outlets. Evidence of accelerated channel instability in the Central Drainage includes severely undercut banks, several knick points, and deep plunge pools including a roughly 20-foot deep plunge pool at the fence line directly below the golf course basin outlet. In its current condition, the Central Drainage channel is unstable and therefore highly susceptible to any increase in runoff from the Project that presents reasonably foreseeable continued bed and bank erosion that would potentially impact water quality and the stability of adjacent properties.

A Watercourse Biotic Assessment Report (Leitner 2009) also indicated that the three ephemeral drainages showed significant downcutting and predicted the conditions could be exacerbated by an altered hydrograph under the Proposed Project. Modified hydrology could in turn threaten many of the large, mature coast live oak trees that line the drainages. The report recommended that gully repairs and drainage swales be incorporated into the Project design in order to further curtail channel degradation and loss of mature oaks and provide for additional infiltration opportunities. These recommendations do not appear to be a part of the proposed Project or any mitigations recommended by staff.

Proposed Drainage Approach

The proposed subdivision incorporates Low Impact Design methods to protect hydrology and water quality including separating the impervious surface drainage from pervious surfaces and collecting and conveying the increased stormwater runoff from impervious surfaces to a Bioretention Facility (Basin) adjacent to Lower Moraga Creek for treatment prior to releasing to the creek. A Storm Water Control Plan (SWCP) by CDM Smith dated May 2012 supports this design approach with calculated Drainage Management Areas and a resultant Integrated Management Practice (IMP) volume needed for the Basin. Calculations were based on a projected impervious surface area of 181,500 square feet (SF) that includes the proposed roadway improvements and an anticipated 10,000 SF on average of additional impervious surface per each of the 13 private parcels.

According to the description in the Environmental Review the individual parcel developments will either convey their impervious stormwater runoff to the Basin via stormwater junction box connections implemented with the road improvements or be required to propose and acquire City approval for an on-site treatment system prior to releasing stormwater runoff to a natural drainage.

The Project will dedicate open space/conservation easements to parallel the three drainages to Moraga Creek on the property which should extend a minimum of 30 feet from the top of each bank in order to comply with the City’s Water Channel Setback Ordinance 17.4.6.



Reasonably Foreseeable Potential Impacts

The following are hydrology/water quality impacts based on CEQA believed to be still significant, despite the mitigations quoted and relied upon by City staff.

1. **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on-or off-site.**

Much of the drainage design described above to mitigate this impact relies in large part on the bulk of the site, roughly 16 acres or 80 percent of the 20 acre site, remaining undeveloped or at least meeting Pre-Development conditions for drainage. If the 16 acres meet Pre-development pervious conditions in regards to existing grades and topography, soil types and compaction, and current vegetation cover they can be "factored out" from the impervious drainage that requires detention and treatment under the Contra Costa County C3 Guidebook.

However, what is unique or peculiar to this project is the significant amount of excavation, engineered fill and final grading that is required to make the slide repairs needed to minimize the potential geotechnical hazards. According to the geotechnical reports, up to 100,000 cubic yards of excavation and grading is needed to correct for potential landslide areas by replacing with engineered fill and subdrains. This is a very large volume for a 20-acre site.

It is agreed that the short-term water quality impacts can be covered by submittal of an approved Storm Water Pollution Prevention Plan (SWPPP) and adherence to the City's NPDES permit as stated under Environmental Review. However, this exorbitant amount of earthwork has a high potential to substantially alter the existing drainage patterns of the area and it is reasonably foreseeable that this would result in erosion on or off site, and most particularly, along the three ephemeral drainages if flows were to be concentrated or redirected along their reach. With the exception of the roadway and associated improvements, a grading plan for the developed site has not been provided and therefore there is no formal evidence that existing grades and natural drainage will be restored within and adjacent to the 13 parcels. Therefore it is difficult to substantiate that the Project will in fact be able to replace the existing terrain "in kind" and maintain the same drainage patterns as before with such a large amount of excavation needed. With the susceptibility of the steep ephemeral drainages discussed above, any diversion from existing drainage patterns will potentially have large impacts on water quality and possibly the stability of the existing properties that are adjacent to these drainages.

In other words it is not clear from the Environmental Review how up to 100,000 cubic yards of material on the 20 acre site can be excavated, backfilled in engineered lifts, re-compacted, and re-graded without altering the 16 acres of pre-development pervious conditions rather significantly. The Project states that existing grades will be restored, but no grading plan or language is provided on how that will be ensured. It is also skeptical that post construction lots would remain "natural" drainages following parcel development and installation of various amenities such as landscaping, lawns, pools, pathways, etc.

If existing grades are able to be fully restored, it is also not clear how pre-pervious conditions will be achieved over the short term. With significant earth disturbance and the need for vegetation to grow to meet pre-project coverage and maturity the site will be more susceptible in

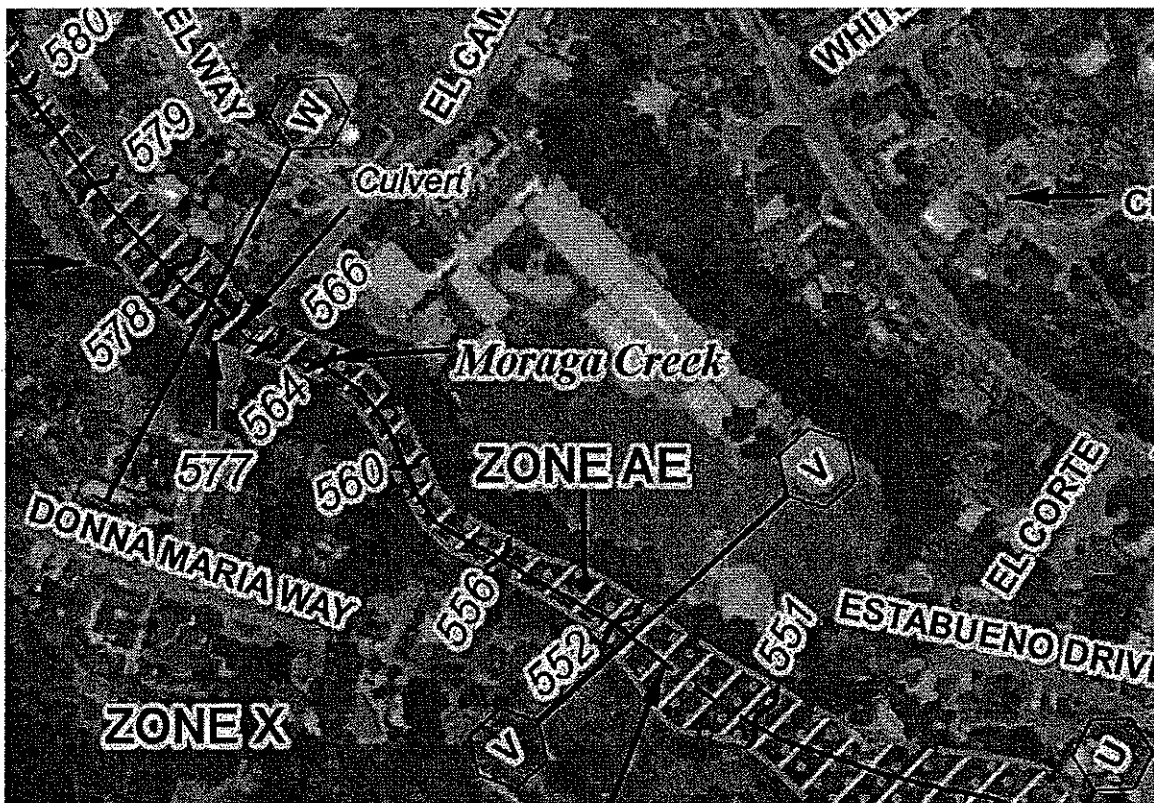


the interim to erosion and the potential for increased concentrated flow paths to the ephemeral drainages.

Because of the unique tactic of excavating and backfilling up to 100,000 cubic yards of material within a 20-acre site in order to mitigate the geologic hazards, restoring the site to pre-Project drainage conditions is going to be a challenge and the General Plan policies and City code sections provided do not ensure that this will be the case. Therefore drainage alterations resulting in increased erosion or siltation, particularly along the ephemeral drainages is still a significant impact.

2. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map

The Environmental Review uses the 1987 General Plan EIR as evidence that the Project area does not include any flood zones and therefore has no impacts. A 2009 FEMA Flood Insurance Rate Map shows the Project site may include a portion of the Special Flood Hazard Area along Lower Moraga Creek (Figure 1) adjacent to proposed Parcels 1 and 2 and the Bioretention Facility. Therefore this is new information that should be used to determine any potential flooding effects.



Source: FEMA Flood Insurance Rate Map #06013C0407F - June 16, 2009

With its large size and close proximity to the creek the proposed Bioretention Facility design should consider groundwater conditions and any potential summer flows such as unintended



interception of groundwater springs or residential water sources including irrigation that may cause the Basin to remain saturated during the summer months and become a potential stagnant water source for mosquitoes. There are also potential water quality impacts to Lower Moraga Creek if the spillway and underdrain components of the Bioretention Facility are not designed correctly and permits from the California Department of Fish and Game and RWQCB are expected to be required in order to outlet the pipe within the banks of the creek as shown.

To the extent that the storm water report, codes, and other documents referenced within the Environmental Review document were intended as mitigations, they do not address the issues that I have raised in this report or, as discussed above, they do not reduce the potential impacts to a less-than-significant level. In many respects, they also did not provide mitigations for this specific project.

In summary based on my site visit and review of the City's documents, in my opinion a higher level of Environmental Impact review is warranted. I look forward to receiving your responses to further clarify and speak to the proposed project and its potential impacts. If you have any questions regarding my comments, please feel free to contact me at 415-924-6970 or wildscape_eng@sbcglobal.net.

Sincerely,

Carol Beahan
Principal
Wildscape Engineering Services



Carol Y. Beahan, Principal

Ms. Beahan is a registered civil engineer experienced in the planning, design and construction of stream, wetland and upland restoration and water quality improvement projects. She has wide-ranging experience from watershed scale conceptual planning to construction implementation within challenging environments such as an active river channel or steep ravine. She has managed multi-disciplinary teams to assess and design for water quality, fish passage, wildlife habitat, transportation and recreation improvements. Ms. Beahan has developed and implemented SWPPPs, pre- and post-construction and mitigation monitoring plans, provided hydrology, water quality and flooding analyses for environmental planning documents and acquired numerous construction permits. Areas of expertise include: stream and wetland habitat restoration planning, design and implementation; bid documents; drainage and erosion control planning and design; hydrologic and water quality monitoring; field investigations and mapping and design drafting. She has coordinated and led numerous public and stakeholder meetings, community workshops and large public educational and outreach events.

Education and Registration

1994 Bachelor of Science, Zoology, San Francisco State University
1999 Bachelor of Science, Civil Engineering, San Jose State University
Registered Civil Engineer, California – C 67556
Certified QSD/QSP

Affiliations

American Society of Civil Engineers (ASCE) and the California Society for Ecological Restoration (SERCAL)

Professional History

2008 – Present	Principal Wildscape Engineering Services
2006 – 2008	Associate Engineer Kamman Hydrology & Engineering, Inc.
2000 – 2006	Project Engineer Entrix, Inc.
1999 – 2000	Assistant Engineer Santa Clara Valley Water District
1998	Student Aid Civil Engineer Contra Costa County Public Works
1995 – 1997	Wildlife Education Director Sulphur Creek Nature Center

Relevant Project Experience

Upper Truckee River Reach 5 Final Restoration Design

Managing engineering analysis and final design for restoration of a large section of the Upper Truckee River in South Lake Tahoe, CA. Design aspects include construction of over 1.5 miles of new channel, grade control structures, restoration of floodplain connectivity, installation of fish habitat and complexity structures, revegetation and habitat restoration, water quality protection measures, compatibility with upstream and downstream restoration projects at different phases of implementation and rerouting of existing water and wastewater utility lines.

Lower Bear Creek Restoration Project

Providing engineering design on a section of Bear Creek for the Mattole Salmon Group in Humboldt County, CA. The proposed improvements include diverting a straightened section of the creek into a restored section along the historical footprint in order to provide for salmonid habitat and off-channel refuge during peak runoff events in the main Mattole River. The proposed improvements cross private and public lands and require a critical diversion structure that will accommodate sediment deposition from the steep reach above and avoid flooding adjacent residential properties and roadways.

Upper Truckee River Restoration and Golf Course Reconfiguration EIR/EIS/EIS – California Department of Parks and Recreation

Working as a sub consultant to Valley & Mountain Consulting, prepared the hydrology, hydraulics, flooding and sediment transport analyses in support of the draft environmental document. The project proposes to restore 1.5 miles of the Upper Truckee River and adjacent meadow habitat in South Lake Tahoe, California. Project components include reconnecting portions of the existing channel to historic meanders, new channel construction, bridge removal and replacement and golf course relocation.

San Joaquin County General Plan Update - San Joaquin County

Working as a sub consultant to Planning Partners and Valley & Mountain Consulting provided the hydrology and flooding background information and analysis for the general plan update with specific emphasis on the complex network of flood protection infrastructure that exists in the region and the continuously changing requirements resulting from recent state regulations developed in response to damaging floods that have occurred throughout the nation. The goal is to give planners a straightforward and easy to use guide for addressing flood risk and storm drainage relative to future development.

Northwest Airport Way Master Plan EIR

Working as a sub consultant to Michael Brandman Associates provided the hydrology and water quality analyses for the Environmental Impact Report for the proposed Northwest Airport Way Master Plan project.

Cottage Knolls Estates EIR – City of Plymouth

Working as a sub consultant to Planning Partners, analyzed and prepared the hydrology, water quality and utility sections of the environmental impact report for the proposed Cottage Knolls Estates residential subdivision project in the City of Plymouth, California.

Rideout Memorial Hospital EIR – City of Marysville

Provided the flooding analysis and report for inclusion in the environmental document for the proposed Rideout Memorial Hospital Expansion in the City of Marysville. The flooding analysis is a key component of the EIR, with the proposed hospital expansion positioned behind a circular system of levees that are relied upon to protect the city and are currently undergoing evaluation and scrutiny under new flooding legislation.

St. Regis Napa Valley Project EIR – City of Napa

As a sub consultant to Michael Brandman Associates, provided the hydrology and water quality sections of the environmental document for a proposed destination resort in the City of Napa.

US 50 Stateline Project Study Report – Tahoe Regional Planning Agency

Coordinating stakeholder and public participation and providing analysis and peer review for the second phase of a transportation project concept design completed in 2004. This is the programming phase required by the California Department of Transportation and involves drafting a Project Study Report (PSR) to evaluate the feasibility and funding requirements of the alternatives based on alignment, cost, right of way take and other relevant features and producing a Preliminary Environmental Assessment Report (PEAR) to determine the potential environmental impacts. The PSR and PEAR provide the framework and authorization to proceed to the project report and environmental document phase of the project. The project includes pedestrian and bicycle improvements within the busy casino corridor and scenic, water quality and wetland enhancements.

Lower Redwood Creek Restoration Project – Banducci Site – Golden Gate National Recreation Area

Served as lead engineer providing engineering design and construction oversight for floodplain and creek restoration on Lower Redwood Creek in Marin County. Produced 50%, 75% and 100% plans and specifications and bid documents. Design components included engineered log jams and excavated floodplain terraces along a straightened and incised section of the creek increasing geomorphic complexity and improving salmonid rearing and refugia habitat. A large pond was also created as mitigation for red-legged frog habitat.

Vineyard Creek Channel Enhancement Project – Marin County Flood Control and Conservation District

Developed 100% design plans and specifications for fish passage and flood conveyance improvements for over 2500 feet of stream channel within a residential neighborhood in the City of Novato. Prepared and presented the Joint Aquatic Resources Permit Application (JARPA) to overseeing agencies and assisted the District with acquiring all necessary construction permits. Incorporated innovative plantable retaining wall designs to improve flood conveyance and bank stability within a highly constrained setting. Fish passage improvements included rock cross vanes, deflector vanes and rock ramp fishways.

Giacomini Wetland Restoration Project – Point Reyes National Seashore Association

Provided engineering design and analysis during Phase I and Phase II of a 500-acre tidal wetland and riparian restoration project on the former Giacomini Dairy Ranch in the town of Point Reyes Station. Phase I design was completed and the project built in summer 2007, while Phase II is scheduled for construction in summer 2008. Phase I and II design elements included levee removal, stream bank improvements, frog pond creation, filling of former ranch sludge ponds and creation of new tidal channels. Produced grading, traffic control and erosion control plans, access ramps, fencing and BMP CAD details and construction specifications.

Bear Valley Creek Watershed and Fish Passage Enhancement Project – National Park Service

Helped advance conceptual restoration designs into design/build documents to improve fish passage and conveyance through six crossings along Bear Valley Creek in Olema, California. Designs included replacement of County and Park Service culverts with a selection of concrete box culverts, aluminum arch culverts and prefabricated pedestrian bridges in association with in-channel grade control and fishway structures.

Quartermaster Reach Restoration Project – The Presidio Trust

Provided hydrology and design input on a restoration effort for the lower portion of Tennessee Hollow Creek and its associated wetland and upland habitats within the Presidio in San Francisco. Work included providing surface and groundwater hydrology information to the design team and meeting with Caltrans representatives in order to best-fit stream and marsh design within the Doyle Drive Project causeway designs and vice versa.

Kings Beach Water Quality Improvement Project – Placer County Public Works

While an employee of ENTRIX, managed a large erosion control and creek restoration project in Kings Beach, California. Conducted an existing condition assessment and drainage analysis and produced reports identifying drainage and water quality improvement opportunities in the residential and commercial areas following the SWQIC guidelines. Identified and reported on bank stabilization, water quality and fish passage improvements along a section of Griff Creek initiating at the outlet to Lake Tahoe.

B-Line Pipeline Replacement Project Mitigation Monitoring – Tahoe Regional Planning Agency and South Tahoe Public Utility District

Managed a monitoring effort for a large pipeline replacement project in South Lake Tahoe. Conducted daily water quality and mitigation monitoring during blasting, trenching and pipe installation activities within old growth forests, along creek crossings and wetlands and adjacent to culturally significant wagon trails. Worked closely with project owner, landowner, regulatory agencies and Contractor to ensure all construction activities and BMPs complied with the mitigation measures established in the Environmental Impact Report.

Grass Lake Creek Restoration Project – South Tahoe Public Utility District

Managed engineering and geomorphology oversight on fish passage improvements installed along a section of Grass Lake Creek in South Lake Tahoe in collaboration with a bridge replacement project.

Upper Truckee River and Wetlands Restoration Project, Lower West Side Component – California Tahoe Conservancy

Worked on the ENTRIX design team to produce plans, specifications and cost estimates and acquire permits for the restoration of 12 acres of wetland and 11 acres of upland adjacent to Lake Tahoe. Provided construction oversight in 2001 and 2002 inspecting all work including; excavation and grading, erosion control installations, traffic control, recreational access and interpretive signage, irrigation, well installation and planting. Acquired approvals to proceed with construction adjacent to the river from the Army Corps of Engineers, the CA State Lands Commission, the Federal Emergency Management Agency and the City of South Lake Tahoe. Provided irrigation maintenance oversight and managed a 5-year water quality monitoring program for the project.

