BRISCOE IVESTER & BAZEL LLP
155 SANSOME STREET
SEVENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94104
(415) 402-2700
FAX (415) 398-5630

Alicia Guerra
Partner
aguerra@briscoelaw.net

April 4, 2011

Terry Blount, AICP, Planning Manager
City of Martinez
Community Development Department
525 Henrietta Street
Martinez, CA 94553

Re: Alhambra Highlands Project Planning Commission

Dear Terry:

On behalf of Richfield Investment Corporation, thank you and Staff for all of your thorough and comprehensive analysis of the Alhambra Highlands Project. The materials the City of Martinez ("City") prepared were instrumental in educating the Planning Commissioners regarding the Alhambra Highlands Project and Subsequent EIR ("SEIR").

Based on the Planning Commission's direction to Staff at the March 22nd hearing, it is our understanding that the Planning Commission intends to take action on its final decision and approve the resolutions at its meeting of April 12th. In anticipation of the upcoming Planning Commission action, we wanted to take this opportunity to respond to several comments and questions that arose after the Planning Commission closed the public hearing during Tuesday evening's deliberations. We understand that the City Staff and the City's SEIR consultant may be preparing responses to the Planning Commissions questions. To assist you in your review, and to provide clarifying information that you may find helpful, we are enclosing additional technical information and responses from Richfield's team of consultants as follows:

- Geology, Geotechnical & GHAD Issues – ENGEO (Attachment A)
- Tree Impacts – LSA Associates, Inc. (Attachment B)

In each enclosed technical memorandum, we identified the Planning Commissioner who posed the question, followed by a summary of the question or comment and the response from the applicable consultant.

Funds for City Consultant Review

Finally, this letter includes several additional responses to those questions warranting a response from Richfield as the applicant. Specifically, Commissioner Allen expressed some concern that the Mitigation Monitoring Plan did not require the applicant to pay for the City to hire a monitor or an arborist to confirm that the tree replacement measures were being implemented. In response, we note that Condition of Approval VIII.K of PUD 08-01, Sub 9257. UP 08-17 requires that the applicant shall be responsible for all required reviews and costs associated with the City's technical consultants, including, but not limited to, geotechnical engineer peer review, traffic, water, and GHAD. The Mitigation Monitoring Plan requires that these reviews be conducted as part of the implementation of the mitigation measures. Richfield understands and agrees that this condition would require that Richfield fund such technical reviews including any required review performed by a consulting arborist. Thus, funding will be available for the City to retain technical consultants as required by the Mitigation Monitoring Plan and Conditions of Approval.

Assurances Regarding Mitigation Monitoring Plan Implementation

Commissioner Burt expressed the concern that there were no assurances that the Mitigation Monitoring Plan measures would be implemented. It is Richfield's understanding, however, that Attachment 9 to the March 22, 2011 Planning Commission Staff Report includes the Alhambra Highlands Residential Project Mitigation Monitoring Plan which would be adopted as part of any Project approval (including the Mitigated/Alternate Access Alternative). Richfield agrees to be bound by and implement the mitigation, monitoring and reporting measures required by the Alhambra Highlands Residential Project SEIR and Mitigation Monitoring Plan.

Please let me know if you have any questions regarding these items, or if we can be of further assistance. We look forward to the Commission's final deliberations on April 12th.

Sincerely yours,

BRISCOE IVESTER & BAZEL LLP

Alicia Guerra

Enclosures

cc: Veronica Nebb
Corey Simon
Rick Sabella
Debi Chung

EXHIBIT A

ENGEO INCORPORATED

GEOTECHNICAL
ENVIRONMENTAL
WATER RESOURCES
CONSTRUCTION SERVICES

Project No.
4269.400.000

March 31, 2011

Mr. Terry Blount
City of Martinez Planning Department
525 Henrietta Street
Martinez, CA 94553

Subject: Alhambra Highlands - Subdivision 9257
Martinez, California

CLARIFICATION OF GEOTECHNICAL AND GHAD ISSUES

Dear Mr. Blount:

ENGEO has prepared this letter to discuss geotechnical and geologic hazard abatement district (GHAD) issues and respond to questions raised by Planning Commission members during the March 22, 2011, public meeting. The following presents our responses to those comments.

LANDSLIDES AND DRAINAGE CONDITIONS

Commissioners Burt and Allen expressed concern about the landslide activity and drainage conditions on the project site and surrounding vicinity, as well as the potential unknown and unexpected geologic hazards that could affect residents outside of the project boundaries. These issues were previously addressed in some detail in the SEIR response to comments dated March 4, 2010, under Master Response 1, and Responses B9-3, B9-4, B12-4, and B13-4 through B13-10. We offer the following additional minor clarifying responses to the comments from the Planning Commission and related comments from the public that were stated at the public hearing.

LANDSLIDES

Various commenters at the Planning Commission public hearing, including Ms. Schultz, alluded to their concerns regarding landslide hazards. Landslide problems described by Ms. Schultz appear to be related to slopes on the south side of her property. These slopes border proposed open space. The proposed Alhambra Highlands Project grading (which will not occur in open space areas bordering the slopes referenced by Ms. Schultz) will not adversely impact those slopes. The construction of Wildcroft Drive will include a keyway consisting of a 20- to 30-foot-wide level bench that will be cut into bedrock in the hillside under the road forming the foundation of the road. All of the unstable material under the road will be removed as part of this process before fill is compacted in place as the slopes and retaining walls are constructed. Subdrains constructed within the keyway will also drain groundwater from the hill. After road construction, the ten properties along that boundary will be separated from the adjacent steep

slope by a flat, 40-foot-wide road bench constructed of extensively drained engineered fill. The risk from landslides coming off natural slopes where Wildcroft Drive will border these ten properties will be eliminated after the project is completed and surface and subsurface drainage will be greatly improved.

There are no locations other than the Wildcroft corridor where the project construction will directly border neighboring improved land; the main portion of the development is located on the ridge top bordered by open space. In the ridge top areas, landslides will be mitigated by removal to bedrock and replacement with subdrained engineered fill. The project will be designed with its foundations in stable bedrock, so natural landslide activity in the surrounding open space will not threaten the project. Likewise, the project will be designed not to increase the instability of surrounding slopes, since all of the perimeter keyways will bear on stable bedrock below any adjacent unstable soils. In addition, the subdrains installed during grading will reduce seepage coming from the ridge top. As with Wildcroft Drive, the storm drain system will intercept most of the surface water run-off from the developed area and route it directly to the stormwater basin at Alhambra Avenue. Therefore, the surface run-off flowing from the ridge and over naturally unstable or erodible slope areas will be decreased after the project construction.

Development of Alhambra Highlands will not increase landslide activity and erosion in the open space areas surrounding the project. Landslide movement and erosion, however, are natural processes and will continue to occur in areas prone to these problems, irrespective of whether or not the Alhambra Highlands Projects site is developed. ENGEO and prior consultants extensively documented the locations of unstable areas over the years. As depicted on Figures 3A and 3B of the ENGEO January 12, 2004 report and Figure 4 of the ENGEO May 2, 2006 report, geotechnical explorations at the site have included over 120 test pits and borings across the property. The exploration points are located both within the grading envelope for the project streets and lots, and outside the grading envelope in proposed EVA routes and on slopes below and surrounding the project. The extensive explorations thoroughly characterized the site soil conditions and were subject to independent review by the City of Martinez geotechnical peer review consultant. Response to Comment B13-5 in the Final SEIR provides a detailed description of how the geotechnical information informed the design slope stabilization and drainage measures. As noted in that response, these measures have been used successfully for decades throughout California.

DRAINAGE CONDITIONS

Public commenters described drainage problems at the Elderwood subdivision, especially at Ms. Schultz residence (268 Valley Glen Lane) and the Fitzsimmons residence (204 Valley Glen Lane). Ms. Schultz described problems with landslides in her back yard and problems with groundwater seepage affecting the road near her house. Mr. Fitzsimmons described seepage problems from the hill north of his house affecting his swimming pool and yard. The portions of the Elderwood subdivision that border proposed construction in the Alhambra Highlands project are limited to ten residences on Valley Glen Lane. These properties are located at the base of the ridge slope where surface run-off and groundwater flows are currently directed generally south.

The drainage problems described by the commenters will not be increased and can only be improved by the proposed improvements for the following reasons:

- After construction of Wildcroft Drive, the road will intercept all surface water flows coming from the hill above the road and the road will direct all surface water flows to the storm drain detention basin at Alhambra Avenue. This will reduce the area of slope that currently drains toward the Schultz Residence at the end of Valley Glen Lane from about 25 acres to about 15 acres. For the other nine residences, the road will reduce the surface run-off from the slope to close to zero.

- In addition to intercepting surface run-off, the project storm drainage system will also intercept subsurface (groundwater) flow with an extensive system of subdrains, or "French drains" as they are sometimes called. These drains will be constructed in keyways proposed under Wildcroft Drive. The keyways will form the foundation of the road, and will consist of a 20- to 30-foot-wide level bench that will be cut into bedrock in the hillside under the road. All of the unstable material under the road will be removed as part of this process before fill is compacted in place as the slopes and retaining walls are constructed. The subdrains will intercept much of the groundwater flow from upslope before it reaches the Elderwood subdivision and carry the water away to the detention basin.

FOREST HILLS LANDSLIDES

Commissioners Burt, Allen, and several commenters raised questions about whether or not the landslide activity in the Forest Hills Neighborhood would be affected by grading on the Alhambra Highlands site. The landslides affecting the Forest Hills Neighborhood have occurred on a cut slope located approximately one-third of a mile from the east boundary of the Alhambra Highlands project on property owned by another party. The slope is separated from the project by an intervening canyon and ridgeline, so there is no surface run-off flowing from Alhambra Highlands to the slope. Based on a review of historic images, it appears that the landslides and erosion have been occurring on this cut slope for many years dating back to the late 1950s, when the slope was graded as part of the construction of the Forest Hills project. The proposed project would not have any effect on this hillside given:

- Its location of approximately 1/3 of a mile away from the Forest Hills landslides;
- The existence of the intervening canyon and ridgeline; and
- The direction of surface run-off from Alhambra Highlands away from the Forest Hills slopes.

Therefore, as stated in the Final SEIR, the proposed Alhambra Highlands Project will not result in a significant landslide impact to offsite properties.

APPLICABILITY OF EXISTING GEOTECHNICAL STUDIES

Commissioner Waggener asked if ENGEO updated the geotechnical reports and investigations since 2004. Response to Comment B13-10 in the Final EIR addresses the comment regarding the

applicability of existing geotechnical reports. The design-level geotechnical report was published on January 12, 2004. ENGEO reviewed the current VTM and published an update letter on November 13, 2009, confirming that the prior geotechnical conditions documented in 2004 have not changed. Modifications to the VTM since the 2004 ENGEO design report have included a revised detention basin and EVA. These changes are minor from a geotechnical standpoint, and occurred in areas where soil conditions were previously characterized. Based on that assessment it is our opinion that the 2004 report is still adequate and appropriate for the VTM approval process. As noted in Response to Comment B13-10, the geotechnical report and corrective grading plans will be updated when 40-scale plans are produced and prior to issuance of a grading permit.

The level of investigation and peer review scrutiny that have already been completed for this project are well beyond the level of detail typical for projects seeking tentative-map level approvals and would more often accompany final maps and improvement plans. The existing reports are sufficient to assess geotechnical risk for the proposed project and incorporate applicable seismic safety standards, State, and City of Martinez building code requirements.

GHAD

Planning Commissioners Burt, Allen, and commenters asked who would be responsible for addressing impacts caused by the Alhambra Highlands Project to people outside of the project boundaries and on the periphery of (but not included in) the Project site and/or the GHAD.

Based on our knowledge and experience with GHADs, the following instances of landslide or erosion hazards would be the responsibility of the GHAD if there is an actual or threatened impact to the adjacent or nearby property.

- Instability originating on the GHAD's property.
- Instability threatening an improvement within the GHAD boundaries.
- Repairs outside the GHAD boundaries which may be incidental to repairs required within the GHAD boundaries.
- Negligence by the GHAD.
- Other instances which may be approved by the GHAD board and are in compliance with the provisions of Proposition 218.

In addition, a property owner could contract with the GHAD to provide services. For example, this could involve a joint construction project where the GHAD is undertaking mitigation on the District's property and the adjacent or nearby property owner contracts with the GHAD to complete repairs on their property. Potentially this could result in cost savings to the GHAD and the adjacent property owner.

CLOSURE

We hope that these clarifications provide an adequate response to the questions raised during the planning commission meeting. If you have any questions, please do not hesitate to contact us.

Sincerely,

ENGEO Incorporated

PROFESSIONAL GEOLOGIST
PHILIP STUECHELI
No. 1640
Exp. 3/31/2012
CERTIFIED ENGINEERING GEOLOGIST
STATE OF CALIFORNIA

Philip J. Stuecheli, CEG

Uri Eliahu

PROFESSIONAL GEOLOGIST
ERIC HARRELL
No. 2189
Exp. 8/31/2011
CERTIFIED ENGINEERING GEOLOGIST
STATE OF CALIFORNIA

Eric Harrell, CEG
pjs/ue/rc

Attachment: List of Selected References

cc: 1 – Ms. Alicia Guerra, Briscoe Ivester & Bazel LLP
1 – Ms. Grace Chen, Richfield Investments

SELECTED REFERENCES

1. ENGEO; Geotechnical Exploration, Alhambra Highlands Water Tank Sites 1 and 2, Martinez, California; Project No. 4269.2.052.01; September 12, 2000.

2. ENGEO; Supplemental Exploration for Proposed Detention Basin, Alhambra Highlands Subdivision 7245-7244, Martinez, California; Project No. 4269.2.052.01; September 13, 2000.

3. ENGEO; Summary Report of Geotechnical Recommendations, Alhambra Highlands Subdivision 7245-7244 and Wildcroft Drive Extension, Martinez, California; Project No. 4269.2.053.01; January 12, 2004.

4. ENGEO; Consultation Regarding Temporary Internalization Measures to Reduce Debris/Soil Shedding Downslope to Neighboring Property, Alhambra Highlands – Subdivision 7244, Martinez, California; Project No. 4269.2.054.02; January 26, 2006.

5. ENGEO; Consultation Regarding Reported Landslide, 6180 Alhambra Ave, Martinez, California; Project No. 4269.2.054.03; February 9, 2006.

6. ENGEO; Response to Review Comments by Cal Engineers and Geology Dated August 2005, Geotechnical Records Requested by KCA Engineers and Contra Costa County Flood Control District, Alhambra Highlands and Images, Subdivision 7244, 7245 and 7606, Martinez, California; Project No. 4269.2.054.01; May 2, 2006.

7. ENGEO; Geotechnical Report Update, Alhambra Highlands and Images Subdivisions 7244/7245 and Tract 7606 Martinez, California; Project No. 4269.205.401; November 13, 2009.

EXHIBIT B

LSA

LSA ASSOCIATES, INC.
157 PARK PLACE
PT. RICHMOND, CA 94801

510.236.6810 TEL
510.236.3480 FAX

BERKELEY
CARLSBAD
FT. COLLINS

FRESNO
IRVINE
PALM SPRINGS

RIVERSIDE
ROCKLIN
SAN LUIS OBISPO
SOUTH SAN FRANCISCO

MEMORANDUM

DATE: March 31, 2011

TO: Alicia Guerra, Briscoe, Ivester & Bazel

FROM: Malcolm Sproul, LSA Associates

SUBJECT: Alhambra Highlands Response to Planning Commission Comments

Commissioner Allen

Comment: Commissioner Allen expressed concern that the tree replacement ratio (1.5:1) was not high enough to replace native trees that would be removed. She noted that oak tree plantings at Shell Ridge and Lime Ridge in Walnut Creek (City open space) are reported to have an approximately 35 percent survival rate which is lower than the standard of 75 percent established for this project.

Response: Master Response 3: Tree Removal of the SEIR addresses this issue. The response discusses how tree replacement ratios vary depending on the level of care/maintenance the planted trees receive. Survival is lower where the level of care/maintenance is lower and is higher where a greater level of care/maintenance can be provided.

The oak plantings in the Walnut Creek open space lands are undertaken by the Walnut Creek Open Space Foundation, a volunteer organization. The plantings do not have survival requirements and the Foundation uses techniques that reduce the amount of maintenance provided due to their reliance on volunteer labor. These plantings are made with the expectation that the amount of tree mortality will be fairly high as a result.

The Alhambra Highlands replacement plantings will receive a greater amount of care and maintenance. All trees in the wildland areas will be caged to protect them from deer. Summer watering will occur for three years and weeding of the planting basins will occur for five years. Protection cages will not be removed until a tree is at least six feet in height with a trunk diameter of at least two inches. This level of care will result in a survival rate which is expected to exceed 75 percent.

Comment: Commissioner Allen was concerned that the City of Martinez would be responsible for undertaking monitoring and reporting for the tree replacement plantings. She recommended that this work be done by others with the City acting in a review capacity.

Response: Responsibility for the maintenance and monitoring of the replacement tree plantings is that of the project sponsor. Mitigation Measure B10-5C as amended in the Response to Comments (Master Response 3) and Condition of Approval V.B4 includes the requirement to submit Annual Reports on the status of mitigation plantings to the City for review until maintenance activities have ended.

Comment: Commissioner Allen stated that using an off-site location(s) for replacement tree planting as allowed for by Mitigation Measure B10-5d would not fully mitigate for tree loss on the project site.

Response: As noted in Master Response 3, there appears to be sufficient locations on-site for all replacement tree plantings and there will be no need to use an off-site location. B10-5d was included in the Draft SEIR to guarantee that all replacement tree plantings could occur at a suitable location:

Comment: Tree mitigation does not reflect tree size and does not mitigate for the loss of smaller trees.

Response: The size of trees subject to mitigation is based on the definition of a "protected tree" in the City of Martinez Tree Protection ordinance.

Comment: The SEIR does not identify the amount of tree loss that will occur on the custom lots (Lots 1-7, 37-43, 70-80, and 107-112) or where mitigation for this tree loss will occur.

Response: The number of trees which may be removed with development of the custom lots will not be known until home designs are submitted to the City for review and approval. Mitigation locations are the same as those identified for the subdivision as a whole with one addition; tree replacement could also occur on the custom lot where the tree removal took place.