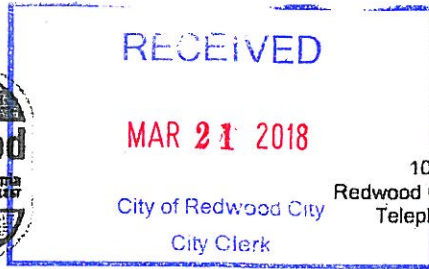


Office of the City Clerk



1017 Middlefield Road
Redwood City, CA 94064-0391
Telephone (650) 780-7220
Fax (650) 261-9102

APPEAL FILING FORM

(All appeals must be received by the City within 15 days of the decision or determination being appealed).

First and Last Name: J. Michael Goolsby
 Organization Name, if Any: Better Neighborhoods, Inc.
 Contact Address: 17901 Von Karman Ave, Suite 600, Irvine, CA 92614
 Contact Telephone Number: 949.556.8714
 Contact E-mail: michael@better-neighborhoods.com

Please note: New Appeal Filing Fee Effective July 22, 2017

- a. For any permit fee/deposit less than \$4,500 Fee \$600
- b. For any permit/deposit \$4,500 or more Fee \$2,500

Non-refundable Appeal Filing Fee attached/paid to City of Redwood City. Check
 (if multiple appeals filed each must submit a fee) Cash
 Receipt provided to appellant:
 Yes
 No

Name of Subject or Matter Being Appealed : 353 Main Street Project

- Appeal of Decision of One of the Following:
- Zoning Administrator
 - Community Development Director
 - Planning Commission
 - Other

Grounds for Appeal: (specify reasons for appeal) The Planning Commission improperly approved this project based upon a categorical exemption from CEQA. Better Neighborhoods, Inc. submitted a letter to the Planning Commission, containing substantial evidence

that there are exceptions to the Categorical Exemption, because the proposed project will have significant environmental impacts that have not be studied or mitigated. Thus, the Exemption is not available. The city should deny the project and require an MND or EIR for the project.

List of documents attached (all records and documents requested to be considered at the appeal hearing must be attached) Letter dated March 5, 2018 from BNI to the Planning Commission

Better Neighborhoods, Inc.
 Signed: By: [Signature] Dated: March 20, 2018
 J. Michael Goolsby, President

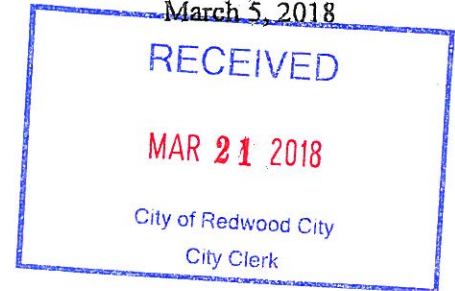
Reference: RWC MC 1.45.5-10 (1-9-12) and RWC ZC Art. 48 (1-23-12)
Form date: May 25, 2012 Rev. July 31, 2017

BETTER NEIGHBORHOODS, INC.

17901 Von Karman Ave., Ste. 600
Irvine, CA 92614
(949) 281-8785
michael@better-neighborhoods.com



March 5, 2018



Via Email

Mr. Steven Turner
Planning Manager
Redwood City
Planning Division
1017 Middlefield Road
Redwood City, CA 94063
sturner@redwoodcity.org

Re: Comments on Agenda Item 6B
Proposed Multi-Family Residential Project at
353 Main Street, Redwood, City (Proposed Categorical Exemption from CEQA)

Dear Mr. Turner:

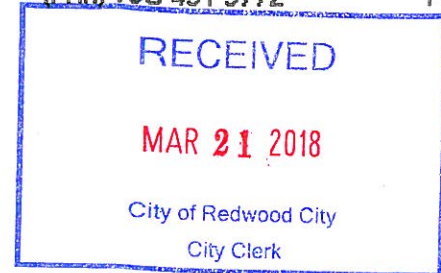
Better Neighborhoods, Inc. (BNI) is an organization established to help communities implement real planning in their development decisions, to encourage smart growth and a consistent recognition of the needs of the community, to protect the natural environment, to support affordable housing, and to balance the needs for growth and livable cities.

BNI has reviewed the staff report for the pending Planning Commission hearing scheduled for March 6, 2018. Unfortunately, one of our staff will be unable to attend the hearing to provide oral testimony. Accordingly, please provide this letter to the Planning Commission as one of the public comments for the hearing and include this letter in the administrative record for this project.

The Project

The proposed project is located in the City of Redwood City (City), and consists of the proposed development of a multifamily residential building featuring 125 for-rent units (including 19 affordable units), with two levels of above-grade parking (the "Project"). The six and seven story building would contain a mix of studios, one-bedroom, and two-bedroom units. The project features amenities including a swimming pool, dog run, outdoor entertainment area, and indoor club house.

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The Project includes applications for a Planned Community Permit (PC2016-05) to allow for the development of the Project, as well as a density bonus and a height concession.

The City May Not rely Upon the Categorical Exemption from CEQA

The staff report states that the City has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines pursuant to Public Resources Code Section 21083.3 and CEQA Section 15332, Class 32, "Infill Development Projects," because the project meets the General Plan and zoning regulations, is on a lot less than 5 acres within an urban context, does not contain habitat for endangered species, and would not result in significant effects related to traffic, noise, air quality, or water quality. Staff has reviewed and confirmed the conclusions of the technical studies supporting these determinations.

The basic purposes of CEQA are to inform governmental decision-makers and the public about the significant environmental effects of proposed activities, identify ways to avoid or significantly reduce environmental damage, use feasible alternatives or mitigation measures to avoid significant damage, and disclose to the public why a governmental agency approved a project if significant effects are involved (CEQA Guidelines §15002[a]).

The California Supreme Court in *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal. 4th 1086 recently clarified how the City should consider whether an exception applies to a proposed categorical exemption. We acknowledge that the Project fits within the Class 32 categorical exemption. However, we also think that the unusual circumstances of the land on which the Project is proposed to be developed constitute an exception. Accordingly, the City cannot rely on the Class 32 categorical exemption and instead must prepare at least an MND and perhaps an EIR for the Project.

When a project meets the requirements of a categorical exemption, the party challenging the exemption has the burden of producing evidence supporting an exception. As set forth below, we think there is ample substantial evidence supporting a "fair argument" that this Project may have significant adverse environmental impacts. The information below is substantial evidence that "unusual circumstances" exist and have resulted in the potentially significant impacts. One should note that on remand in the *Berkeley* case, the District Court held that showing the project *will* have a significant effect on the environment does tend to prove that the project is unusual in some way. Accordingly, we present substantial evidence of unusual circumstances and thus make a fair argument that there is a reasonable probability of potentially significant effects due to these unusual circumstances.

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***The Huge Amount of Soil Transport and the Shallow Water Table
Constitute Unusual Circumstances for the Project***

Soil Export and Substantial Grading

The Unusual Circumstances for this Project arises from the fact that the Applicant must haul away nearly 2 acres of undescribed fill down to a depth of 15 feet. This grading activity will require a huge number of semi-trailer truck trips. These trips will result in significant traffic impacts during construction, noise during construction, negative impacts on air quality, as well as the general disruption of the neighborhood for such an enormous undertaking. For this reason alone, the City must undertake an MND or and EIR for this Project. Even if there could be some sort of on-site mitigation of this undescribed fill (which is not recommended by the geologist), there would still be an dramatic over-excavation, recompaction, and new soil grading exercise that must be analyzed for its own environmental impacts.

The soils report at page 13 states:

“Over-excavation and replacement (with lime treatment of soils): Undocumented fill and bay mud are to be over-excavated to native stiff clay soil to approximately 15 feet below the surface. The soil exposed at the bottom should be lime treated a minimum of 18 inches at 6 percent to provide a stable working base. The resulting depression should then be backfilled with lime treated soil to basement grade. The foundation for the apartment structure should consist of a mat slab.”

The soils report at page 17 states:

“Our subsurface program indicated fill on the order of 6.5 to 10 feet throughout the site. ***We anticipate that the vast majority of the undocumented fill at the site will be removed or mitigated during garage basement excavation or during site mitigation work.***”

Our quick arithmetic analysis is that the affected lot is approximately 75,000 square feet. It must be excavated to remove the undifferentiated fill down to 15 feet. That will be 1,125,000 cubic feet of dirt (or fill) or 125,000 cubic yards of material. 1 CY weighs perhaps 2,000 pounds. 1 semi-trailer load holds 40,000 pounds. Thus, to haul away all of this material would require 6,250 truck loads of material. There would need to be some substantial additional return trips with clean soil.

It is self-evident that anything approaching this amount of grading work is unusual for a categorically exempt in-fill project. It is also obvious that this dramatic trucking exercise will have significant noise, traffic, air quality and other substantial impacts.

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The soils report at page 17 states:

“Our subsurface program indicated fill on the order of 6.5 to 10 feet throughout the site. We anticipate that the vast majority of the undocumented fill at the site will be removed or mitigated during garage basement excavation or during site mitigation work.”

In addition, the Tetra Tech Noise Analysis at page 16 erroneously states:

“Construction Equipment Noise Predicted Levels. The project would require minimal excavation and grading. Construction equipment operations would take place from 7:00 a.m. to 8:00 p.m. weekdays. No weekend or nighttime work is expected. All expected project construction equipment noise sources are summarized in Table 10.”

There will obviously be substantial grading (not minimal grading) and as such the Noise analysis is incorrect and must be revised.

Groundwater Impacts

The Unusual Circumstances for this Project also result from the potential impact on groundwater from the excavation activity. The excavation down to 15 feet (at least) will be below the natural groundwater level, which is established by Redwood Creek adjacent to the Project site. The excavation, shoring, and ultimate below-grade improvements must be analyzed to confirm that they will not create a negative impact on the groundwater that is hydrologically connected to Redwood Creek.

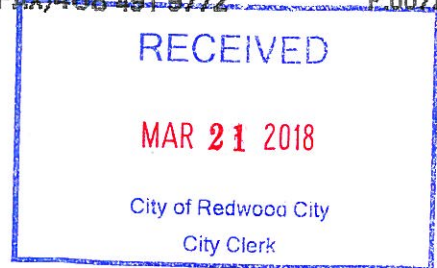
The soils report at page 16 states:

“Since the over-excavation or other ground improvement may come in contact with the groundwater level, the contractor should perform their own study to evaluate the possible need for dewatering measures during ground improvement construction of the basement area, and waterproofing the partially subterranean garage.”

The City must confirm that the excavation activities will not result in any contamination of the groundwater that will immediately find its way into Redwood Creek. The applicant must confirm that whatever waterproofing process it uses below grade will not leach toxic chemicals into the groundwater. The City must undertake an MND or and EIR for this Project.

Other, Similar Projects that were Exempt Do Not have any Substantial Grading or Effect on Groundwater

There is further confirmation that this Project has Unusual Circumstances, because the City typically applies the Class 32 exemption for apartment buildings that do not involve any significant grading or hydrology issues. Please consider the following significant recently approved multi-family residential projects that were exempt under Class 32, but which had none of the grading and hydrology issues that plague this project:



Mr. Steven Turner
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- 849 Veterans, approved in 2016 is a 90-unit residential building, including grading that consisted of preparing the subgrade for a slab-on-grade, six story building.
- 150 El Camino, approved in June 2015 for 12 attached condominium units, all with grade parking and limited grading.
- 707 Bradford Street, approved in December XX, for a seven-story, 117 unit apartment building, constructed at site grade.
- A dental office at 40 Birch street, approved in late 2014, for a 1,600 square foot use change for an office within a 2,900 square foot building. No grading.

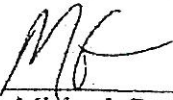
Conclusion

For all of the reasons stated above, the City cannot rely on the Class 32 categorical exemption for the Project and instead must prepare at least an MND and perhaps an EIR for the Project.

Thank you for your consideration of these comments.

Sincerely,

Better Neighborhoods, Inc.

By: 
 Michael Goolsby
 President

REDWOOD CITY



City Clerk Department

Miscellaneous Receipt

Account	Description	Qty.	Price/Ea.	Cost
150-38650	Appeal filing fee from	1		\$2,500.00
	Michael Goolsby of			
	Better Neighborhoods Inc.			
	353 Main St. RWC, CA			

\$2,500.00
Total

3/21/18

Date

Manu Goolsby
Received by

CITY OF REDWOOD CITY
FINANCE DEPARTMENT
REVENUE SERVICES DIVISION
(650) 780-7210

03/21/18 03:08pm
MISC BATCH 157 -

REFERENCE - 18344-16-66
UTILITY BATCH 883

FROM : APPEAL FILING FEE FROM MICHAEL GOOLSBY
ADDRESS :

MISCELLANEOUS REVENUE	15038650	2500.00

TOTAL PAID		2500.00

CHECK 2500.00

RECEIVED BY R.BARRAGAN