

PLANNING COMMISSION MEETING

August 16, 2011

Planning Commission Members

Janet Borgens, Chair
Ernie Schmidt, Vice-Chair
Nancy C. Radcliffe
Rachel Holt
David Smith
Kevin Bondonno
Randy Tabing

AGENDA

PLANNING COMMISSION MEETING

August 16, 2011

7:00 P.M.



650-780-7233
City Council Chambers*
City Hall
1017 Middlefield Road
Redwood City

*Accessible to Disabled

1. ROLL CALL

2. APPROVAL OF MINUTES – May 3, 2011

3. ORAL COMMUNICATIONS

This agenda category is limited to 15 minutes to be allocated as determined by the Chair. If you wish to address the Planning Commission, please complete a Speaker's Card and give it to the Secretary.

4. CONSENT CALENDAR - NO ITEMS

5. DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) – Finger Avenue LOCATION: Nine Lot Planned Development on 50, 80, and 88 Finger Avenue EA-2005-04 (Public Hearing)

Project Description: The project site is 1.69 acres in size, generally level, and is currently developed with six dwelling units: three primary single-family homes and three subordinate cottage-type dwelling units. The project involves the removal of all existing structures and resubdivision of the three existing parcels into nine lots to construct nine, two-story, single-family homes. Vehicular and pedestrian access to the site would be via a private one-way street off Finger Avenue. The applicant proposes the private one-way roadway at 22-feet wide, where a minimum 25-feet is normally required in Redwood City for a two-way private street. The proposed lots would range in size from 6,000 to 8,214 square feet. The homes would range in size from 2,725 to 3,500 square feet plus attached two-car garages ranging in size from 441 to 576 square feet.

Recommendation: Hold a public hearing and take public testimony on the Draft Environmental Impact Report (EIR) for the Finger Avenue Nine Lot Planned Development Project. The Planning Commission will not make a decision on the Draft EIR or project at this time.

6. MATTERS OF COMMISSION INTEREST

- Update on the Saltworks Scoping Report

7. ADJOURNMENT

Adjourn to a Regular Meeting of the Planning Commission on September 6, 2011, at City Hall Council Chambers, 1017 Middlefield Road, Redwood City, CA 94063

City staff will provide agenda materials in appropriate alternative formats, or disability-related accommodation. Please send a written request to Blake Lyon at Planning Services, City of Redwood City, P. O. Box 391, Redwood City, CA 94064 or email at blyon@redwoodcity.org including your name, address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least 72 hours before the meeting.

ATTENTION

Speaker cards are on the rostrum. If you wish to speak, complete the card and give it to the Secretary.

Planning Commission agenda materials, released less than 72 hours prior to the meeting, are available to the public at the Planning Division, 1017 Middlefield Road, Redwood City, CA 94063

ATTENTION

Speaker cards are on the rostrum. If you wish to speak, complete the card and give it to the Secretary.

REPORT

To the Redwood City Planning Commission
From Planning Staff

August 16, 2011

SUBJECT

Draft Environmental Impact Report (EIR) for the Finger Avenue Nine Lot Planned Development Project

RECOMMENDATION

Hold a public hearing and take public testimony on the Draft Environmental Impact Report (EIR) for the Finger Avenue Nine Lot Planned Development Project. The Planning Commission will not make a decision on the Draft EIR or project at this time.

BACKGROUND

The proposed project is for a Planned Development Permit and Vesting Tentative Map to develop a nine-lot single-family subdivision on a 1.69-acre site located at 50, 80, and 88 Finger Avenue in Redwood City (Finger Avenue Project).

On October 26, 2009, Redwood City adopted a mitigated negative declaration (MND) pursuant to the California Environmental Quality Act (CEQA) and approved the Finger Avenue Project.

On November 10, 2009, Friends of Cordilleras Creek and Finger Avenue Pride Committee (collectively "Friends") filed a lawsuit with the San Mateo County Superior Court seeking to set aside the City's adoption of the MND and approvals of the Finger Avenue Project, alleging in the lawsuit violations of CEQA.

On July 26, 2010, the City of Redwood City, McGowan Development and Friends (the "parties") entered into a Settlement Agreement, whereby the parties agreed that the City would rescind all of the approvals (Initial Study/MND, Planned Development Permit, and Vesting Tentative Map) related to the Finger Avenue Project.

In addition to rescinding the approvals related to the Finger Avenue Project, the Parties agreed to prepare an environmental impact report (EIR) to analyze the related environmental impacts associated with the Finger Avenue Project. The Settlement Agreement stipulated the following topical areas for evaluation in the EIR:

Topical areas for evaluation per Settlement Agreement:

- Aesthetics
- Cultural Resources
- Cordilleras Creek impacts relating to stormwater runoff, geology, water quality, biology, erosion and bank stability (including impacts to the potential restoration of the creek related to the City's allowance of development within 25 feet of the creek bank pursuant to section 32.12 of the City's Municipal Code)
- Traffic safety

- Parking, and
- Land use/neighborhood compatibility

The parties further agreed that the 2008 Initial Study associated with the Mitigated Negative Declaration (MND) sufficiently evaluated the Project's remaining potential impacts and so the EIR need *not* evaluate potential impacts other than those listed above.

The Settlement Agreement also stipulated the minimum range of project alternatives to be considered in the environmental review for the Project, designed to be potentially feasible and to meet most project objectives. The parties agreed that the alternatives provided below constitute a reasonable range of alternatives to the Project pursuant to 14 Cal. Code Regs 15126.6. The parties also agreed that the City as lead agency retains its discretion to determine whether additional alternatives will be evaluated in the EIR.

Project Alternatives for evaluation per Settlement Agreement:

1. The no project alternative required under CEQA;
2. Development on the Project site consisting of four or five single-family dwellings plus accessory dwellings as allowed under the existing R-1 (Residential Single-Family) District zoning standards without a Planned Development Permit or Use Permit; and
3. Development on the Project site with a Planned Development Permit under Article 46 of the Redwood City Zoning Code that includes residences set back a minimum of 25 feet from the top of the bank of Cordilleras Creek (as "top of bank" is defined in Article 2 of the City's Zoning Code), a private roadway designed to City standards with a single entrance onto Finger Avenue, and rear and side setbacks compliant with R-1 District standards where the Project parcel directly adjoin parcels in the existing neighborhood

On November 22, 2010, the City Council approved an agreement for environmental consulting services with David Powers and Associates to prepare the Environmental Impact Report (EIR) for the Finger Avenue Nine Lot Planned Development Project.

From January 25, 2011 through February 23, 2011 the City held a public review period on the Notice of Preparation (NOP) for the Finger Avenue Project EIR. The City mailed, published and posted on its website a NOP to notify responsible agencies of the State Office of Planning and Research, all parties to the Settlement Agreement and surrounding property owners that an EIR would be prepared for the Finger Project in accordance with the stipulated judgment of the Superior Court for the County of San Mateo.

During the public review period for the NOP City staff received comment letters from the California Department of Transportation (Caltrans), Finger Avenue Pride Committee, Friends of Cordilleras Creek and from several residents. The Draft EIR addresses these comment letters. For example, per the Caltrans comment letter, the Draft EIR has determined that there is no project impact to the Finger Avenue/ El Camino Real

intersection, nor does the project contribute to a cumulative impact at that intersection. The Draft EIR also addresses the Finger Avenue Pride Committee comment letter by including and analyzing their proposed "Creekside Green" project alternative. In addition, the Draft EIR responds to the various issues raised in the other comment letters by analyzing, among other things, riparian setbacks, flooding, traffic safety and neighborhood compatibility. (Attachment 1, NOP comment letters).

Project Description

The project site is 1.69 acres in size, generally level and is currently developed with six dwelling units: three primary single-family homes and three subordinate cottage-type dwelling units. The project involves the removal of all existing structures and re-subdivision of the three existing parcels into nine lots to construct nine, two-story, single-family homes. Vehicular and pedestrian access to the site would be via a private one-way street off of Finger Avenue. The applicant proposes the private *one-way* roadway at 22-feet wide, where a minimum 25-foot width is normally required in Redwood City for a *two-way* private street. The proposed lots would range in size from 6,000 to 8,214 square feet. The homes would range in size from 2,725 to 3,500 square feet plus attached two car garages ranging in size from 441 to 576 square feet.

The proposed on-site storm drainage system would filter and treat storm drainage after which it would be conveyed at discharge rates and duration to match pre-project rates into a storm water system in Finger Avenue that will run into the City's storm drain system at El Camino Real.

In 2006 Redwood City adopted the Stormwater Treatment Ordinance to "minimize the discharge of pollutants in stormwater runoff and to reduce erosion and sedimentation in existing streams, lagoons, and wetlands" (Section 32.12 Purpose). Section 32.12 (F)(3) provides that no structures are allowed in the setback area of 25-feet from the top of bank unless a Use Permit is approved by the Zoning Administrator, consistent with the findings outlined in Article 42 of the Redwood City Zoning Ordinance and the following additional findings:

1. the development will not disturb riparian vegetation
2. the development will maintain the stability of the slopes of the creek bank
3. the development will be designed to avoid discharge of pollutants directly to the watercourse.

Portions of the proposed homes on Lots 1 – 4 are within the 25-foot setback. The closest of the proposed units (Lot 1) would be sited within 15 feet of the top of bank of Cordilleras Creek. The project site currently contains 44 mature trees, including 26 native trees such as coast live oak, valley oak, bay, redwood, and elderberry trees. The applicant proposes to remove 10 trees, relocate four trees on site and plant 52 replacement trees.

The project, as described above, incorporates refinements made by the applicant in response to City Council direction provided on October 26, 2009. The project refinements were analyzed in the Draft EIR and consist of the following:

1. Private street: modified from two-way to one-way, and 22-foot cross-section now includes a 4 foot wide paver pathway raised 3 inches.
2. Parking: off-street guest parking spaces reduced from 7 to 5, a parking space was eliminated next to Lot 6 and between Lots 1 and 2.
3. Creek Setback: Lot 2 setback increased from 5 feet to 18 feet, Lot 3 setback increased from 10 feet to 20 feet, and Lot 4 setback increased from 7 feet to 20 feet.
4. House sizes: homes on Lots 2, 3, 4, 7, and 8 reduced by 895 sq.ft. in the aggregate.
5. Lot Coverage: originally proposed homes on Lots 6 and 7 exceeded 40% lot coverage, now they are under 40% lot coverage.
6. Storm Drainage: project initially drained into Cordilleras Creek via a new outfall, now would drain to the storm drain system in Finger Avenue.
7. Trees: initially 13 trees were to be removed, now 10 trees (8 living + 2 dead) would be removed and 4 trees relocated on site.

Draft Environmental Impact Report

The City's EIR consultant, David Powers and Associates, has prepared a Draft EIR for the Finger Project that described and analyzed the various environmental impacts associated with the project. The Draft EIR has identified that the project would have significant impacts in the areas of archeological resources, air quality, hydrology and water quality, geology, biological resources and light and glare. All of these impacts would be mitigated to a less-than-significant level in conformance with applicable standard measures and project-level mitigation measures identified in the EIR. The project will result in less than significant impact in the areas of historic resources, aesthetics, land use, transportation and greenhouse gases emissions.

The Draft EIR has been prepared by the City of Redwood City pursuant to all relevant sections of CEQA. The Draft EIR is intended to inform City of Redwood City decision-makers, other responsible agencies, and the general public of the potential environmental consequences associated with the proposed Finger Avenue Project.

Public Review Period

The 45 day public review and comment period on the Finger Avenue Project Draft EIR began on July 22, 2011 and ends on September 6, 2011.

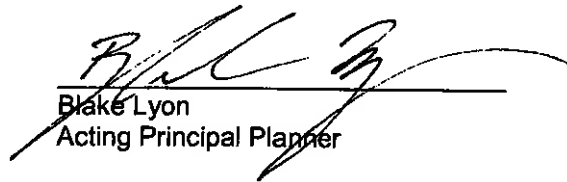
Public Notification

The hearing notice was published in the Redwood City Daily News, posted on the City's website, mailed to responsible agencies, all parties of the Settlement Agreement, interested individuals and an expanded list of property owners and tenants within a 500 (vs. required 300') foot radius of the site.

Next Steps/ Tentative Schedule

- On August 29, 2011, the Historic Resources Advisory Committee (HRAC) will consider and make a recommendation to the Planning Commission on the Cultural Resources Chapter of the Finger Avenue Project Draft EIR. The HRAC's comments will be forwarded to the Planning Commission and addressed in the Final EIR as applicable.
- Following the 45 day circulation of the Draft EIR, the City's consultants will prepare the Finger Project Final EIR (which will include responses to Planning Commission, responsible agencies and public input).
- It is anticipated that in the Fall of 2011, the Planning Commission will hold a public hearing to consider certification of the Finger Project Final EIR and approvals of the proposed Planned Development Permit and Vesting Tentative Map.


Maureen Riordan
Senior Planner


Blake Lyon
Acting Principal Planner


Jill Ekas, AICP
Planning Manager

ATTACHMENT PROVIDED UNDER SEPARATE COVER

Finger Avenues Nine-Lot Planned Development Project Draft Environmental Impact Report, July 2011

ATTACHMENTS

Notice of Preparation comment letters and email:

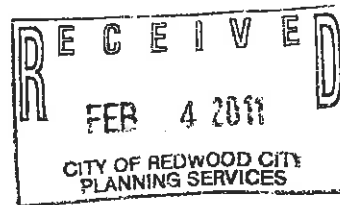
- a. Department of Transportation letter, February 1, 2011
- b. Terry Blanchard and Linda Vetter (residents), February 21, 2011
- c. Finger Avenue Pride Committee letter, February 23, 2011
- d. Friends of Cordilleras Creek letter, February 23, 2011
- e. Dean Collins (resident) email, February 23, 2011
- f. Billy James (resident) letter, February 23, 2011

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5536
FAX (510) 286-5559
TTY 711



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February 1, 2011

SM082270
SM-82-5.1
SCH# 2008112100

Ms. Maureen Riordan
Planning Division
City of Redwood City
1017 Middlefield Road
P.O. Box 391
Redwood City, CA 94064

Dear Ms. Riordan:

FINGER AVENUE NINE LOT PLANNED DEVELOPMENT – NOTICE OF PREPARATION

Thank you for including the California Department of Transportation (Department) in the early stages of the environmental review process for the Finger Avenue Nine Lot Planned Development project. The following comments are based on the Notice of Preparation (NOP). As the lead agency, the City of Redwood City is responsible for all project mitigation, including any needed improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy.

Traffic Impact Fees

Please identify traffic impact fees. Development plans should require traffic impact fees based on projected traffic and/or based on associated cost estimates for public transportation facilities necessitated by development. Please refer to the California Office of Planning and Research (OPR) *2003 General Plan Guidelines*, page 163, which can be accessed on-line at the following website: <http://www.opr.ca.gov/index.php?a=planning/gpg.html>

Scheduling and costs associated with planned improvements on Departmental ROW should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any. Please refer to the state OPR's *2003 General Plan Guidelines*, page 106.

Ms. Maureen Riordan/City of Redwood City
February 1, 2011
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Traffic Impact Study

Please evaluate the proposed project's impacts on State Route (SR 82.) We recommend using the Department's "*Guide for the Preparation of Traffic Impact Studies*" for determining which scenarios and methodologies to use in the analysis. The guide can be accessed from the following webpage:

<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

If the proposed project will not generate the amount of trips needed to meet the Department's trip generation thresholds, an explanation of how this conclusion was reached must be provided.

The TIS should include:

1. Site plan clearly showing project access in relation to nearby state roadways. Ingress and egress for all project components should be clearly identified. State ROW should be clearly identified.
2. Project-related trip generation, distribution, and assignment. The assumptions and methodologies used to develop this information should be detailed in the study, and should be supported with appropriate documentation.
3. Average Daily Traffic, AM and PM peak hour volumes and levels of service (LOS) on all significantly affected roadways, including crossroads and controlled intersections for existing, existing plus project, cumulative and cumulative plus project scenarios. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect study area roadways and intersections. *The analysis should clearly identify the project's contribution to area traffic and degradation to existing and cumulative levels of service. Lastly, the Department's LOS threshold, which is the transition between LOS C and D, and is explained in detail in the Guide for Traffic Studies, should be applied to all state facilities.*
4. Schematic illustration of traffic conditions including the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometrics, i.e., lane configurations, for the scenarios described above.
5. The project's consistency with the San Mateo County Congestion Management Agency's Congestion Management Plan should be evaluated.
6. Mitigation should be identified for any roadway mainline section or intersection with insufficient capacity to maintain an acceptable LOS with the addition of project-related and/or cumulative traffic.
7. Consider developing and applying pedestrian, bicycling and transit performance or quality of service measures and modeling pedestrian, bicycle and transit trips that the plan build-out will generate so that impacts and mitigation measures can be quantified.

Ms. Maureen Riordan/City of Redwood City

February 1, 2011


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8. In addition, please analyze secondary impacts on pedestrians and bicyclists that may result from any traffic impact mitigation measures. Please describe any pedestrian and bicycle mitigation measures and safety countermeasures that would therefore be needed as a means of maintaining and improving access to transit facilities and reducing traffic impacts on state highways.

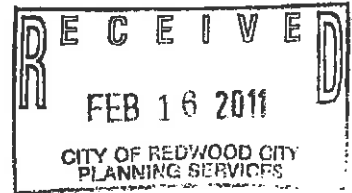
Please forward at least one hard copy and one CD of the environmental document, along with the TIS, including Technical Appendices, and staff report as soon as they are available to: Sandra Finegan, Associate Transportation Planner, Community Planning Office, Mail Station 10D, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660.

Please feel free to call or email Sandra Finegan of my staff at (510) 622-1644 or sandra_finegan@dot.ca.gov with any questions regarding this letter.

Sincerely,



BECKY FRANK
District Branch Chief
Federal Grants / Rail Coordination



February 21, 2011

To: Maureen Riordan, Senior Planner

Subject: Comments on Finger Avenue Project

Summary: Our concerns with the proposed Finger Avenue Project fall into three areas:

- (1) Obstruction of Cordilleras Creek
- (2) Increased parking on Finger Avenue
- (3) Impact on garbage/recycling collection

Discussion: (1) Obstruction of Cordilleras Creek

While recent winters have not involved major winter rain storms at close intervals, it is only a matter of time before we have significant rain events. With the impact of global warming still to be determined on our local climate, it would seem sheer folly to grant any waivers related to creek setback requirements. Having lived on the creek for over fifteen years now, we have seen times where we were concerned about the creek rising over the banks at our lot. There is always the danger that rushing water can undermine trees along the bank and if they are washed downstream and become hung up on some part of the proposed project that is in their path, the blockage could be disastrous for lots further up stream. If these proposed new homes are built too close to the creek and future flooding or erosion problems develop, it is likely that the then current home owners will turn to the city expecting them to "fix" the problem. With governmental bodies at all levels in financial crisis, it would seem important to avoid taking actions that would saddle future city tax payers with paying to fix things just so the developer can make more profit now.

(2) Increased parking on Finger Avenue

Anyone who is familiar with Finger Ave. knows that even now parking between El Camino and Hyde St. can be very tight with almost every available legal spot taken. This can be seen in the evenings and on weekends when most residents are likely to be at home. Having the apartment complex in that block doesn't help with residents having more vehicles than the off street parking can accommodate. When the lot at Mt. Mike's Pizza fills up as well, vehicles can extend on Finger past Hyde St. and around the corner on Hyde. We don't consider Finger to be that wide a street and when most parking is taken, it creates a situation where only one vehicle at a time should try to run this gauntlet of parked vehicles. Many residents know this and will wait for an approaching vehicle to clear before proceeding themselves. Other drivers who aren't familiar with this problem or who just don't care rush on creating frequent situations where two vehicles are in danger of sideswiping each other as they try to pass each other with vehicles parked on both sides. This situation is aggravated when the parked vehicles on either side are parked too far away from the curb or they are full size SUVs or pickup trucks. While we live further down on Finger we have experienced what can happen. We seldom park a vehicle on the street, but while our driveway was being redone, we did and the driver's side mirror was smashed

backwards, we assume from being hit by a passing vehicle. That was a \$500+ repair. Our impression is that because there is ample off street parking and because of the small nature of some of the six homes on the land in question now, they contribute very little if at all to parking on Finger Ave. itself.

People frequently act selfishly or without common sense. We can guarantee that people will buy these houses as proposed knowing they have too many vehicles to park on their own property or in the few small parking spots the developer is proposing for his private street. California has few basements so people use their garages for all the stuff they can't fit in their houses. Then there are the extended families who will have many vehicles or end up having people living illegally in their garages. Only a complete fool would swear that won't happen over the life of this project. While these homes are supposed to have two car garages, it isn't clear to us if their driveways will be long enough to even park a vehicle outside the garage without it blocking the private street or whatever is the current proposal for "sidewalks". Then we are willing to bet some of the original purchasers or later owners over the years will have RVs, boats, clunker vehicles they don't drive but won't part with, various trailers, or own half a dozen or more cars for one residence. At some point someone will try parking on their lawn if there is room for that.

While current residents won't necessarily care what parking problems the first or subsequent residents get themselves into within the development and on its private street (and it isn't clear if any parking regulations within the development would be enforced by the Redwood City police or code enforcement, or by some homeowner's association), all the parking problems that can't be accommodated inside this private community will spill out onto Finger Ave. and most probably surrounding streets. These are public streets so I assume there is no legal way to prevent residents in the development from parking outside the development. This will leave current residents with even more crowded streets, dangerous passing situations with vehicles parked on both sides of the street, and eyesores of RVs, boats, and clunker vehicles out on the streets. Once again the developer is asking for special consideration to maximize his profit while current and future residents will be left with the problems on an on-going basis. And we would even predict some purchasers of these homes will come to have second thoughts about buying there once they move in and experience the full impact of the parking problems the developer has left them with just to make more money.

(3) Impact on garbage/recycling collection

The uproar related to the change in the contractor for garbage and recycling is finally starting to die down after many initial problems. This new system is based on trucks having a single operator who empties the various carts using the truck's hydraulic arm. Carts are supposed to be placed in the street with the wheels up against the curb. We walk down Finger Ave. every day and often drive down it as well. Residents start placing their carts out for collection the day before, and sometimes even earlier. Because of the early hour collection can begin, you can't count on taking them out on the day of pickup unless you normally get up at a very early hour. Right now, because parking is so tight in the first block of Finger Ave. off of El Camino, people often put their carts up on the strip between the curb and the sidewalk. There will be a vehicle parked in front of the carts. There is absolutely no way the garbage truck operator can reach these carts with the hydraulic arm, assuming they even see the carts in the first

place. So they have to get out of the vehicle and manually work the carts around to a place where the arm can grab them. This slows down the collection process and most certainly will become a factor in setting even higher collection rates in the future. If these development homes are built and even more vehicles are parked out on Finger and surrounding streets, it will make this problem worse. And has anyone considered if the new trucks will be able to operate as designed when negotiating the narrow street in this development? I would hate to be one of the drivers attempting to make a collection inside without hitting a vehicle sticking out from someone's drive or an RV parked in one of the tiny on-street spaces within the development. We predict this development with inadequate parking and narrow street will create problems in the future for garbage/recycling collection when cities should be looking at ways to keep down such costs.

Final Comment We have followed the zigzag course of the Finger Avenue Project for several years now. The overwhelming and ongoing impression we have of the process is the developer has penciled out the number of homes he must cram on this land to maximize his profit or maybe to cover his having invested too much buying the lots in the first place before the real estate market crashed. And he seems fixated on meeting this goal by dragging things out and stonewalling on any meaningful changes to his plans. If he would only replace the six homes that are there now with six new reasonable sized homes with reasonable off Finger Ave. parking, we would predict much, if not all, of the opposition to his plans would go away.



Terry Blanchard



Linda Vetter

216 Finger Avenue
Redwood City, CA 94062
(650) 361-1845

**FINGER AVENUE PRIDE COMMITTEE
29 FINGER AVENUE, REDWOOD CITY, CA 94062**

Feb. 23, 2011

City of Redwood City
Attention: Maureen Riordan, Senior Planner
1017 Middlefield Road
Redwood City, CA 94063

Re: Comments to the Notice of Preparation for an Environmental Impact Report for the Finger Avenue Residential Planned Development

Dear Ms. Riordan:

The Finger Avenue Pride Committee (FAPC) has reviewed the referenced NOP as well as recent materials in the project file and look forward to a thorough and objective evaluation of potential impacts from the proposed development, along with an evaluation of reasonable alternatives. As you know, the Finger Avenue Pride Committee is a party to the lawsuit that resulted in the Stipulated Judgment that has resulted in this environmental review. Our goal has always been to ensure that a sensitive and sensible project is developed on the proposed site – one that is sensitive to the environment, respects the character and quality of the site and our neighborhood, and that sets an excellent example for future infill projects within the City's older residential neighborhoods. Redwood City's citizens deserve no less. A robust and objective environmental impact review, conducted in a manner that is fair and transparent, free from political and outside influences and preconceptions, and in strict accordance with CEQA guidelines, benefits all parties and is the first step toward achieving that goal. We think it goes without saying that the Initial Study phase of the project review was a rocky one. We look forward to an improved process as we move ahead.

Over the past several years, at numerous public hearings and in written comments, FAPC, environmental groups such as the Friends of Cordilleras Creek and the Sierra Club, and numerous other citizens, have expressed a wide range of concerns about the potential impacts of this project and the precedents it will likely set. Because these concerns have been extensively documented and are in the record, it is not necessary for us to detail all of them here. Instead, our following comments focus on issues of specific concern within the focus of the EIR, comments on proposed scopes of work by project consultants, issues that may not have been well articulated in prior letters or testimony, and a discussion of alternatives.

We trust that City Staff and its consultant team will carefully review and consider all of the comments, expert opinions, reports, and information that have been submitted to the City to date within this current review. In addition, we would like

to ensure that the City's consultant be made aware of an important document that we discovered as part of the Administrative Record assembly for the lawsuit - a document that was presented to staff and the developer, but that was never released until after the lawsuit was filed. This document is the Administrative Draft of the Initial Study/Mitigated Negative Declaration that was submitted to the City in early July of 2008 by Impact Sciences, the project's lead environmental consultant at that time. In this particular report, Impact Sciences identified potentially significant impacts related to the roadway design and creek bank conditions, and recommended specific mitigations to address those impacts. According to documents in the record, in late September of 2008, following several meetings between the City and the applicant, and for reasons never made clear in writing, the City directed Impact Sciences to reverse its findings of significant impact and remove those specific mitigations from what was to become the final IS/MND. While the City at that time ultimately determined these impacts to not be significant, we believe that it is important for the consultant to consider and evaluate the information, analyses and conclusions that were presented in that draft report, as this was the culmination of nearly two years of work on the part of Impact Sciences. If the City no longer has access to a copy of this draft, we would be happy to supply one.

We again thank you for the opportunity to comment on the NOP. Specific commentary follows.

Sincerely,

Dan Ponti
Finger Avenue Pride Committee

Aesthetic Impacts

We have reviewed the David J. Powers and Assoc. proposed scope of work for evaluating potential aesthetic impacts and recommend that DJP&A not use any conceptual renderings or photo-simulations provided to the City by the applicant without having them critically and independently evaluated. Preferably, the City or DJP&A should independently create their own objective simulations based on available information in the application. The applicant is motivated to represent his project in the best possible light, and on two prior occasions we have pointed out obvious errors and misrepresentations in applicant-produced visual simulations. One of these was discussed in our written response to the IS/MND, where we pointed out how the height, position, and massing of the Lot 9 home as viewed from the Finger Farmhouse had been incorrectly represented in an applicant-prepared visual simulation. The other was made in a comment to the Planning Commission at the July 2008 workshop, when a resident pointed out that his driveway, garage, and portion of his home had been erased in a simulation and replaced by vegetation in order to not show how much a proposed new home would encroach on an existing property.

New photo-simulation viewpoints should include, at a minimum, head-on views of the project (not oblique views) as would be seen from someone standing across Finger Avenue from the project – specifically, two of these views should look down the loop road at the proposed intersections with Finger Avenue so that public views into the interior of the development and the project’s streetscape can be evaluated. In addition, several interior views of the development would be valuable to assess potential mass and scale impacts and visual impacts from the proposed roadway design, as well as views from several of the neighboring properties, including at least one from an adjoining Eaton Avenue property.

In 2008, we created a scale model of a portion of the development adjacent to the Finger Farmhouse, as well as one of existing conditions at 80,88, and 90 Finger Avenue that we showed to the Historic Resources Advisory Committee. We would be happy to provide that model to the City for their consideration and use if they feel that it would be useful in their evaluation.

Cultural Resources

We have reviewed the David J. Powers and Assoc. proposed scope of work and the January 10 JRP proposal for evaluation of historic architectural resources, and have the following comments:

- 1) As part of the resource evaluation, it is important that the properties be evaluated for eligibility for local listing, which also are considered “significant cultural resources” under CEQA.

2) As part of the resource evaluation, a neighborhood context should be developed that includes a chronicle of the development of the Finger Tract through at least the Post-World War II boom period, as well as a general discussion on the development of Redwood City during the same periods. This would provide the background necessary to assess the impacted buildings, and indeed other nearby structures, for historical significance beyond architectural style and association with important persons. This context should also be contrasted with the development history of the Wellesley Park Tract to discern any similarities or differences between these two adjacent tracts and should include discussions of the reasons for and prevalence of secondary dwelling units on the larger lots, as well as the varieties of designs found there. This will allow for a more informed and complete discussion of impacts of the proposed project on both cultural resources and the character-defining aesthetic aspects of the neighborhood. A singular quality of the Finger Avenue neighborhood is the juxtaposition of development styles and design elements that occurs between the two sides of the street; prior cultural resource experts have commented in prior letters and testimony that the street provides a potentially important and certainly unique encapsulation of late 19th century through mid-20th century development in Redwood City.

3) We're concerned that the study area proposed in the Jan 10 JRP proposal may be too restrictive to fully evaluate potential impacts of the project to the historic integrity of this neighborhood. We therefore recommend that the analysis of impacts on cultural resources include the historical boundaries of the entire Finger Tract, plus those lots that form the facing block fronts (part of the Wellesley Park Subdivision). This area contains a distinct historical development tract whose context can be more fully developed (Finger Tract), and then contrasted with that of the facing structures of the Wellesley Park Tract. It is therefore relevant to at least consider this existing neighborhood as a single district rather than restricting an analysis of how each side of the street was originally and separately subdivided.

4) In addition to the reports and comments referenced in the Initial Study or presented at various meetings, etc., it is important that the EIR also consider and evaluate the four reviews and letters provided under contract to the City by CIRCA in 2007 and 2008. These reviews were mysteriously not referenced or discussed in the Initial Study, and provide important commentary on the various reports submitted by the applicant's consultant. We can provide these letters to the consultant if they are not already in possession of them.

5) We believe that the existing evaluation of potential archeological resources for the site is inadequate and that additional, independent archeological studies are needed. The creek side setting is conducive to the preservation of Native American resources, and was also the site of a 19th century farm. Furthermore, the applicant's consultant identified a possible midden on the site (discounted as possibly transported and not well documented as to its location). Despite this, her report concludes that there should be no great impact to architectural resources. A fair

portion of the project site is under dense vegetation or pavement and making an adequate evaluation via a surface inspection is difficult.

Construction of pier and grade beam foundations, buried storm water detention facilities, and demolition and removal of existing foundations will require excavation of much of the site to considerable depths. This could cause significant impacts to buried resources if they exist, and the 2008 Jones report alludes to the possibility that they may exist by recommending monitoring during construction. If buried resources occur on the site, they need to be found before and not after project approval if CEQA mitigation measures are to be effective in protecting the resource. Plus, searching for buried deposits would be prudent to save potential mitigation costs during construction.

Therefore we are requesting that phase 1 and phase 2 archeological assessments be conducted on the site by an independent (i.e. not hired by the applicant) archaeologist to determine the extent and importance of the midden deposits found at the site.

Biological Resources

The biological assessment for the project site is over 5 years old, and needs to be updated, not just re-reviewed, preferably by a different independent biologist under contract to the City. We are concerned that the specific flow conditions of the creek may not have been fully understood or appreciated by the previous consultants. Special-status species lists should be updated, and the site survey updated, especially with respect to nesting birds. The information on salmonids in the creek also should be updated. CDFG and USFWS should be contacted regarding their concerns as part of the update.

An independent evaluation of potential impacts to mature trees slated to remain on the site needs to be done as well. Construction impacts will occur very close to a number of mature native oaks, redwoods, and bay laurel trees and it is apparent that a considerable amount of tree canopy will need to be removed. Staff, in its report to the Planning Commission in February, 2009, believed that the applicant's proposed protection provisions were inadequate or impractical and considered many of the trees to be at risk. Staff therefore suggested imposing several conditions of approval on the project to help ensure that the mature trees would be protected during construction. The applicant complained to the Commission about these provisions, and ultimately had them removed before the project was approved by the City Council on appeal. The current provisions would require that the Homeowner's Association, not the developer, replace any trees damaged by construction; no additional tree protection provisions would be required. This current provision shifts the mitigation from tree protection to tree replacement and is, in our opinion, a tacit admission that many more trees will perish as a result of the development than those expressly identified for removal. We consider the mature trees to be a resource, a significant contributor not only to habitat, but also

to the aesthetic character of the neighborhood, and preservation should be a priority.

In addition to direct construction impacts, we are concerned that proposed landscaping, lawns, etc., and the more intense use of the site may alter soil conditions, which could affect the viability of the existing trees. We recommend that this potential impact be investigated as well.

Hydrology and Water Quality

In the Initial Study, the City considered the proposed storm drainage system to be adequate because it would be designed to comply with required regulations. However, we believe that those designs have not yet been prepared and must be evaluated in the EIR. CEQA requires that designs of important infrastructure, their functional capacities, and their potential impacts, be evaluated in the EIR, not designed later. Therefore, if not already done, we are requesting that a complete stormwater management system and construction and post-construction SWPPP be developed prior to commencing the EIR, and that the adequacy, effectiveness, and potential indirect impacts of those plans be evaluated. The area just downstream of the project site is prone to flooding from the creek during large storm events, and the proposed system will discharge runoff to the creek only a few hundred feet away from the project site, still upstream of the area that has flooded historically. There is currently very little runoff from the site, even during large storms, because much of the site currently consists of pervious native soils and vegetation. The proposed vesting tentative map, however, identifies large areas of soil and vegetation on the site as asphalt/concrete such that we are not sure that current permeable surface conditions have been adequately characterized. We are also concerned that current regulations for storm water management will not adequately detain runoff during large rainfall events when flooding is most likely, thus significantly increasing flood risk. We therefore request that the City evaluate the effectiveness of these standards in context with the high risk of flooding from the creek. As part of this or the alternatives section, we would like to see a comparison of potential impacts of the proposed drainage system to low-impact approaches to storm water management that will more closely mimic existing hydrologic conditions, and the feasibility of implementing such systems on site.

We also recommend an independent evaluation by the City's consultant of the adequacy of the currently defined top of bank, proposed by the applicant, as a measure of required setback for purposes of satisfying the storm water provisions under Section 32.12 of the Zoning Code. Within Lots 3 and 4, the proposed top of bank actually lies within the channel below the 100-year flood surface; the location of this line also brings up the public safety implications of siting structures close to the active floodway. The prior City Engineer considered the applicant's designation of top of bank to be inadequate, but his determination was reversed following his retirement. The topography of the site shows that a portion of the property within 25 feet of the bank top actually drains to the creek and this runoff would not be

captured by the proposed storm water system. Thus, water falling on impervious surface within the setback would not be able to flow 25' through vegetation before entering the creek as required by Sec. 32.12F, Paragraph 3.c. If the proposed setback line within the channel is used, this distance is reduced even further during high-water events when extensive site runoff is more likely to occur.

Traffic Safety and Parking

Upon review of the project file, we were somewhat dismayed that the City apparently plans to contract with the applicant's traffic consultant, RKH, to do an additional TIA. Tasks 1, 2a and 2b of the proposed scope of work repeat what RKH had already provided to the City; only an evaluation of the one-way road is new information. If it is the opinion of the City that the applicant's original traffic study was inadequate or needs updating, DJP&A's consultant, Fehr and Peers, or another consultant should do the analysis, not the applicant's consultant for a second time. It is to everyone's advantage that the EIR evaluation be based on objective data and analyses – use of the applicant's consultant, who has advocated for his client's position in past reports to the City, understandably will call the City's objectivity into question. We were especially dismayed when the project planner informed us that she believed the report would be submitted to the City via the applicant, meaning that the applicant would be able to vet the report prior to the City seeing it. If that is the case, this report needs to be considered an applicant submittal, not a product of the City's project review, and the report should therefore be part of the public record upon its submittal to the City.

We believe our concerns about the objectivity of the process in this regard have merit. FAPC was critical of several aspects of RKH's prior reports - notably the lack of evaluation of the adequacy of the private loop road or even a mention of the roadway's lack of compliance with City standards, pedestrian access, etc., in the original report. Subsequently, RKH compared the proposed loop road to a woonerf, and stated that it is similar to roadways within the Islands development in Foster City. At the Feb. 2009 Planning Commission meeting, we demonstrated how woonerfs and the Islands roadways differ significantly from the proposed loop road – especially with respect to overall width, transition from the public right-of-way, and pedestrian access. In addition, in its original traffic study, RKH determined that a loss of public parking spaces on Finger Ave. would be adequately offset by the addition of private guest spaces in the development. Yet, despite this conclusion of no impact, the report recommended that the City effect a residential parking program on the first block of Finger Avenue – a recommendation that was curiously presented to the neighborhood and City staff by the applicant long before RKH's traffic study was ever conducted.

Regarding the issue of parking, we wish to emphasize that parking capacity is not the primary issue for neighborhood residents. Finger is of substandard width - it is only 30' wide with parking allowed on both sides of the street, and the driveways entering the street are narrow. When cars begin to fill up both sides of the street,

even before the block reaches near capacity for parked cars, visibility and maneuverability are significantly hampered. There are times when residents with large vehicles cannot enter or exit their driveways, or can do so only with difficulty, because of the lack of turning room. The lack of visibility presents a safety hazard as well; recently a resident, upon exiting his driveway, collided with a motorist travelling on Finger because neither car could see the other due to the concentration of parked cars on the street. Regardless of the parking capacity provided internal to the development, we are concerned about how a loss of parking capacity on the street may cause concentrations of parked cars on Finger to occur more frequently, thus increasing the hazard to residents and motorists. Of course, this situation could be exacerbated further if guest and resident parking within the development is inadequate as well. These considerations need to be taken into account in the overall traffic safety analysis.

Land Use and Planning

We question the statement on page 6 of the NOP, that purports that the proposed project density and lot sizes comply with the site's zoning regulations. We are therefore requesting that the City conduct an independent evaluation of the project's density, overall lot coverage, and design in relation to applicable regulations in the city's existing zoning ordinances and municipal code. We believe that the proposed project may be in conflict with applicable regulations based on the following:

- 1) lack of clarity over the size of the subject parcels to be developed, where the banks and channel of Cordilleras Creek occur within the subject parcel, and therefore, how much of the project site is contained within the creek,
- 2) the City's equating of "lot size" to "building site area", (the code explicitly distinguishes between the two) to allow for the inclusion of the creek area and possibly a portion of the required roadway right-of-way into the subject lots.
- 3) the granting of an exception to the subdivision code that allows for reduced roadway right-of-way that may directly allow for additional density on the site without evidence to support required findings for the exception,
- 4) design elements of the project that are not in conformance with the purpose of planned development permits.

We further believe that Zoning Code exceptions required to approve this project under the Planned Development Permit are requested solely for the purpose of increasing unit density and building mass and scale and that these reasons may be in conflict with the intent of the Zoning Code. We therefore request that the City, through its consultant, address the following questions in the Land Use element of the EIR:

I. What is the size of the subject parcel and where is Cordilleras Creek?

We believe that it is necessary to clarify the actual size of the subject parcels and the location of Cordilleras Creek within the project site. The project site consists of three existing parcels: 052-061-200 (50 Finger), 052-061-180 (80 Finger) and 052-061-170 (88 Finger). The NOP states that the project area is 1.69 acres in size. The San Mateo County Assessor's office lists 50 Finger at 28,500 sq ft., 80 Finger at 24,000 sq ft and 88 Finger Ave. at 11,500 sq ft, for a total size of 64,000 sq ft or 1.47 acres. The applicant's project submittal letter of July 10, 2006, which accompanied the proposed vesting tentative map, described the site as "consisting of 1.40 acres (61,164 square feet)."

Why are there these discrepancies and how did the project site grow by nearly 0.3 acres since 2006? On the recorded parcel map (Book 4, Page 55 of maps), upon which the assessor's lot sizes are based, the back edge of the lots possibly corresponds with the top of bank of Cordilleras Creek, although it is not really clear if this is the case. On the other hand, the Redwood City Utility System parcel map (AA08, rev. 2006), which reports the same lot dimensions as the Assessor's map, seems to show that the back edges of the subject parcels lie at, or close to, the centerline of Cordilleras Creek. Our understanding has always been that our creek side properties extend to the Redwood City – San Carlos city limit boundary, which we believe occurs at the creek centerline. This interpretation is also supported by Sec. 3.4A of the Zoning Code.

The lot depth dimensions (perpendicular to Finger Ave.) that are shown on the proposed vesting tentative map are significantly greater than those presented on the Assessor's maps or city utility maps. Why is there disagreement between the legal descriptions for the parcels and the VTM, and what is the source for the dimensions used on the VTM? If this added depth is intended to include area within the creek to the city limit boundary beyond that on the assessor's map, it is clear from the VTM that the back edges of the parcels do not coincide, at least along the southwestern and northeastern ends of the property, with the creek centerline. This calls into question whether the creek is properly located on the map in relation to the project site boundaries. The VTM also does not conform to RWC Code Sec. 30.35 H1, which requires a tentative map to contain topographic information extending at least 100' beyond the proposed subdivision boundaries. Following this requirement would ensure that the entire creek width is depicted on the maps.

These issues must be clarified in order to properly assess where top of bank is really located, what constitutes building site area for the project and, ultimately, how many legal lots can be built. There should be no question as to the size of the parcel and where the creek is located within it. We believe that an independent evaluation of these issues, perhaps including an independent resurvey of the project site, is necessary.

II. Is there sufficient "building site area" under current regulations to support 9 lots on the project site?

The R-1 zoning district requires for lot area that (Sec. 5.6): "The minimum building site area shall be six thousand (6,000) square feet...". The applicant has proposed, and the City has so far accepted, that the areas of the creek side lots include a portion of Cordilleras Creek itself, and that these lot areas are appropriate for both determining unit density on the site, and for computing lot coverages. We were told during the Initial Study phase that the City considers "lot area" to be equivalent to the lot boundaries as defined on a subdivision map, metes and bounds, etc., and therefore includes the creek area. However, in the code, map boundaries establish "lot size" (Sec 2.58.5), not "lot area". Lot area is defined separately in the code as "building site area" for each zoning district. In fact, for the purpose of determining floor area ratio, the code specifies lot area to be "exclusive of any portion of a lot within the lines of any natural watercourse, river, stream, creek, waterway, open channel, or open flood control or drainage easement and exclusive of any portion of a lot within a street right-of-way whether acquired in fee, easement, or otherwise" (Sec. 2.53.6). Sec. 30.117A of the Municipal Code also states that no division will create lots that are "impracticable or hazardous for use due to steepness of terrain, location of water courses, seismic hazards, earth movement, size, shape, or other physical conditions".

The phrase "minimum building site area" is used to define required lot area for all districts in the City except for the Tidal Plain district, which only allows development of a relatively temporary nature. Since "building site area" is not itself defined in the code, the intent of the code appears quite clear: building site area defines the area upon which buildings can be sited and excludes such physical conditions that are impractical or hazardous for development – such as watercourses or roadway rights-of-way. Otherwise, the code would not distinguish between lot size and lot area.

Although a Planned Development Permit allows for deviations in minimum building site areas for individual lots, a PD Permit "shall conform to the applicable lot or unit density regulations of the zoning district in which the property is located" (Sec. 46.7B). We interpret this to mean that the project site must have a minimum building site area of 54,000 square feet to support nine family units. The subject parcel contains some portion of Cordilleras Creek and a required right-of way for access. If the current VTM is correct, this amounts to more than 7000 square feet of creek area (within the floodway), and over 10,000 sq feet for the road, which currently does not meet the city's required right-of-way standard. Depending on the true size of the parcel and amount of the creek within it, we believe that the parcel may not contain the minimum building site area for 9 lots; it certainly would not if the roadway were designed to the minimum right-of-way standard required by the City for private roads.

If the creek ultimately is considered as part of the parcel's building site area, another condition of the Zoning Code would come into play – Sec. 32.2, entitled "Supplementary Lot Area Requirements for Sloping Sites". As it turns out, all of the proposed creek side lots, if they include the creek, qualify as sloping sites under the

code, and three of the four (lots 1-3) do not meet the required minimum building site area. We pointed this out to the City in January, 2009 to show why we believed that the creek area should not be considered as building site area, and that if they do choose to include the creek, the topographic conditions of the banks and channel must be considered, and in this case, the supplementary lot area requirements under the code would apply. The City ultimately accepted that the creek side lots did qualify as sloping sites, and agreed that they did not meet minimum lot area standards, but the City did not factor in the required minimum building site area for such lots (nearly 35,000 square feet) to determine if there was still sufficient building site area left over for 9 lots on the site. We believe there would not be sufficient additional area if the supplemental lot area requirement were applied to the site.

III. Does granting an exception for a reduced right-of-way for the project's proposed road result in a unit density increase not otherwise allowed in the District, and can findings be made to grant the exception under Section 30.69 of the RWC Code of Ordinances?

The R-1 district requires a minimum building site area of 6,000 square feet per single-family dwelling, and also requires that each lot have a minimum of 35 ft frontage on a public street. These requirements, plus the General Plan land use designation for the subject parcel that specifies a maximum of 7 dwelling units per acre, makes it clear that roadway rights-of-way are to be excluded from lot building site areas in the R-1 District. The roadway frontage requirement may not be modified via a PD permit, although it has been the practice of the City to allow for private streets, instead of public streets, to be built within Planned Developments.

Sec. 30.118 of the Municipal Code requires that a local public street have a 54-foot right-of-way that can be reduced to 42 feet if no on-street parking is required. In its engineering design criteria (Sheet A-3a), private roads may be designed with a minimum right-of-way of 31 feet. The applicant is requesting to construct a loop road to access the new lots with a 22-foot-wide right-of-way – at least 9-feet narrower than required by code or the City's engineering design standards. A road with a right-of-way of less than 30 feet is defined as an alley in the Zoning Code (Sec. 2.9); alleys are designed to afford a secondary means of access to property. However, the proposed loop road is the primary (and in fact, only) means of access to the seven interior lots.

It appears to us that the primary purpose for a request for a narrow right-of-way is to provide additional land area on the site in order to increase density – a density that would otherwise not be allowed within the district as a whole for a parcel of this size and configuration, nor does it appear that a PD Permit can allow for such an increase in density. Section 30.69 of the Municipal Code lists three findings that must ALL be made to grant an exception to the requirements of the subdivision code. These findings include that compliance with the requirements are impracticable due to some physical or title limitations of the site, that the exception

is necessary to preserve a substantial property right of the subdivider, and that the exception will not be detrimental to public welfare.

In December, 2008, the Plan Review Committee concluded that the required findings could not be made; the rationale for this decision is detailed in Staff's report to the Planning Commission dated 2/10/2009. In its May, 2009 staff report to the Planning Commission, staff recommended that the findings could be reconsidered because it felt that conversion of the roadway to one-way was a design improvement. This report did not, however, explain how the conversion of the road to one-way access serves to alter Staff's original conclusion that there was no physical impediment to compliance, or that a substantial property right of the subdivider would not be taken away if forced to comply with the code.

With this background, we believe that it is necessary for the City to re-evaluate for the EIR whether granting of a roadway right-of-way exception in this case is in conflict with applicable regulations in the city's existing zoning ordinances and municipal code.

IV. Is the proposed project in conflict with the stated purpose of Planned Development Permits as specified in Section 46.1 of the Zoning Code?

We believe that the proposed project takes the form of a conventional subdivision, with individual lots of nominal size for the district that all front upon a public right-of way, and with all useable open space contained within individual private lots. The proposal is, however, requesting a Planned Development Permit in order that exceptions can be granted for reduced building setbacks, reduced creek setback, and reduced street right-of-way that are intended primarily to increase project density, mass, and scale beyond what would be normally allowed in the District. These exceptions therefore may not serve the design purposes of a Planned Development Permit. In particular, as stated in Section 46.1 of the code, the project does not provide for clustered development and increased open space, or offer any other amenities that would not be provided by complying with existing zoning regulations. The project does provide for stormwater treatment provisions, but the proposed design merely complies with requirements that any new subdivision of its size would need to follow, PD or not.

In 2006, the Plan Review Committee twice rejected for processing what is essentially the same project design as is currently proposed. This decision was made in part because the PRC felt that the project did not comply with the optimization of site design standards and conformity with neighborhood context that Planned Development Permits require. The Planning Commission ultimately rejected the project at its May 19, 2009 meeting; Commissioners who voted against the project cited a lack of compliance with PD Permit goals as one reason for their decision.

The Planning Commission and City Council do have the discretion to make findings to approve PD Permits, but we believe that the existing Code provisions and

requirements limit the latitude within which these bodies can approve such Permits. We therefore request that the City, through its consultant, review whether the design elements of this project, and the requested exceptions, comply with existing Planned Development Permit provisions.

Project Alternatives

Alternatives evaluated must be filtered to determine if they reduce one or more of the project impacts. Alternatives that fail to reduce, or actually increase project impacts are not in compliance with CEQA requirements. In addition, alternatives must be feasible. If alternatives have unit counts that are impermissible under City zoning and general plan regulations, then those alternatives would be infeasible and would not count towards “the range of reasonable alternatives” that is required in the EIR. Finally, CEQA case law forbids EIRs from containing unrealistic “straw man” alternatives intended to make the project look better. The City should review all potential alternatives with these considerations in mind.

Page 11 of the NOP lists one of the required alternatives stipulated in the Settlement Agreement as a “Nine Unit Standard Setbacks Alternative”. This is incorrect. The Stipulated Judgment does not specify the number of units for this alternative, only that the alternative plan be developed with a PD Permit under Article 46 of the Zoning Code, and otherwise meet all required roadway standards and setbacks compliant with R-1 District standards. There is no mandate to develop nine lots on the project site nor do we believe that the developer has a substantial right to develop that many lots. The City certainly may consider a nine lot alternative, but based on our discussion above, we believe that it may be difficult, if not impossible to develop nine lots on the site in compliance with R-1 District standards, while still avoiding or reducing potentially significant environmental impacts. We encourage the development and analysis of feasible alternatives for evaluation that have lower lot density as well as reduced mass and scale than the proposed project. If nine units are impermissible on this site, then this alternative must have a reduced unit count that complies with city standards.

The intent of the stipulated alternatives was for the City to independently develop a set of feasible designs that meet CEQA guidelines and that cover a wide range of possible design choices. We were therefore disappointed to learn that the City has asked the applicant to provide draft alternative designs to address the settlement stipulations. For years, as clearly demonstrated in the record, the applicant has been extremely resistant to any project modifications, has had a very strongly held opinion that the proposed project poses no significant environmental impacts, and has been unresponsive to expressed concerns from staff and the public. With this background, it should not be a surprise if the applicant is not motivated to present attractive alternatives that would meet CEQA guidelines and address expressed environmental concerns. Unfortunately, we believe the drafts that we have viewed are not acceptable alternatives as proposed and we recommend that the City be

proactive in developing its own alternatives, and/or consider those submitted by the public.

We recognize that the alternatives we have currently viewed are in draft form and hopefully will be modified, but we offer the following comments on the plans we have seen to date:

1. Alternative #05 (dated 9/29/10) -Five Unit R-1 Zoning Alternative

a) We believe that this 5-unit plan would require a variance to allow for reduced frontage for lots 1 and 2, and thus does not meet R-1 District standards. A variance may be justifiable if other aspects of the alternative warrant it, but this proposal amounts to little more than a lot split and lot line adjustments. Most existing structures are proposed to remain and there is only minimal redevelopment. This plan therefore differs little from the required no-project alternative, and the proposed lot alignments do not appear to conform entirely to R-1 District standards.

b) It is the intent of the Stipulated Judgment to consider a maximum build-out alternative under R-1 standards without a PD Permit that aims to reduce environmental impacts. This proposed alternative will retain nearly all existing structures that currently encroach upon Cordilleras Creek, which does not address this significant concern. There is no reason why these structures cannot be removed and the site redeveloped to conform to existing regulations. Single lot teardowns and rebuilds occur within the R-1 District with regularity; there is no reason the same cannot occur here for the three existing parcels, especially as one or two additional lots can be developed on the site under these constraints.

c) The applicant proposes to retain both the primary and accessory dwelling on Lot 5. The proposed lot does not appear to be sufficiently wide to allow for driveway access to the accessory unit.

d) It does not appear that lot 4 meets the average lot width of 50' required in the Zoning Code. At its widest, the lot is 53' wide, but most of the lot appears to be considerably narrower than 50', particularly near the rear of the lot.

2. Alternative #09 (dated 9/29/10) - Nine Unit Standard Setbacks Alternative

a) The proposed roadway right-of-way appears to be only 30' in width and therefore does not comply with the minimum required right-of-way for a private road.

b) Required 22-foot radius curb returns for emergency vehicle access are not provided at the roadway intersection with Finger Avenue.

c) The proposed sidewalk only serves pedestrian access to one lot, which already fronts the sidewalk on Finger Avenue, and thus it serves no purpose for pedestrian access to the project.

d) The hammerhead turn into Lot 1 does not have 35' of straightaway following the turn-in, as required by City standards for fire access. This distance appears to only be about 25'.

e) The proposed roadway and sidewalk will require removal of 6 listed mature trees, including two large oak trees. Driveway and/or garage access to Lot 3 will require removal of a 65' tall Coast Redwood (tree #9). Extension of the hammerhead to comply with standards and garage access to Lot 1 would also likely require removal of another 75' tall Coast Redwood (tree #35). This alternative therefore appears to impact native vegetation more significantly than the proposed project.

f) Lot 6 requires driveway access on Finger Avenue, which will mean that the garage for this home must front Finger Avenue. With this lot being only 40' wide, and considering the requirement for standard R-1 side setbacks, the home can only be 28' wide at maximum. This leaves only room for a garage and an entry door facing the street, which we believe would produce a significant negative aesthetic impact on the public street. Lots 1 and 2 also appear to have impracticable configurations for development; they have very narrow frontages that would also likely lead to negative aesthetic impacts.

g) This alternative does not provide for any guest parking, but still negatively impacts available parking on Finger Avenue, because of the new roadway intersection and required driveway access to Finger Avenue for lots 6 and 7.

In sum, it appears that both this alternative and the Five Unit alternative actually increases one or more potential impacts over the proposed project. We therefore believe these draft plans to be "straw-men". They are not reasonable alternatives under CEQA or in compliance with the stipulated judgment and cannot be considered in their present form.

We believe that beneficial, feasible development alternatives do exist for the site. To this end, we have proposed one set of alternatives that comply with the stipulated judgment for a PD alternative. This is what we have called a "Creekside Green" alternative, for which we have already submitted a couple of possible realizations to staff. We are attaching a large-scale copy of the 8-lot variant of this design, along with a comparison of potential impacts between this alternative and the proposed project. In both realizations, the "Creekside Green" alternative provides for nine dwelling units of varying sizes and styles, incorporates a development concept that appears to be selling successfully in east Menlo Park, appears to reduce nearly all of the potential environmental impacts that have been raised to date, and provides a number of amenities that address the purpose of Planned Developments. We request that the City evaluate this concept, which we believe offers real benefit to the neighborhood.

In addition, the City also should consider a more conventional 6-lot alternative, based on the fact that there are 6 dwelling units on the site now. Such an alternative could be patterned after the nearby Manor Ct. subdivision off of Edgewood Road; it would likely alleviate traffic/access impacts, not likely require setback exceptions, and reduce impacts associated with excess density and site coverage.

Attachment A. FAPC Comparison of Potential Environmental Impacts of the "Creekside Green" alternative to the proposed McGowan Development Plan

Aesthetics and Visual Impacts

1) McGowan Development:

- a. 80 Finger, built in 1931 and set back ~100 ft from Finger Ave., and 88 Finger, a 1 story 2 bdrm home set back ~25' and greater from the street, will be replaced by two, 2-story, 4 bedroom homes, approximately 2800 sq. ft in size, and set back 15' from the roadway.
- b. The present 1200' long continuous streetscape along the NW side of Finger Ave. will be broken up by a one-way access roadway that will intersect Finger Avenue at two locations about 110 ft apart. The access roads will be 22' wide with no sidewalk or street tree-planting strip, as exists on Finger Avenue, but will contain pavers integrated into the roadway and raised several inches to delineate a pedestrian lane within the road. Signage on Finger will be necessary to indicate the one-way direction of the roadway.
- c. Six of the nine 2-story, 4 bedroom homes of the new development, built at high lot coverage and minimal setbacks, will likely be visible from the street at the loop road intersections. The view from Finger Avenue down the NE intersection will see parking stalls separated from the roadway on the left hand side, the sides of existing homes at 40 and 54 Finger Ave. set back only 6-8 ft from the stalls or roadway, and the fronts of the large lot 3 and 4 homes. In addition, curb returns, necessary to provide for emergency vehicle access, will sweep across as much as 15' of the frontages of 40 and 54 Finger Avenue (these properties have a total of 60' and 50' street frontage), removing a portion of the sidewalks in front of both homes.
- d. The view from Finger Avenue down the southernmost leg of the loop road will see, in addition to the two homes on the street, the large homes built on lots 1 and 9. The lot 7 home will be set back only about 6 ft from the access roadway as it intersects Finger Ave.
- e. The development will remove 8 mature trees, most of which are currently visible from the street, and move 4 others. In addition, staff has identified numerous other trees at risk due to anticipated construction impacts and required canopy removal.

2) Creekside Green Alternative

- a. The Finger Avenue streetscape will be largely unchanged from present save for the construction of a single-access entry road at the southern end of the site across from Hyde Street. This entry road will maintain the current streetscape, with a sidewalk and tree-planting strip.
- b. 80 and 88 Finger Avenue will be replaced by one large 2-story (4-5 bdrm ~4000 sq ft) home with additional 1-story accessory dwelling on an ~11000 sq ft lot. The new home could retain some of the unique

architectural features of the 80 Finger home, such as the curved portico and 2nd story dormers. We suggest that the home be rotated slightly off-parallel to the street as the 80 Finger home presently is, and be set back a minimum of 35'.

- c. An entry roadway with a single intersection onto Finger is placed at the SW end of the development. The pavement width of this roadway is 31' and allows on-street parking (as on Finger) on one side. The sidewalk and tree-planting strip on Finger will continue down the entry road on the NE side. A planting strip, but no sidewalk, will exist along the SW side of the road, and provide screening against the 90 Finger Ave. property (which contains the historic Finger Farmhouse). The roadway ends in a hammerhead intersection in front of the 80B Finger cottage, which we suggest could remain and be converted to HOA use. Two additional guest-parking places are set into the end of this hammerhead. A 25' wide drive for residents to access garages and resident parking extends from the hammerhead intersection but largely will not be viewable from Finger Avenue.
- d. The only new home seen from Finger Avenue is the large home adjacent to the entry road, constructed to reflect the interesting architectural elements and street setting of the original home. The view down the entry way will focus on the original 80B Finger cottage and will allow 2nd story views of the historic Finger Farmhouse, currently not observable from a public right-of-way. The access road and row houses behind will largely be obscured by the new home on Finger and screening vegetation.
- e. The current 50 Finger Ave. driveway will be converted to a garden for storm water detention, and include a hammerhead turnaround and additional parking also designed to infiltrate storm water. Screening vegetation between the garden and the hammerhead will prevent views of the row house garages that are set back ~150' from Finger Avenue.
- f. The development will only require the removal of one listed tree – a 25' tall black walnut that resides behind the 88 Finger home and is not visible from the street. This tree is scheduled for removal in the McGowan proposal. In the 8-lot realization, a 20' palm tree behind 40 Finger Ave. will likely need to be moved or removed as well. This tree is also to be moved in the McGowan proposal. One 35' oak tree may be at risk from construction impacts due to the proximity of one home, but the home designs are flexible and likely could be adjusted to accommodate the tree.

Cultural Resources

Assuming that no structures to be demolished are deemed a resource, the Creekside Green alternative is beneficial to the potential designation of a portion of the Finger Park Tract as an historic district by: 1) preservation of one of the original

buildings – a cottage with Craftsman styling and of considerable charm, 2) preservation of the Finger Ave. streetscape and the addition of only one new home on the street, and 3) creation of public views on the 80B Finger cottage and historic Finger Farmhouse.

Biologic Resources

The McGowan proposal breaks up the existing properties into 9 individual small lots with homes built out to maximum lot coverage. Open space that is utilized for habitat is minimized and broken up into small plots associated with the new homes. A number of mature trees used for bird and other habitat will be removed. Creek banks and trees that remain will be the responsibility of individual homeowners to maintain.

The Creekside Green alternative clusters housing adjacent to the access drive and produces nearly 20,000 square feet of contiguous open-space along the creek that can help to maintain existing habitat. Fewer mature trees will be lost and most large trees are placed in common ownership, as is the creek bank and associated riparian habitat. The pooled ownership of these resources will help to ensure consistent maintenance of these habitat resources. This represents a new paradigm for creek side development, where large stretches of the creek are placed in community ownership, thus reducing the piecemealing of ownership that makes current creek maintenance and stewardship so difficult.

Geology and Soils

The McGowan proposal places four homes within the 25' creek setback specified by the recent Stormwater Ordinance, and within 30' of the toe of the bank, which, due to potential creek bank instability, requires construction of the creek side homes on pier and grade beam foundations. Potential creek bank collapse and erosion could result in significant property damage due to the loss of rear yards that are entirely within the setback zone.

The Creekside Green alternative sets all new structures well outside of the 25' setback zone and far from the 30' toe of bank setback recommended by BAGG Engineers. No pier and grade beam foundations would be required and any future creek bank failures and erosion would occur to commonly owned green space and not impact any private yard areas or structures.

Hydrology

The McGowan proposal takes all additional runoff from the development and conveys it, following cleanup using a series of biofilters, to the City's storm drain catchment at El Camino and Finger Avenue, where it is immediately discharged into Cordilleras Creek. This system requires construction of an onsite collection, detention, and filtration system, and a storm drain line ~300' along Finger Ave. to the catchment. Construction to minimum NPDES and STOPP standards may result in

bypass during extreme storm events when flooding potential is greatest on the creek.

Reduced impervious surfaces and large common open-space provides the opportunity for the Creekside Green alternative to detain excess storm water onsite, by filtering it through bioswales and discharging to an infiltration site at the low end of the site (NE end of the development) where it will return to the ground water. This system removes the need to construct an extensive subsurface collection, detention, and filtration system, or a storm water line down Finger Avenue. The Creekside Green storm water management design is a low-impact design that more closely mimics natural hydrologic conditions and will reduce potential flooding impacts.

Traffic Safety

The McGowan development proposes to build a 22'-wide loop roadway with integrated pedestrian access in the roadway on a marked pathway raised slightly above the pavement. The road will enable through-going traffic on the loop road in one direction only. All vehicles entering the development will enter at the NE end, located between 40 and 54 Finger Ave., and exit at the SE end between lots 7 and 8. Potential traffic safety issues with this design may be: 1) enhanced traffic speed due to the one-way access, 2) reduced pedestrian safety due to the integration of pedestrian access within the roadway, 3) restricted maneuverability for vehicles entering and exiting drives due to the reduced width of the backup aisles, 4) inconvenient access for some homes potentially leading to some traffic entering from the wrong direction in order to shorten the trip, and 5) potential increase in hazards on Finger Ave. due to the introduction of two new intersections spaced close together and increased concentration of parked cars on Finger Ave., resulting in reduced visibility and maneuverability.

The Creekside Green alternative proposes access to the development via a single entrance from Finger Ave. onto a straight dead end road that is less than 150' long; there is no through-going traffic. The entry road pavement is two way and 9' wider than the McGowan proposal with no integrated walkway. Pedestrian and bicycle access along the entry way is via a separate, conventional walkway separated from the roadway by a curb and planting strip. Beyond the entry road, pedestrian and bicycle access loops through the development on a pathway through the green and out the garden area back to Finger - completely separated from any motor vehicle traffic. The access drive to resident garages also dead ends at the NE end of the development; no guest vehicles, pedestrians, or bicycles need travel on this road to access the residences. Pavement width on the access drive is a standard 25' for a private roadway to provide for more backup maneuverability out of driveways.

Parking

The McGowan development proposal provides for two garage spaces per home, two tandem resident spaces per home in driveways in front of the garages, and 5 guest parking stalls for the 9 homes – four located at the northeast end of the development adjacent to the side yard of 54 Finger Ave. and 1 stall at the southwest end between lots 8 and 9. The development will reduce the number of public parking spaces on Finger Ave. adjacent to the project from 10 to 7 due to the new roadway entrances.

The Creekside Green alternative provides for two garage spaces for 7 homes, and 3 garage spaces for the home fronting Finger Ave. In addition, one additional resident stall is provided for each of the 8 lots. There are 6 guest parking stalls on the entry road and an additional 3 parking stalls off of the NE hammerhead that could be used by residents or guests. In addition, there would be no reduction in public parking capacity on Finger Ave.

Total parking capacity for the 9-lot McGowan Development, including parking on Finger Ave. adjacent to the project, is 48 spaces. 18 of these spaces are tandem spaces on driveways in front of garages, so a net of 30 spaces are available that would not require a car to be moved to get access to another vehicle. Total parking capacity for the 8-lot Creekside Green alternative is 44 spaces. None of these spaces are tandem spaces; 44 cars can be parked on site and on the street without the need for any vehicles to be moved to access others.

Friends of Cordilleras Creek
2215 Eaton Avenue, San Carlos, CA 94070

23 February 2011

City of Redwood City
Attention: Maureen Riordan, Senior Planner
1017 Middlefield Road
Redwood City, CA 94063

Re: Notice of Preparation for an Environmental Impact Report for the Finger Avenue Residential Planned Development

Dear Ms. Riordan:

We have reviewed the referenced NOP and look forward to a thorough and robust evaluation of impacts from the proposed development and reasonable alternatives. Friends of Cordilleras Creek (FOCC) is a party to the stipulated settlement. We endorse the comments of the Finger Avenue Pride Committee and hereby incorporate their comments into our own.

FOCC takes this opportunity to reiterate our concerns for the projects potential impact on Cordilleras Creek biologically and hydrologically. We are concerned about water quality, aesthetics of the creek, riparian health, safety, and the future of creek management. Precedents set by this project could have far reaching effects for future development in the City's riparian corridors. We hope that precedent will be positive for Redwood City and other jurisdictions sharing the watersheds.

Alternatives

We believe that the EIR should assess a residential planned development that meets the guidelines, goals, and spirit of the planned development option, rather than just the alternatives that use the planned development process to skirt practical zoning standards. Such an option would embrace the land's creekside setting rather than encroaching on it. To this end, we urge the evaluation of the "Creekside Green" alternative developed the Finger Avenue Pride Committee.

Hydrology

The Cordilleras Creek watershed has been severely impacted by the impervious surfaces created by roads, parking lots, homes, and hardscaping. Areas downstream of the proposed project are subjected to flooding on a regular basis. Expected sea level rise will increase flooding frequency. Increased flash flows from this project must be evaluated in this context, and in the context of cumulative and

compounding impacts from future developments following precedents set by this project.

Proximity to Creek

We believe that the storm water ordinance enacted by Redwood City is sound and practical. It establishes a 25 foot set-back standard (from top of bank), that protects water quality in a number of ways, allows riparian habitat and associated wildlife to flourish, protects property, and enhances bank stability. The evaluation of the proposed encroachment into the 25' setback must be thoroughly evaluated for impacts on bank stability, water quality, riparian health, wildlife movement, species of special concern, and aesthetics. The evaluation should include the probability that the bank will need armoring in the future, and the impacts of that armoring on creek hydrology, and its erosive effects on other nearby banks.

This analysis must also revisit the establishment of "top of bank". Claimed set-back distances for the proposed project should be evaluated based on a credible determination of "top of bank".

Thank you for the opportunity to comment on the NOP.

Sincerely,

Richard Izmirian

PLG-Maureen Riordan

From: Dean Collins [collinsdean@astound.net]
Sent: Wednesday, February 23, 2011 3:00 PM
To: PLG-Maureen Riordan
Subject: Comments to NOP for 50.80,88 Finger Ave EIR.
Attachments: collinsdean.vcf

Comments for NOP for 50,80,88 Finger Ave EIR

I want to associate myself with the broad list of comments Dan Ponti (for Finger Ave. Pride Committee) sent you re: the Finger Ave EIR.

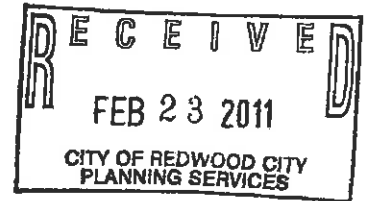
In addition, I would like to emphasize the safety aspects of building as close to the creek as the applicant proposes.

The existing buildings, homes, cottages alongside the creek may all be characterized by one feature: none has a back door opening on the creek. When the inevitable ElNino flood rises the creek level to the point it is wetting the foundations of the applicant's proposed housing, any young lad worth his salt will feel a compelling curiosity drawing him to that danger. IF he as much as dips his toe in that onrushing 30mph flood, it will draw him to his death.

Having experienced such floods in '82, '96, and '10 (ElNino years) I can attest to the danger to an adult, not to mention a youngster. I spent all night in Feb.'82 pushing fallen tree trunks, misc. lumber, and various flood bourn debris into mid-stream and keeping them parallel with the centerline. They thence flowed down to the El Camino culvert where they jammed the culvert, "jumped the banks" and blocked El Camino for many hours. It also flooded the back yards of many houses east of El Camino. Check your records. It happened. I was there.

To allow anyone to build within 25 feet of the ACTUAL top of bank - not the gerrymandered FAKE top of bank the applicant proposes - would be a serious dereliction of duty to protect future residents, malfeasance and allow a dangerous precedent.

Dean Collins
90 Finger Ave
Redwood City
(650) 369-7071



**Billy James
218 Oakdale Street
Redwood City CA 94062
650.366.1017**

February 23, 2011

City of Redwood City
Attn: Maureen Riordan, Senior Planner
City of Redwood City
1017 Middlefield Road
Redwood City CA 94063

Dear Ms. Riordan,

I am writing to express my disapproval of the proposed Finger Avenue Residential Planned Development. I am in support of the Creekside Green alternative plan that has been submitted to you by the Finger Avenue Pride Committee and I request that the City consider this alternative in its analysis for the EIR.

Both the plan submitted by Kirk McGowan and the alternative plan call for the construction of a private road, but in the McGowan proposal, the road design does not conform to the city requirement that the road width must have a minimum 25' wide driving surface, a 6" high curb, and an adjacent 5' wide sidewalk. Pedestrian or bicycle access to the project is essentially an afterthought - shoehorned into an inadequate road design. The entry road into the Creekside Green proposal does conform to standards and while the access road to resident garages does not have a sidewalk, there is separate, dedicated pedestrian and bicycle access to all of the homes in the project.

The crux of the matter you are confronted with here may be contained this excerpt from a letter to Jill Ekas dated November 26, 2008 from attorney Robert Lanzone, representing the developer: "My client's position continues to be that the private road is really no more than a private driveway...*that there is no need for a sidewalk for the residents of the project.*(italics mine)" Since there are in fact no residents, it is illogical to describe the needs of people who do not exist.

The Building, Infrastructure & Transportation Department (BIT) of the City of Redwood City embraces the "Complete Streets" philosophy, to ensure that all city-owned and regional transportation systems are designed and operated to enable safe, attractive, comfortable, and independent access and travel for all users. This includes pedestrians, bicyclists, motorists, and transit users of all ages and abilities. Complete Streets and multi-modal transportation are key components of the City's long-term planning, as highlighted in the Circulation Element of the draft *New General Plan*.

-2- M. Riordan RWC 2.23.11

The Creekside Green alternative attempts to accommodate all modes of transportation; the McGowan proposal does a poor job at even accommodating all of the various kinds of motor vehicles that must access the site. It would not be appropriate to support a development that contains an incomplete street. For that reason it is my hope that the City gives serious consideration to the Creekside Green alternative in its project review.

Sincerely,

A handwritten signature in black ink, appearing to read "Billy James", with a long horizontal stroke extending to the right.

Billy James

MINUTES
PLANNING COMMISSION
May 3, 2011
7:00 p.m.

City Council Chambers*
1017 Middlefield Rd
Redwood City, CA
Ph: 650-780-7233
Accessible to Disabled

DRAFT

COMMISSIONERS PRESENT: Commissioner Holt, Commissioner Radcliffe, Commissioner Smith, Commissioner Tabing, Vice-Chair Schmidt and Chair Borgens

COMMISSIONERS ABSENT: Commissioner Bondonno

STAFF PRESENT: Principal Planner Passanisi, Planning Manager Ekas, Downtown Development Coordinator Zack and Interim Deputy City Attorney Veronica Ramirez

GUESTS: Laura Stetson, Consultant Hogle-Ireland

PROCEEDINGS RECORDED: For further information not contained in this draft of the written minutes, an audiocassette and DVD recording of the entire meeting is available for listening or purchase at the Planning office, located in City Hall, Redwood City.

AGENDA POSTED: Copies of the Agenda for this meeting are posted at City Hall on the Friday prior to the Planning Commission meeting.

1. ROLL CALL

2. APPROVAL OF MINUTES:

M/S (Radcliffe/Schmidt) to approve the Planning Commission minutes of March 1, 2011 as submitted
Motion Passed 6-0

M/S (Radcliffe/Schmidt) to approve the Planning Commission minutes of March 15, 2011 as submitted
Motion Passed 6-0

3. ORAL COMMUNICATIONS: None

4. CONSENT CALENDAR: None

5. ZONING ORDINANCE AMENDMENTS – MIXED USE CORRIDOR DISTRICT ZONING ORDINANCE AND PARKING LOT DRIVE AISLE DIMENSIONS

Laura Stetson, Consultant Hogle-Ireland, gave the following PowerPoint presentation:

Mixed Use Corridor Draft Zoning Ordinance

Planning Commission Public Hearing May 3, 2011

Public Hearing's Purpose:

- Review
 - Article 53
 - Article Amendments
 - 2 - Definitions
 - 3 - Designation of Districts
 - 30 - Off Street-Parking and Loading
 - 33 - Nonconforming Lots, Use, Structures, Parking
 - Zoning Map Amendment
 - EIR Addendum
- Respond to Planning Commission Questions and Comments
- Receive Public Comment
- Purpose
 - Implement General Plan
 - Allow for site and design flexibility
- Vision: Corridors that are fully walkable, transit-accessible, and engaging.

ARTICLE 53: Mixed Use Corridor Zoning District:

Organized into 8 Sections

- Intent and Purpose
- Use Regulations
- New Streets and Pathways Regulations
- Open Space Regulations
- Sidewalk, Setback, and Landscaping Regulations
- Parking and Storage Regulations
- Height, Density, and Intensity Regulations
- Façade Composition and Architectural Regulations

Intent and Purpose:

- Establishes five MUC sub-districts
- Each sub-district has unique character and specific regulations for the distinct areas
- Every MUC parcels is located in a sub-district

Five Corridor Sub-Districts: (with map)

- Mixed Use Corridor- El Camino Real
- Mixed Use Corridor - Gateway Broadway
- Mixed Use Corridor- Redwood Creek
- Mixed Use Corridor - Streetcar Broadway
- Mixed Use Corridor - Veterans Boulevard

Descriptions of All Five Mixed-Use Corridors (MUC):

MUC- El Camino Real

Purpose: A Grand Boulevard that is remarkable, walkable and exciting.

Character:

- Pedestrian-scaled environment
- Higher-intensity buildings

- High-quality urban design and construction
- Increased access to goods, services, and transit
- Careful transitions to adjacent residential uses
- Pedestrian and transit amenities

MUC – Veteran’s Boulevard

Purpose: Provide and attractive entrance.

Character:

- Signature buildings to accentuate gateways
- Higher-intensity buildings
- Circulation interconnection
- Maximize walkability
- Link the bayfront with Downtown
- Careful transitions to adjacent residential uses
- Street patterns of a similar scale to historic areas

MUC – Redwood Creek

Purpose: Accentuate Redwood Creek and activate Main Street, Walnut Street, and Veterans Boulevard.

Character:

- Public access to Redwood Creek with an active and engaging open space
- Link Downtown and bayfront via Redwood Creek
- Higher-intensity buildings
- High-quality urban design and construction
- Increased access to transit, San Francisco Bay, and Redwood Creek

MUC- Streetcar Broadway

Purpose: Extend the vibrancy of Downtown.

Character:

- Complement Downtown
- Connect employment districts
- Enhance local mobility
- Higher-intensity buildings to support streetcar
- New construction that respects existing historic structures in terms of scale and design
- Enjoyable multi-modal experience
- Pedestrian and transit amenities

MUC – Gateway Broadway

Purpose: Create a positive impression and gateway.

- **Character:** Signature architecture to accentuate gateway
- Inviting public plazas
- Destination and residential uses
- Pedestrian-friendly on appropriately scaled street grid

Article 53.2 Use Regulations:

- Establishes Allowed, Conditional Use, and Prohibited Uses in each sub-district
- Establishes specific regulations for residential use in all sub-districts
 - Prohibition on new units within 500 ft. of outermost freeway lane
 - Requires Noise Notice
- Specific regulations for Mixed Use Development in all sub-districts

- Limitations on specific uses within the nonresidential component of a Mixed Use development
- Cannot be converted to all residential

Chair Radcliffe asked why the Broadway Streetcar line did not extend closer to downtown.

Jill Ekas, Planning Manager, stated it stopped at the boundary of the Broadway Precise Plan and goes on to Maple.

Chair Borgens stated the streetcar goes from Broadway to Woodside but the map does not depict this.

Ms. Stetson stated it does not connect there but it does provide an opportunity to go across this area.

Ms. Ekas stated this use area is acknowledged in two ways as light industrial with an incubator overlay and allows for a higher floor area ratio and may become transit supportive.

Ms. Stetson continued with her PowerPoint presentation.

Development and Design Standards

Separate, visually distinct pedestrian entrances required for residential and nonresidential uses located within the same building.

Live-Work Regulations

- Specific regulations for Live/Work Units where allowed
 - Limitations on specific uses within Live/Work Units
 - Cannot be converted to exclusively residential
 - Design standards (floor area, unit access, unit separation, parking)
 - Operating requirements (occupancy, client/customer visits, nonresident employees)

Article 53.3 New Street and Pathway Regulations

- 1+acre sites provide block and street patterns consistent with surrounding contextual environments
- Maintain and enhance pedestrian, bike, transit, and vehicle connectivity
- Primary pedestrian access to buildings from public sidewalk
- Promote walkability: lighting, internal walkway connections, walkway widths

Redwood Creek SubDistrict

Creekside trail and overlook areas: trail connections, widths, surfacing, and lighting (with drawing and creek setback measurements depicted).

Commissioner Holt was happy to see the creek setbacks and the reference to the ordinance, but there were also the proposed changes to the text. She asked for clarification of this.

Ms. Ekas clarified the changes were regarding storm drain/water quality issue on some deeper parcels along the creek.

Commissioner Schmidt asked if there was any infrastructure for electric vehicles. He stressed the importance of this in the future as the downtown area continues to grow.

Ms. Stetson stated this was addressed in the Parking section for not only electric vehicles but also low-emitting vehicles. It was not recommended for Mixed Use Developments as a requirement for plug-ins for each unit, per se.

Ms. Ekas noted the code call-out in the Commission's packet materials.

Commissioner Radcliffe clarified that when they spoke of the 14-ft and 25-ft creek setbacks this was only for Redwood Creek District.

Commissioner Smith asked where they would address the charging stations, from a zoning or project perspective.

Ms. Ekas stated was addressed in either the Parking Code or the District Code.

Ms. Stetson continued with her PowerPoint:

Three Types of Open Space: Private, Common and Public Open Space.

Privately owned Public Space was discussed, and Commissioner Smith brought up the point that it needed to be clarified who maintained these public open space areas. The City Attorney discussed the nature of this space and who maintained this space. Ms. Ekas also suggested calling this Publicly Accessible Open Space so that the intentions were clear on who maintained this space. Public access was available but the City was not responsible for the maintenance of these areas. Commissioner Schmidt stated in whatever way it was named it was going to have limited use. He asked if there were any examples in other cities that they could go by on how this was handled as far as access, maintenance, responsibilities or problems.

Ms. Stetson stated other cities have sites where this type of area/system works.

Commissioner Smith asked if there are other trade-offs, and what the typical practice was.

Ms. Stetson stated that if there was developer who balked at providing the public open space, she was not sure what an alternative would be. She directed the Commission to a portion of their packet information that dealt with this publicly accessible open space.

Ms. Ekas stated, in the Bonus Height Section of the packet, there was additional information on this under Public Benefits.

Commissioner Tabing stated once a development was in place, there would have to be some further delineation of hours other than just noting a space was open to the public.

Ms. Ekas noted the many challenges in predicting the many configurations of these shared open space areas and not coding them too tightly.

Commissioner Schmidt agreed with Ms. Ekas at not coding it too tightly. He did not expect developers to balk at the shared open space inclusion in their plans.

Commissioner Smith noted the importance of a mechanism in there where they can review and address the issue.

Chair Borgens stated there was a provision in the wording where they had this authority for discussion and review, project by project.

Ms. Ekas gave an overview of the projects that could come before them and the various approaches for open space and use, private and public access and conditions and uses.

Ms. Stetson continued with her PowerPoint presentation:

Article 53.4 Open Space Regulations: (with photos)

- Public Open Space (e.g. plazas, courtyards), when provided
 - Accessible to public and residents
 - Accessible and fully visible from public right-of-way
 - Required at discretion of responsible review authority

- Common Residential Open Space, when provided
 - Minimum 500 sf with a minimum dimension of 15 ft
 - 80%+ of space unobstructed to sky

Residential Open Space (photos)

- Minimum of 125 sf of usable open space per residential unit
- Met with a combination of common and private open space
- Provided at grade, balconies, rooftops

Article 53.5 Sidewalk, Setback, Landscaping Regulations (photo)

- Setbacks and landscaping (including fencing) standards by sub-district
- Primary Streets: 12- 14 ft; sidewalks required
- Secondary Streets: sidewalks consistent with established pattern

Commissioner Radcliffe stated that street trees were to be 3 feet from the curb. She stated these parameters did not need to be so stringent and that it was actually healthier for the trees to be less rigidly spaced.

Ms. Stetson asked if there were any Public Works standards in this regard.

Ms. Ekas stated there was some flexibility on this. She noted, however, some of the reasons for the 3-foot suggestion including tree canopy and pedestrian/street separation. She noted perhaps a range could be considered.

Commissioner Schmidt asked if some of the reasoning behind the 3-foot tree line was for uniformity.

Ms. Stetson stated this was not necessarily for uniformity, but more so for some of the issues Ms. Ekas had mentioned.

Ms. Radcliffe gave additional information on trees and their root systems and concerns when planted in an urban setting.

Ms. Ekas stated there was flexibility there and double rows of trees was allowed.

Ms. Stetson continued with her PowerPoint:

Article 53.6 Parking and Storage (drawing)

- Article 30 standards apply, except as provided in this Article
- Exceptions include:
 - Surface and structured parking location
 - Parking setback landscaping
 - Driveway and curbcuts
 - Bicycle parking

Commissioner Schmidt reiterated the importance again of charging stations ratios.

Commissioner Radcliffe asked if they were limited themselves in the covered space parking.

Ms. Stetson stated this was a policy issue, and it did drive up the cost of a project.

Commissioner Schmidt asked if they should discuss that now or later.

Ms. Ekas stated they would return on that issue and whether or not the code would allow for something else.

Commissioner Smith asked if a variance would help if there were a good design.

Ms. Stetson stated specific findings were needed for a variance.

Ms. Ekas agreed variances have limited applicability. The Planned Development Permit allowed for parking flexibility. She suggested in any Motions that they suggest any other open windows in this regard.

Ms. Stetson continued with her PowerPoint:

Article 53.7 Height, Density, and Intensity Regulations (drawing)

- Establishes height, density, and intensity standards by sub-district
- Requires upper-story setbacks when adjacent to residential zoning districts, public open space, or historic resources
- Allows for height bonus for developments providing "public benefit"

Article 53.8 Façade Composition and Architectural Regulations - Establishes building orientation, entrance requirements, and building transparency/windows standards and guidelines (with photos of a stoop, alcove and porch).

Article 53.8 Façade Composition and Architectural Regulations

- Guidelines and standards for corner features, ground floor design, and architectural articulation

- Supplemental development standards particular to each sub-district, such as pedestrian entrance requirements and entry statements (with drawing/example of horizontal separation of floor)

Amendments to Articles:

- Article 2 – Definitions
 - Provides new definitions for land uses, building types, open space, and planning terms
- Article 3 – Designation of Districts
 - Adds Mixed Use sub-districts to a list of districts and defines sub-district abbreviation
- Article 30 – Off-Street Parking and Loading
 - Parking space requirements for Mixed Use District, including “clean air vehicle spaces”
 - Minimum parking dimensions in Mixed Use District
 - Reduces aisle width to 24 ft
- Article 33 – Nonconforming Lots, Uses, Structures, and Parking
 - In Mixed Use District, nonconforming use cannot be re-established if use has ceased for 6 consecutive months.

Amendment to Zoning Map: (map)

ADDENDUM TO THE 2010 GENERAL PLAN FEIR:

- 2010 General Plan FEIR examined environmental effects with the adoption and long-term implementation of the 2030 General Plan.
- The Mixed Use Corridor Zoning Ordinance Amendment is a subsequent activity within the scope of project discussed in the 2010 General Plan FEIR.

Environmental Issues Evaluated

AestheticsAir Quality
 Biological ResourcesCultural Resources
 Hazards and Hazardous MaterialsHydrology and Water Quality
 Land UsePopulation and Housing
 Public ServicesRecreation
 TransportationUtilities
 Global Climate ChangeEnergy

Addendum determines:

- No new effects could occur.
- No new mitigation measures would be required, and therefore:
The MUC Zoning Amendment is within the scope of the project covered in the FEIR; and No further environmental documentation is required for the Adoption of the MUC Zoning Amendment.

Changes to the Draft Ordinance Article 53.52 - Staff Report Page 44 or Article 53 Page 20 – a. Creekside Setbacks. Minimum building setback from the Redwood Creek Trail shall be 25 feet, or approximately 39 feet from creek top-of-bank.

PUBLIC COMMENTS

John Ryan stated he owned a business in the zoning area and was looking for some information on the timeframes. He leases his business. He was hesitant to spend money on its location considering the changes that may or may not occur where his business was located.

M/S (Smith/Holt) to close the public hearing

Ms Ekas stated the timeline for the Zoning Amendment stated it concluded at the current meeting, would go to Council for review and approval over the coming summer months. She stated the notifications went out to property owners and tenants in a huge mail-out. She also noted the Code does not require anyone to change their land uses and the City is not seeking to change any particular businesses. She stated the mixed-use corridor changes would take time.

Chair Borgens reiterated this was not a mandate. An owner can, but an owner is not required, to change. It remained a property owner and tenant discussion.

Commissioner Schmidt asked if there were any examples of the 24-foot parking aisle and was told that this was common in structured parking. This one-foot allowance made a big difference in the parking garages in terms of circulation of vehicles. Some of the City-owned garages had these dimensions. He asked for clarification of the language of allowances versus spaces for the electric vehicle stations.

Ms. Ekas stated that the 24-foot aisle is more the norm and that the City was an outlier with some of their 25-foot aisle.

Chair Borgens asked where they might incorporate the language regarding the 3-foot tree flexibility.

Ms. Ekas stated Staff would prepare language based on the Commissions' previously discussed recommendations.

M/S (Radcliffe/Holt) to approve the resolution of the Planning Commission of the City of the Redwood City recommending that the City Council of the City of Redwood City adopt a Zoning Ordinance Amendment establishing the mixed use corridor zoning district under Article 53 (including related revisions to Articles 2, 3, 30, 33, and 60), and amending section 30.6A(1) as it relates to parking lot drive aisle dimensions. Note: looking at language on the Redwood City creek setback and are changing the word on page 55 "to achieve" instead of "exceed". have language for public assembly; address cover parking versus open parking making it a requirement, and possibly changing the verbage for defining public space and having more flexible tree placement in the sidewalks

Motion Passed 6-0

6. MATTERS OF COMMISSION INTEREST

-May 31, 2011: Sierra Club Healthy Communities, Whole Streets.

-The Golden Oar Award Race Information: October 1, 2011.

7. M/S (Radcliffe/Schmidt) to adjourn at 8:39 PM was done in honor of City Planner Tom Passanisi.