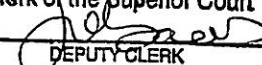


RECEIVED  
SEP 06 2016  
City of Redwood City  
City Clerk

FILED  
SAN MATEO COUNTY

AUG 26 2016

Clerk of the Superior Court  
By   
DEPUTY CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN MATEO  
COMPLEX CIVIL LITIGATION

2  
REDWOOD CITY RESIDENTS FOR  
RESPONSIBLE DEVELOPMENT,

Civil No. 16CIV01069  
CEQA

Petitioner,

Assigned for All Purposes to  
Hon. Marie S. Weiner, Dept. 2

vs.

**CASE MANAGEMENT ORDER #1**

CITY OF REDWOOD CITY,

Respondent,

\_\_\_\_\_  
JEFFERSON RES LLC, and DOES 1-  
25,

Real Parties in Interest.  
\_\_\_\_\_

This CEQA case is assigned for all purposes, according to Local Rule 2.1.3, to the Honorable Marie S. Weiner in Department 2, the Court's designated CEQA judge, pursuant to Public Resources Code Section 21167.1(b),

IT IS HEREBY ORDERED as follows:

**PETITIONER SHALL SERVE A COPY OF THIS ORDER UPON ALL  
RESPONDENTS AND REAL PARTIES IN INTEREST.**

16 - CIV - 01069  
CMO  
Case Management Order  
165412



1. All pleadings, motions, applications, briefs, and any and all other papers in this case shall be filed with (and related filing fees paid to) the Civil Clerk's Office located in the Hall of Justice, First Floor, Room A, 400 County Center, Redwood City, California. **One extra copy of any such filing shall be stamped "Judge's Copy" and delivered by overnight or first class mail directly to Department 2** located at Courtroom 2E, 400 County Center, Redwood City, California 94063. DO NOT LEAVE THE JUDGE'S COPY WITH THE CLERK'S OFFICE. PLEASE ADD DEPARTMENT 2 TO YOUR MAILING SERVICE LIST IN THE CASE AS TO ANY AND ALL PAPERS FILED WITH THE COURT. All motions and briefs shall conform with the California Rules of Court, especially Rule 3.1113, **and indicate on the caption page that this matter is assigned for all purposes to Department 2.** DO NOT FAX COPIES OR CORRESPONDENCE TO DEPARTMENT 2, AS THERE IS NO DEDICATED FAX LINE FOR THE CIVIL COMPLEX DEPARTMENT.

2. As to any and all motions or other matters requiring a hearing, the hearing date shall be obtained *directly* from and approved by Department 2 at **(650) 261-5102** (and *not* with the Civil Clerk's Office nor with the Research Attorney), *prior* to filing of the moving papers or other initial filings..

3. *Ex parte* applications in this matter shall heard by Department 2, **on Tuesdays and Thursday between 2:00 p.m. and 3:30 p.m.**, and the parties are required to meet the requirements of CRC Rule 3.120 *et seq.*. With the consent of counsel for *all* parties, telephone conferences on *simple* interim case management matters may be scheduled with the Court for a mutually convenient time and date – with the scheduling and logistics of such telephone conferences to be the responsibility of the requesting party/parties.

4. As to any discovery motions, the parties are relieved of the statutory obligation under CRC Rule 3.1345, and thus need *not* file a separate statement – instead the subject discovery requests (or deposition questions) and written responses (or deposition answers or objections) must be attached to the supporting declaration on the discovery motion.

5. In regard to all discovery disputes, counsel for the parties (and any involved third parties) shall meet and confer on any and all discovery disputes and, if there are remaining disputes, then counsel for each side shall serve on each other and mail/deliver *directly* to Department 2 a letter brief setting forth the dispute and attaching as *tabbed* exhibits to the letter the subject discovery requests and discovery responses (if any). At the time or prior to submitting the letter briefs, counsel for the parties shall also schedule a discovery conference with the Court to occur no sooner than five court days after *delivery* of the last letter brief to the Court, in order to discuss the dispute. **THE DISCOVERY DISPUTE LETTER BRIEFS AND THE DISCOVERY CONFERENCE SHALL BE DONE *WELL PRIOR TO* THE STATUTORY DEADLINES FOR FILING OF ANY MOTION TO COMPEL OR OTHER DISCOVERY MOTION. No discovery motion may be filed by any party unless and until there is compliance with the requirement of this Order, i.e., (i) substantive meet and confer, (ii) exchange of letter briefs, and (iii) discovery conference with the Court. This requirement does *not* constitute an extension of time for any statutory time period for filing and serving any motion under the Civil Discovery Act.**

6. Pursuant to CRC Rule 3.1113(i), the Complex Civil Department, Dept. 2, requires that if any authority other than California cases, statutes, constitutional


provisions or state or local rules are cited, a copy of that authority must be lodged (not filed) with the papers that cite that authority and tabbed as required by Rule 3.1110(f).

7. The initial Case Management Conference is set for **Friday, October 7, 2016 at 1:30 p.m.** in Department 2 of this Court, located at Courtroom 2E, 400 County Center, Redwood City, California.

8. In anticipation of the Case Management Conference, counsel for the parties should be prepared to discuss at the hearing *and* submit written case management conference statements (in prose and details, *not* using the standardized Judicial Council form) directly to Department 2 on or before **September 30, 2016**, as to the following:

- a. Status of Service upon or appearance by Respondents and Real Parties in Interest;
- b. Status of Administrative Record;
- c. Status of Settlement Conference;
- d. Status of Request for Hearing;
- e. Conclusions reached after meet and confer on all matters set forth in CRC Rule 3.750 and Rule 3.724(8);
- f. Anticipated motions and proposed briefing schedule;
- g. Setting of Briefing Schedule and Hearing/Trial;
- h. Setting of next CMC date; and
- i. Any other matters for which the parties seek Court ruling or scheduling.

DATED: August 26, 2016

  
\_\_\_\_\_  
HON. MARIE S. WEINER  
JUDGE OF THE SUPERIOR COURT

SERVICE LIST

*Redwood City Residents v. RWC and Jefferson Res.*, CEQA No. 16CIV01069  
as of August 26, 2016

Attorneys for Petitioner:

GEOFFREY CARR  
CARR YELEY & ASSOCIATES  
605 Middlefield Road  
Redwood City, CA 94063  
(650) 364-3346

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Geoffrey T. Carr, SBN 88055  
CARR YELEY & ASSOCIATES  
605 Middlefield Road  
Redwood City, CA 94063

TELEPHONE NO: 650.364.3346 FAX NO: 650.365.4206

ATTORNEY FOR (Name): Petitioners 605 Middlefield, LLC, et al.

FOR COURT USE ONLY

**ENDORSED FILED**  
**SAN MATEO COUNTY**

AUG 25 2016

Clerk of the Superior Court  
By JORDAN MAXWELL  
DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Mateo

STREET ADDRESS: 400 County Center

MAILING ADDRESS:

CITY AND ZIP CODE: Redwood City, CA 94063

BRANCH NAME: Southern Branch - Hall of Justice

CASE NAME:

Redwood City Residents for Resp. Dev. v. City of Redwood City

**CIVIL CASE COVER SHEET**

**Unlimited**  
(Amount demanded exceeds \$25,000)

**Limited**  
(Amount demanded is \$25,000 or less)

**Complex Case Designation**

Counter  Joinder

Filed with first appearance by defendant  
(Cal. Rules of Court, rule 3.402)

CASE NUMBER:

**10 CIV 01069**

JUDGE:

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

**Auto Tort**

Auto (22)  
 Uninsured motorist (46)

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

Asbestos (04)  
 Product liability (24)  
 Medical malpractice (45)  
 Other PI/PD/WD (23)

**Non-PI/PD/WD (Other) Tort**

Business tort/unfair business practice (07)  
 Civil rights (08)  
 Defamation (13)  
 Fraud (16)  
 Intellectual property (19)  
 Professional negligence (25)  
 Other non-PI/PD/WD tort (35)

**Employment**

Wrongful termination (36)  
 Other employment (15)

**Contract**

Breach of contract/warranty (06)  
 Rule 3.740 collections (09)  
 Other collections (09)  
 Insurance coverage (18)  
 Other contract (37)

**Real Property**

Eminent domain/Inverse condemnation (14)  
 Wrongful eviction (33)  
 Other real property (26)

**Unlawful Detainer**

Commercial (31)  
 Residential (32)  
 Drugs (38)

**Judicial Review**

Asset forfeiture (05)  
 Petition re: arbitration award (11)  
 Writ of mandate (02)  
 Other judicial review (39)

**Provisionally Complex Civil Litigation**  
(Cal. Rules of Court, rules 3.400-3.403)

Antitrust/Trade regulation (03)  
 Construction defect (10)  
 Mass tort (40)  
 Securities litigation (28)  
 Environmental/Toxic tort (30)  
 Insurance coverage claims arising from the above listed provisionally complex case types (41)

**Enforcement of Judgment**

Enforcement of judgment (20)

**Miscellaneous Civil Complaint**

RICO (27)  
 Other complaint (not specified above) (42)

**Miscellaneous Civil Petition**

Partnership and corporate governance (21)  
 Other petition (not specified above) (43)

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a.  Large number of separately represented parties
- b.  Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c.  Substantial amount of documentary evidence
- d.  Large number of witnesses
- e.  Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f.  Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive

4. Number of causes of action (specify): 2

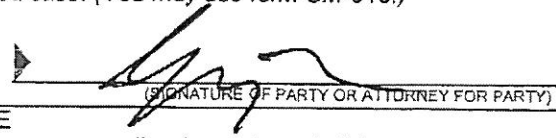
5. This case  is  is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: August 25, 2016

Geoffrey T. Carr

(TYPE OR PRINT NAME)

  
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

1 GEOFFREY T. CARR (SBN 88055)  
2 CARR YELEY & ASSOCIATES  
3 Attorneys at Law  
4 605 Middlefield Road  
5 Redwood City, California 94063  
6 650.364.3346; 650.365.4206 (fax)  
7 E-mail: geoffreycarr@sbcglobal.net  
8 Attorney for Petitioner

ENDORSED FILED  
SAN MATEO COUNTY  
AUG 25 2016  
Clerk of the Superior Court  
BY: JACQUELINE J. [unclear]  
DEPUTY CLERK

8 IN THE SUPERIOR COURT OF CALIFORNIA  
9  
10 COUNTY OF SAN MATEO

11 REDWOOD CITY RESIDENTS FOR  
12 RESPONSIBLE DEVELOPMENT;

13 Petitioner,

14 vs.

15 CITY OF REDWOOD CITY,

16 Respondent;

17  
18 JEFFERSON RES, LLC, and  
19 DOES 1 through 25, inclusive,

20 Real Parties in Interest.

Case No.: 16CIV01069

REQUEST TO PREPARE RECORD  
OF PROCEEDINGS (COST  
ESTIMATE); CONDITIONAL  
NOTICE OF ELECTION OF  
PREPARATION BY PETITIONER

(Public Res. Code § 21167.6.)

CEQA MATTER

(San Mateo Local Rule 2.1.3)

1 Pursuant to Public Resources Code section 21167.6, and Code of Civil Procedure  
2 section 1094.5(a), Petitioner REDWOOD CITY RESIDENTS FOR RESPONSIBLE  
3 DEVELOPMENT hereby requests that Respondent CITY OF REDWOOD CITY provide it  
4 with a cost estimate for preparing the administrative record in the above-captioned matter,  
5 including indexing, page-numbering, and photocopying.

6 Petitioner requests that Respondent designate in the record all documents, including  
7 all transcripts, minutes of meetings, notices, correspondence, reports, studies, proposed  
8 decisions, final decisions, findings, and any and all other documents relating to its actions  
9 made July 26, 2016 through its City Council approving a Downtown Planned Community  
10 Permit including five guideline deviations, a Tentative Map, Condominium Permit, and a  
11 Planned Development permit for a new 8-story residential condominium and retail building  
12 consisting of 91 residential units and 4,500 square feet of ground floor retail, located at 603  
13 Jefferson Avenue in the City ("Project"). The Project sponsor is Real Party In Interest  
14 JEFFERSON RES, LLC ("Jefferson")

15 Please refer to Public Resources Code section 21167.6(e) for a list of materials  
16 required to be included in the administrative record.

17 PLEASE TAKE NOTICE that pursuant to Public Resources Code section  
18 21167.6(b)(2), Petitioner hereby reserves the right to elect to prepare the record itself after  
19 receiving Respondent's cost estimate, subject to future discussion and any alternative  
20 arrangement to which the parties to this action may agree.

21  
22 Dated: August 25, 2016

CARR, YELEY & ASSOCIATES

23  
24  
25 By: 

Geoff Carr

Attorney for Petitioner  
26  
27  
28

REQUEST TO PREPARE RECORD

*Redwood City Residents for Responsible Development v. City of Redwood City*  
Case No.



1 GEOFFREY T. CARR (SBN 88055)  
2 CARR YELEY & ASSOCIATES  
3 Attorneys at Law  
4 605 Middlefield Road  
5 Redwood City, California 94063  
6 650.364.3346; 650.365.4206 (fax)  
7 E-mail: geoffreycarr@sbcglobal.net

8 Attorney for Petitioner

ENDORSED FILED  
SAN MATEO COUNTY  
AUG 25 2016  
Clerk of the Superior Court  
By JOHN B. F. [Signature]  
DEPUTY CLERK

9  
10 IN THE SUPERIOR COURT OF CALIFORNIA  
11 COUNTY OF SAN MATEO

12 REDWOOD CITY RESIDENTS FOR  
13 RESPONSIBLE DEVELOPMENT;

14 Petitioner,

15 vs.

16 CITY OF REDWOOD CITY,

17 Respondent;

18 JEFFERSON RES, LLC, and  
19 DOES 1 through 25, inclusive,

20 Real Parties in Interest.

Case No.:

16CIV01069

NOTICE OF COMMENCEMENT OF  
ACTION UNDER THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT

(Pub. Res. Code § 21167.5)

CEQA MATTER

(San Mateo Local Rule 2.1.3)

1 Notice is hereby given to Respondent CITY OF REDWOOD CITY of  
2 commencement of this lawsuit challenging its July 25, 2016 actions approving a Downtown  
3 Planned Community Permit including five guideline deviations, a Tentative Map,  
4 Condominium Permit, and a Planned Development permit for a new 8-story residential  
5 condominium and retail building consisting of 91 residential units and 4,500 square feet of  
6 ground floor retail, located at 603 Jefferson Avenue in the City ("Project"). The Project  
7 sponsor is Real Party In Interest JEFFERSON RES, LLC ("Jefferson").

8 The action is brought by Petitioner *Redwood City Residents For Responsible*  
9 *Development* pursuant to the judicial review provisions of the California Environmental  
10 Quality Act ("CEQA"), Public Resources Code sections 21167 and 21168, and the writ of  
11 mandate provisions of Code of Civil Procedure section 1094.5.

12  
13 Dated: August 25, 2016

CARR, YELEY & ASSOCIATES

14  
15  
16 By: 

Geoff Carr

Attorney for Petitioner  
17  
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1 GEOFFREY T. CARR (SBN 88055)  
2 CARR YELEY & ASSOCIATES  
3 Attorneys at Law  
4 605 Middlefield Road  
5 Redwood City, California 94063  
6 650.364.3346; 650.365.4206 (fax)  
7 E-mail: geoffreycarr@sbcglobal.net

8 Attorney for Petitioner

ENDORSED FILE  
SAN MATEO COUNTY

AUG 25 2016

Clerk of the Superior Court  
By JORDAN MARWELL  
DEPUTY CLERK

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IN THE SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN MATEO

REDWOOD CITY RESIDENTS FOR  
RESPONSIBLE DEVELOPMENT;

Petitioner,

vs.

CITY OF REDWOOD CITY.

Respondent;

JEFFERSON RES, LLC, and  
DOES 1 through 25, inclusive,

Real Parties in Interest.

Case No.: 16CIV01069

PETITION FOR WRIT OF MANDATE

(Code Civ. Proc. §1094.5; Pub. Res. Code  
§§ 21168; 21168.5 et seq.)

CEQA MATTER

(San Mateo Local Rule 2.1.3)



1 Petitioner accordingly seeks a peremptory writ of mandate under Code of Civil  
2 Procedure section 1094.5, and Public Resources Code section 21168 and/or 21168.5,  
3 commanding the City to set aside its actions approving land use entitlements for the Project,  
4 and to reconsider its actions only after complying fully with the CEQA, the State Planning  
5 and Zoning Law, and the Redwood City Municipal Code. Petitioner further seeks a stay of  
6 the effect of the City's approvals during the pendency of these proceedings. Finally,  
7 Petitioner seeks an award of costs and attorneys fees under Code of Civil Procedure section  
8 1021.5, together with any other relief the Court deems necessary and proper.

9 In support whereof, Petitioner alleges:

10 **PARTIES**

11 **Redwood City Residents For Responsible Development**

12 1. Petitioner REDWOOD CITY RESIDENTS FOR RESPONSIBLE  
13 DEVELOPMENT is an unincorporated association of Redwood City and San Mateo County  
14 citizens and businesses organized in accordance with Public Resources Code section  
15 21177(c). Its constituent members include, but are not limited to, Kevin Frederick, Kris  
16 Johnson, Eileen Lepera, Stasha Powell, Lynn Utrecht, and Vicki Yeley, all of whom live  
17 and/or work in Redwood City.

18 2. Petitioner's members maintain a direct and regular geographic nexus with the  
19 City of Redwood City, including and especially the Downtown Area, and will suffer direct  
20 harm as a result of any adverse environmental and/or public health impacts caused by the  
21 Project. Petitioner's members have a clear and present right to, and beneficial interest in, the  
22 City's performance of its duties to comply with CEQA and the State Planning and Zoning  
23 Law, and is within the class of entities to whom the City owes such duties.

24 3. Petitioner's members presented oral and/or written comments in opposition to  
25 the Project prior to and/or during the public hearings culminating in the City's July 25, 2016  
26 approval actions, and raised or supported all objections to the Project and alleged grounds for  
27 noncompliance with CEQA and other applicable law presented herein.



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## FACTUAL BACKGROUND

10. On September 4, 2015, Jefferson submitted an application for a Downtown Planned Community Permit, Tentative Map, Condominium Permit, and Planned Development Permit to develop the Project.

11. The Project is within the Downtown Precise Plan Area, and therefore it is subject to the DTPP, which was approved by the City in January 2011. The DTPP contains mandatory development standards and design guidelines for development of projects within the DTPP area.

12. Jefferson's original application sought deviations from eight of the DTPP's design guidelines. On February 9, 2016, the City's Architectural Advisory Committee ("AAC") held a public hearing and recommended denial of three of the deviations. Thereafter, Jefferson modified the Project design to address the AAC's recommendation, but continued to seek approval for five deviations from the DTPP guidelines.

13. On February 11, 2015, the City's Historic Resources Advisory Committee ("HRAC") held a public hearing to consider whether the Project would create a substantial adverse change in the significance of the adjacent historic resource located at 620 Jefferson Avenue. The HRAC determined the Project would not create a substantial adverse change in the significance of the historic resource, and that the historic resource would remain eligible to be listed on the California Register.

14. On May 17, 2016, the City's Planning Commission held a public hearing on the Project, including the proposed deviations from the DTPP guidelines. Petitioner's members submitted oral and written testimony objecting to the Project prior to and/or during the public hearing before the Planning Commission.

15. After closing the hearing, a majority of the Planning Commission voted to approve the Downtown Planned Community Permit including five guideline deviations, Tentative Map, Condominium Permit, and Planned Development permit for the Project. The Planning Commission based its action in part on an initial study "checklist" prepared by the City's Planning Division. The checklist concluded the Project was within the scope of the



1 previously approved DTPP; was adequately described in the previously certified DTPP EIR  
2 for purposes of CEQA; that the Project will not result in any new environmental impact, or a  
3 substantial increase in the severity of any environmental impact, or require new mitigation  
4 measures beyond those identified in the DTPP EIR; and that no new environmental  
5 document was therefore required.

6 16. Certain of Petitioner's members timely appealed the Planning Commission's  
7 actions to the City Council in accordance with the appeal procedures contained in the City's  
8 Municipal Code.

9 17. On July 25, 2016, the City Council held a public hearing on the appeals.  
10 Petitioner's members again submitted oral and/or written testimony objecting to the Project  
11 and the Planning Commission's determinations prior to or during the City Council hearing.

12 18. After closing the public hearing, a majority of the City Council voted to deny  
13 Petitioner's members' appeals and to uphold and reaffirm the Planning Commission's  
14 approval actions in full, including the approvals of all the entitlements that Jefferson sought,  
15 the five deviations from the DTPP design guidelines, and the determination that no new  
16 environmental document was required in order to comply with CEQA.

17 19. The City posted a notice of determination in accordance with Public Resources  
18 Code section 21152 on July 26, 2016.

19 **FIRST CLAIM FOR RELIEF**

20 **(Violations of CEQA)**

21 20. Petitioner here incorporates by reference all preceding paragraphs in their  
22 entirety.

23 21. At all times relevant to this action the City was the "lead agency" responsible  
24 for the review and approval of the Project under Public Resources Code section 21067.

25 22. Public Resources Code section 21166 requires a lead agency to prepare a  
26 subsequent or supplemental EIR where one or more of the following events occurs: (a)  
27 substantial changes are proposed in the project which will require major revisions of the  
28 environmental impact report; (b) substantial changes occur with respect to the circumstances

1 under which the project is being undertaken which will require major revisions in the  
2 environmental impact report; or (c) new information, which was not known and could not  
3 have been known at the time the environmental impact report was certified as complete,  
4 becomes available. *See also* CEQA Guidelines, 15 C.C.R. §§ 15162, 15163.

5 23. There is substantial evidence in the administrative record before the City that  
6 substantial changes have occurred with respect to the circumstances under which the Project  
7 is being undertaken, including but not limited to circumstances pertaining to cumulative  
8 traffic volumes and intersection levels of service ("LOS") in the DTPP area, that will require  
9 major revisions to the DTPP EIR.

10 24. There is substantial evidence in the administrative record before the City  
11 showing that new information, which was not known and could not have been known at the  
12 time the DTPP EIR was certified as complete, showing that the Project will have new and  
13 more significant impacts on areas including, but not limited to, cumulative traffic and  
14 circulation and intersection LOS impacts in the DTPP area, had become available prior to the  
15 City's actions approving the Project.

16 25. The City therefore had a mandatory duty under Public Resources Code Section  
17 21166 and sections 15162 and 15163 of the CEQA Guidelines to prepare a subsequent or  
18 supplemental EIR before approving the Project.

19 26. The City therefore prejudicially abused its discretion by approving the Project  
20 in violation of CEQA, and by adopting findings that are not supported by substantial  
21 evidence.

## 22 SECOND CLAIM FOR RELIEF

### 23 (Violations of State Planning & Zoning Law)

24 27. Petitioner here incorporates by reference all preceding paragraphs in their  
25 entirety.

26 28. Under the State Planning and Zoning Law, Government Code section 65000 et  
27 seq., a local public agency may entitle a proposed land use only if the land use is consistent  
28

1 with the goals, policies, and objectives contained in its General Plan, any duly adopted  
2 subsidiary land use plan, and zoning ordinances.

3 29. A project that is inconsistent with an applicable General Plan or subsidiary  
4 land use plan may not be approved without an amendment to the Plan or a variance. See  
5 Gov't Code § 65860. Where a project conflicts with even a single general plan policy, its  
6 approval may be reversed. *San Bernardino County Audubon Society, Inc. v. County of San*  
7 *Bernardino* (1984) 155 Cal.App.3d 738, 753; *Families Unafraid to Uphold Rural El Dorado*  
8 *County v. Board of Supervisors of El Dorado County* (1998) 62 Cal.App.4th 1334, 1341.  
9 Consistency demands that a project both "further the objectives and policies of the general  
10 plan and not obstruct their attainment." *Families*, 62 Cal.App.4th at 1336; see *Napa*  
11 *Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91  
12 Cal.App.4th 342, 378. Accordingly, where a project opponent alleges that a project conflicts  
13 with plan policies, a court need not find an "outright conflict." *Napa Citizens* at 379. "The  
14 proper question is whether development of the [project] is compatible with and will not  
15 frustrate the General Plan's goals and policies . . . without definite affirmative commitments  
16 to mitigate the adverse effect or effects." *Id.*

17 30. The Project is substantially and materially inconsistent with several goals and  
18 policies contained in the DTPP, the General Plan and Municipal Code, including but not  
19 limited to policies pertaining to architectural design, scale, residential income mix, street  
20 design, historic resource preservation, urban place-making, and community character.

21 31. The City therefore prejudicially abused its discretion by approving the Project  
22 in violation of the State Planning and Zoning Law, and by adopted findings of DTPP  
23 consistency that are not supported by the evidence.

#### 24 EXHAUSTION OF ADMINISTRATIVE REMEDIES

25 32. This action is brought consistent with the requirements of Public Resources  
26 Code section 21177 and Code of Civil Procedure section 1094.5. Petitioner's constituent  
27 members or representatives objected to the City's approvals of the Project orally or in  
28 writing prior to the close of the final public hearing on the Project. Petitioner's constituent

1 members, representatives, and/or other agencies, organizations and individuals raised or  
2 affirmed each of the legal deficiencies asserted in this petition orally or in writing prior to the  
3 close of the public hearing on the Project.

4 33. Petitioner has performed all conditions precedent to filing this action by  
5 complying with the requirements of Public Resources Code section 21167.5 in serving notice  
6 of the commencement of this action on the City on July 24, 2016.

#### 7 **INADEQUATE REMEDY AT LAW**

8 34. Petitioner declares that they have no plain, speedy, and adequate remedy in the  
9 ordinary course of law for the improper action of the City.

#### 10 **NEWLY PRODUCED EVIDENCE**

11 35. In accord with Code of Civil Procedure section 1094.5(e), Petitioner may, prior  
12 to or during the hearing on this petition, offer additional relevant evidence that could not, in  
13 the exercise of reasonable diligence, have been produced at the administrative hearings  
14 before the City's Planning Commission and/or City Council.

#### 15 **ATTORNEYS FEES**

16 36. Petitioner is entitled to recover attorneys' fees as provided under Code of Civil  
17 Procedure section 1021.5 if it prevails in this action and the Court finds that a significant  
18 benefit has been conferred on the general public or a large class of persons, and that the  
19 necessity and burden of private enforcement is such as to make an award of fees appropriate.

#### 20 **PRAYER**

21 WHEREFORE, Petitioner prays for entry of judgment as follows:

22 1. For a peremptory writ of mandate directing the City:

23 (a) to set aside its action taken on or about July 25, 2016 approving a Downtown  
24 Planned Community Permit including five guideline deviations, a Tentative Map,  
25 Condominium Permit, and a Planned Development permit for the Project under CEQA; and

26 (b) to comply fully with CEQA and the State Planning and Zoning Law in any  
27 subsequent action or actions taken to approve the Project.

1           2.     For an order staying the effect of the City's actions pending the outcome of this  
2 proceeding.

3           3.     For a preliminary and permanent injunction directing the City to cease and  
4 refrain from engaging in any action in reliance upon the approval actions challenged herein  
5 until the City takes any necessary action to bring its actions into compliance with.

6           4.     For costs of suit.

7           5.     For an award of attorneys' fees.

8           6.     For other legal or equitable relief that the court deems just and proper.

9  
10 Dated: August 25, 2016

CARR, YELEY & ASSOCIATES

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13 By: 

14 Geoff Carr

15 Attorney for Petitioner  
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1 VERIFICATION

2 I, Vicki Yeley, declare:

3 I am a principal member of Redwood City Residents for Responsible Development,  
4 the Petitioner in the above-captioned action.

5 I have read the foregoing PETITION FOR WRIT OF MANDATE and know its  
6 contents. The statements made therein are true of my own knowledge, except as to those  
7 matters which are alleged on information and belief, and as to those matters I believe them to  
8 be true.

9 I affirm, under penalty of perjury, that the foregoing is true and correct.

10  
11 Dated: August 25, 2016

12 By:   
13 Vicki Yeley

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