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MEMORANDUM

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To: City of East Palo Alto City Council
From: Goldfarb & Lipman
Date: June 20, 1990
Subject: Responses to Written Objections/Comments received
on the Ravenswood Redevelopment Plan

Attached you will find written responses to all objections/comments received on the Ravenswood Redevelopment Plan. Pursuant to Health and Safety Code Section 33363 the City Council, prior to adoption of the Redevelopment Plan, must respond in writing to all written objections received on the Plan prior to the close of the public hearing on the Plan. The Council is also required to make written findings on each objection. The attached document complies with Health and Safety Code Section 33363. You will note that in order to comply with the requirements of the law we have taken the conservative position and have responded to all comments received on the Plan, whether such comments were objections, statements of support, or merely general comments that related to the Plan.

The City Council is scheduled to adopt these written responses at your meeting on July 2 prior to adoption of the Redevelopment Plan.

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213 627-6336

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

THIRTY VAN NESS AVENUE, SUITE 2011
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December 26, 1989

Pamela J. Dyson
Project Director
Wallace, Roberts & Todd
121 Second Street, 7th Floor
San Francisco, California 94105

SUBJECT: Detailed Land Use Plan, Ravenswood Industrial
Area Redevelopment Plan, East Palo Alto;
BCDC Inquiry File SM.MP.6705.1; BCDC Permit 15-82
Diked Historic Baylands File, Menlo Business Park

Dear Ms. Dyson:

Thank you for your letter, dated November 27, 1989, concerning the proposed Ravenswood Industrial Redevelopment Project in East Palo Alto, San Mateo County. In that letter, you request that we advise you if the proposed land use plan raised any concerns for the Commission.

Most of our concerns were addressed by Joan Lundstrom of our staff in a letter dated November 7, 1989 responding to the Notice of Preparation for this project. Those comments are still applicable to the more detailed plan dated November 21, 1989 and attached to your recent letter. I've enclosed a copy of that letter for your reference. The greater specificity of the November 21 plan has allowed us to identify a serious inconsistency of the proposed project with the Commission's law and Bay Plan. Specifically, your November 27 letter states that the proposed onsite road will impact tidal wetlands. The redevelopment plan also seems to indicate that a substantial amount of fill in a tidal marsh will be necessary to construct the road. The Commission, however, can only allow fill for water-oriented uses and the state Attorney General's office has advised the Commission that roads are not a water-oriented use. For this reason, the Commission can authorize fill for roads only in the limited circumstances where it finds that the road is necessary to the health, safety or welfare of the entire Bay Area or that the road constitutes minor fill for improving shoreline appearance or public access to the Bay. The staff believes that it is unlikely that the Commission could make such findings for the proposed road and recommends that alternative transportation routes be provided for the redevelopment area that do not require any Bay fill. I've enclosed a copy of the Commission's recently adopted amendments to the Bay Plan transportation section that clarify the Commission's policy with regard to fill for roads.

The November 21 land use plan also indicates that the proposed road would border an existing salt pond, although it is not possible to determine whether the road would actually involve any fill in the salt pond. Salt ponds

and the levees enclosing salt ponds are also within the Commission's jurisdiction. The Commission's salt pond findings and policies state that salt ponds should be maintained in salt production as long as economically possible and that public agencies should not take for other projects any pond or portion of a pond that is a vital part of the production system. The staff recommends that the road be routed to avoid any fill in the salt pond. I've also enclosed a copy of the Bay Plan which includes the salt pond findings and policies for your use.

Thank you for requesting our comments. If you have any questions regarding this letter or the Commission's policies, please feel free to contact me.

Sincerely,

ROBERT J. BATHA
Environmental Planner

RJB/rjb

cc. City of East Palo Alto
Enclosures



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- Baylands Conservation Committee
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- California Waterfowl Association
- California Wildlife Federation
- Citizens for a Better Environment
- Committee for Green Foothills
- Defenders of Wildlife
- East Bay Green Alliance
- Federation of Fly Fishers
- Friends of Charleston Slough
- Friends of Redwood City
- Golden Gate Audubon Society
- League of Women Voters of the Fremont Area
- League of Women Voters of the Hayward Area
- League of Women Voters of South San Mateo County
- Loma Prieta Chapter, Sierra Club
- Madrone Audubon Society
- Marin Audubon Society
- Mission Creek Conservancy
- Mono Lake Committee
- Mount Diablo Audubon Society
- Napa-Solano Audubon Society
- Native Plant Society, Santa Clara Valley Chapter
- North Bay Wetlands Coalition
- Ohlone Audubon Society
- Peninsula Conservation Center Foundation
- People for Open Space/Greenbelt Congress
- Planning and Conservation League
- San Francisco Bay Chapter, Sierra Club
- Santa Clara Valley Audubon Society
- Save San Francisco Bay Association
- Sequoia Audubon Society
- South Bay Wetlands Coalition
- Sportsmen for Equal Access
- Tri-City Ecology Center
- Trout Unlimited
- United Anglers of California
- Urban Creeks Council

AFFILIATES

- Citizens for Alameda's Last Marshlands
- Citizens for Open Space in Alvarado
- Friends of Foster City
- Save Our South Bay Wetlands
- Save Wetlands in Mayhew
- Whistling Wings/Pintail Duck Clubs

City of East Palo Alto:

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) ON THE RAVENSWOOD INDUSTRIAL AREA REDEVELOPMENT PLAN AND GENERAL PLAN AMENDMENT

Our organization was established four and a half years ago to protect and enhance the few remaining acres of San Francisco Bay wetlands. The area-wide response has been gratifying. Our members come from every city around the Bay, including many from East Palo Alto.

A reading of the subject DEIR makes it abundantly clear that any attempt to implement this project will lead to a head-on confrontation with the environmental community and a prolonged and expensive agency review with little if any hope of approval.

First, lands involved in the loop road are under the jurisdiction of the Army Corps of Engineers. The primary condition of Section 404 of the Clean Water Act is that a project be water dependent to be considered for a permit. The DEIR mentions mitigation repeatedly, but only water dependency and great public benefit warrant the issuance of a permit. Absent these requirements renders discussions of mitigation meaningless.

Under the permit procedures of the Corps, and especially those involving endangered species habitat, both the California Department of Fish and Game and the U. S. Fish and Wildlife Service will have to approve the project. The method described in the DEIR for protecting the salt marsh harvest mouse is unrealistic. Refugia on highway shoulders are for one species only - litter. A reclusive, nocturnal animal is unlikely to flourish within inches of a heavily-traveled road.

We have walked along the areas that are noted on Map 3-3 as "replacement" wetlands. Since marsh creation is not an assured capability of mankind's, we question the entire concept expressed here. One of the sites, according to the DEIR itself, may contain toxics in the soil; another is currently a slough bed, already vegetated with cordgrass. The entire area would eventually be wedged between two major roads, if

the other equally ill-advised plan is carried out for highway 109. It would be foolish to spend time and money on habitat enhancement, only to see it degraded later on.

The DEIR is also deficient in that it does not address the cumulative impacts of plans for development in this region required by CEQA law. In addition, there is no analysis of alternative sites for the road.

Small errors occur in the DEIR, that may not be significant, but do indicate something about the care with which the document was prepared. For example, in Section 4.1-5, the current owner of Cooley Landing is described as, "The manager of the Palo Alto Yacht Harbor". The Palo Alto Yacht Harbor was abandoned years ago, and for about 20 years prior to that time, it was managed by the Santa Clara County Parks and Recreation Department.

This proposed project appears inadvisable for several reasons:

- 1) It will have harmful effects on the quality of life for East Palo Alto residents, and for all area residents from loss of water and air quality, beauty and open space and ground water recharge. In addition, there is a strong possibility that toxics are present in many of the soils in question.
- 2) It does not appear possible to justify the complicated and prohibitively expensive process to obtain permits for the loop road that involves protected wetlands, endangered species, and water quality concerns. Federal, State and regional agencies all have jurisdiction in these areas. In addition, wildlife experts in advisory agencies will be required to study every aspect of the plan in detail.

Deterioration of the quality of life for residents of the Bay Area can be traced to the piecemealing of projects such as this that lead to further degradation of the Bay and its wetlands. These are the elements that supply people with clean air, clean water, flood control, groundwater, open space, a place of serenity, and the pleasure of observing wildlife in its natural setting.

Yours sincerely,

Florence La Riviere

Florence LaRiviere
Co-chair

BAKER & MCKENZIE

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Mr. Marty Tarshes
Redevelopment Agency
City of East Palo Alto
2415 University Avenue
East Palo Alto, CA 94303

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Response to Comments on Draft EIR Concerning
Proposed Ravenswood Industrial Area Redevelopment Plan
and General Plan Amendment

Dear Mr. Tarshes:

We are submitting these comments on behalf of the East Palo Alto Industrial Development and Employment Association (IDEA) (formerly the Industrial Property Owners Association - IPOA). The IDEA includes property owners and businesses within the industrial portion of the proposed redevelopment area, representing over 100 acres. The following comments have been prepared in consultation with Dr. Virgus O. Streets, Executive Director of the IDEA, and with the input of numerous members of the Association.

The proposal addressed in the Draft Environmental Impact Report (DEIR) includes the eventual elimination of the Ravenswood Industrial Area, and its replacement by 81 acres for a single high-tech employer, as well as 11 acres of offices,

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and the rebuilding of the Four Corners Area (the "Project"). The IDEA supports the concept for the Four Corners area, but has fundamental concerns about the contemplated redevelopment of the industrial area (the "Industrial Project").

From the beginning, IDEA and its members have recognized the proposed Industrial Project as a massive land assembly scheme on behalf of Sun Microsystems to take the existing property owners' land for a fraction of its true value and transfer it to Sun. Furthermore, the Industrial Project contemplates imposing a vastly inflated toxics remediation bill on the existing owners. Of course, these issues are not per se issues which are required to be addressed in a DEIR. What a DEIR is required to do, however, is to analyze, accurately, objectively and fully, the environmental consequences of the proposed Project. Instead, the Draft EIR portrays a consistent bias in favor of the Project. As detailed below, the DEIR repeats exaggerated claims about current conditions in the industrial area. It either fails to analyze the effectiveness and feasibility of proposed mitigations, or overstates the effectiveness of such mitigation measures. It understates certain key effects (e.g., traffic) and fails to fully analyze other infrastructure constraints such as sewage treatment capacity. Perhaps most significantly, the DEIR fails utterly to include any alternative which mitigates to any significant degree the acknowledged, unavoidable significant adverse effects of the Project.

I. Project Description

The main component of the proposed Project for the Industrial Area is the development of an industrial campus for an unnamed high tech user. The DEIR provides almost no information on the proposed use or user, hiding behind the fiction that the proposed occupant is unknown at this time. Of course, the intended occupant is Sun Microsystems, which is contributing substantial sums to support the Ravenswood Redevelopment Plan, in order to assemble a large site using the Redevelopment Agency's eminent domain power. Given the virtual certainty that Sun will occupy the site if the Redevelopment Plan is approved, the failure to identify Sun or to provide more detail on its proposed operations renders the Project description seriously deficient.

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Because the Project would consolidate Sun's operations from a variety of sites, the DEIR should include a description of these operations, if only as an example of the type of operations which could be expected. In addition, the jobs/housing balance discussion should include employee education and salary levels, based on Sun's current work force. A vague Project description is not acceptable when much more specific information is known or reasonably available.

II. Mischaracterizations in Summary of Current Conditions

The Draft EIR summarizes the "blight" findings contained in the "Preliminary Report" by Katz Hollis Coren & Associates. Although we will be submitting comments in the near future specifically addressing the gross deficiencies in the Preliminary Report itself, to the extent the DEIR repeats the erroneous or defective conclusions of the Preliminary Report, the DEIR must be corrected.

Building Stock

The DEIR (p. 3-4) states that the building stock in the area is in "poor condition" and states that 61% of the buildings need minor rehabilitation, 23% need major rehabilitation and 14% need extensive reconstruction. This substantially exaggerates the supposed deterioration. It would be more correct to say that of 119 structures, 64% are either in good condition or need only minor rehabilitation. Furthermore, according to the Preliminary Report, of industrial structures surveyed, 68.5% are in good condition or need only minor rehabilitation. The attempted mischaracterization of existing conditions is part of a consistent bias of the Preliminary Report (and the DEIR) to promote the Industrial Project, rather than to analyze it.

Hazardous Contamination

The DEIR (p. 3-5) states "the prevalence of hazardous material contamination in the Industrial Section is a threat to the general health, safety, and welfare of residents". In fact, there is no evidence anywhere in the record that most of the Industrial Section is significantly contaminated, and no evidence that existing known or suspected contamination is or

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is likely to pose any significant risk to residents. (See Section III below.) These unsupported claims again represent exaggerations designed to promote the pre-determined conclusion that the Project is necessary and desirable.

Social Maladjustment/Crime

The DEIR (p. 3-5) repeats the Preliminary Report's efforts to mischaracterize the entire proposed redevelopment area as a high crime area. Assuming that the DEIR is correct that 5% of the City's reported crimes were within this area, the DEIR fails to note in this context that the proposed redevelopment area includes 12% of the area of the City. The DEIR goes on to state that the crime rate per resident is 25 times the citywide rate. The comparison of the crime rates based on crimes per 100 residents is extremely misleading for an area which has very few residents. If the crime rate is compared on the basis of crimes per 100 acres, then the crime rate of 5% for 12% of the City's area is less than half the citywide rate. (In addition, the DEIR should separately identify the crime rate in the Four Corners area and the industrial area.)

III. Environmental Setting, Impacts, and Mitigation Measures

A. Land Use Planning

1) Existing Conditions

The DEIR statement that in the industrial section "buildings and roads are poorly maintained", again grossly overgeneralizes present conditions. Even the Preliminary Report indicates that almost 53% of the non-residential sites are "well" or "moderately well maintained". (Preliminary Report, Table II-4.)

2) Agriculture Preservation

The DEIR should quantify the amount and significance of agricultural production which will be lost due to redevelopment.

3) Relocation of Existing Businesses

The DEIR correctly states that the forced relocation of all the existing businesses from the industrial

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area would be a significant adverse impact for those businesses unable to relocate in the City or nearby communities. However, the DEIR should also detail the significant loss of employment which would result. This includes loss of employment for current residents of East Palo Alto, and the low likelihood (as evidenced by low number of jobs in the City) that these persons could find new employment in the redevelopment area or elsewhere in the City. Moreover, the DEIR should consider the impact of the gap of several years between elimination of existing jobs as a result of total site clearance and creation of permanent new jobs under the proposed Project, even assuming those newly-created jobs can be filled with East Palo Alto residents.

The DEIR also states that demolition of all existing structures in the industrial area would "remove structures currently used for criminal activity". However, there is no evidence in the DEIR to support the statement that structures in the industrial area are especially likely to be used for criminal activity.

B. Biological Resources

The DEIR correctly recognizes that even with mitigation (i.e. creation of replacement wetlands and habitat) construction of the North Access road would result in a loss of endangered species refugial habitat (salt marsh harvest mouse), and filling of 5.2 acres of wetland, and thus would be an "unavoidable significant adverse impact" of the Industrial Project. In addition, the DEIR recognizes that the North Access road could result in adverse impacts to "special status species", including endangered species protected under federal and state law.

The DEIR briefly identifies proposed "mitigations" for each of these impacts; however in each case, the mitigation is either deficient or insufficient information is provided. Furthermore, the DEIR fails to recognize that BCDC's opposition to any filling of wetlands cannot be resolved merely by offering to provide replacement wetlands.

The DEIR proposes to mitigate for the filling of existing productive wetlands by creation of 1.5 times as much acreage of replacement wetlands. However, the DEIR fails to acknowledge that the success and value of replacement wetlands varies greatly and is very controversial. In addition, federal and

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state wetlands policies require replacement not only of wetlands acreage but also of wetland values. There is no evidence to indicate to what degree the wetland values lost by filling can be successfully replaced, and over what time period.

The DEIR proposes to mitigate loss of upland salt marsh harvest mouse refugial habitat by converting the shoulder of the access road to appropriate habitat. There is no indication that this type of replacement habitat would be at all attractive to the harvest mouse, and the shoulder of a four lane highway seems like an unlikely refuge for an endangered species.

Finally, the DEIR proposes to mitigate for the loss of special status species habitat by conducting a survey to determine if the Project would have a significant adverse impact. However, there is no legal basis to allow deferring this significant issue to subsequent environmental review. If, as the DEIR states, further information is needed, this should have been included in this EIR. Under this approach, the City could select the proposed Project without real consideration of these impacts. If the study identified significant impacts after the Project is approved, any required Project changes would not receive fair consideration. Moreover, conducting a study after project approval is not an appropriate mitigation measure (see Sundstrom v. County of Mendocino, 202 Cal. App. 3d 296 (1988)), especially when there is no evidence that such impact can be mitigated effectively. Nor is the City's desire to speed the approval process a valid excuse for ignoring the requirements of CEQA.

Finally, the DEIR proposes as a mitigation narrowing the North Access road to two lanes to reduce the necessity for filling. However, there is no indication, if the North Access road is downscaled, that this will not impose even more unacceptable traffic congestion impacts on the University/Bay interchange. Thus, although reducing the road to two lanes would reduce wetland losses, it is unclear that this alternative is feasible or desirable.

C. Hazardous Substances

Section 4.4 of the DEIR severely exaggerates the probable extent and degree of site contamination, and presents, as conclusions, statements which are more properly characterized as unsupported worst case estimates.

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The DEIR indicates, on the basis of the ERCE Phase I assessment, that the Project area "encompasses 163 acres of industrial activities" and that 92 acres have "known contamination" and all the remaining 71 acres "may be contaminated". (p. 4.4-3)

This statement grossly overstates the acreage of industrial activity. According to Table 4.1.1 of the DEIR only 72 acres are currently industrial, with 42 acres identified as infill/formerly developed for a total of about 114 acres. Also, according to the DEIR the 92 acres of "known contamination" are made up of the Electrite, Zoecon/Sandoz, ROMIC and Call Mac properties. However, these four sites do not amount to anything like 92 acres. (Note: Table 5.3 lists "known" contaminated sites at 14.3 acres (not including ROMIC) and "suspected" sites of 77.7 acres. The major internal inconsistencies in the DEIR's discussion of the scale of "known" contamination seriously interferes with CEQA's goal that an EIR provide information to aid the public and decision-makers in evaluating a project.)

The DEIR includes all the industrial section which is not in the "known" contamination category into the "suspected" contamination category. This conclusion of "suspected" contamination is apparently loosely based on the ERCE report, which in fact does not support the conclusion. In many cases sites are "suspected" solely on the basis that hazardous substances have been used there. Such sites should at most be classified as "potential" contamination, not "suspected". Moreover, site specific investigations at four acres in Demeter Street, (within the supposedly "suspected" area) indicate that two of the four acres have no significant soil contamination, and only extremely minor soil contamination was identified on the other two acres. (Ground water investigations also failed to demonstrate ground water contamination.)

Moreover, even where some soil contamination may legitimately be suspected, the DEIR makes the wholly unwarranted presumption that it is likely to be significant. The two acre site on Demeter Street with minor contamination was cleaned up for less than \$10,000, and one wrecking yard property has been estimated to be subject to remediation for \$35,000 to \$50,000 per acre. (The Preliminary Report includes a totally unsupported estimate of \$31.4 million for hazardous cleanup, i.e., an average of almost \$400,000 per acre if the overall site is considered to have 80 acres, although it is

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unclear which properties are included. This and other deficiencies in the Preliminary Report will be addressed separately.)

The DEIR states in very vague terms that employees and nearby residents could be exposed to both accidental as well as routine operational releases from the proposed industrial and R&D facilities, but evades real discussion because allegedly "no detailed information is available in the proposed site operation." This discussion is insufficient under CEQA. CEQA does not demand the inclusion of mere speculation about environmental impacts. However, it is well known that the Project is primarily contemplated to accommodate a Sun Microsystems facility. Therefore, since Sun no doubt has a fairly specific idea of what activities will occur, these should be reflected in the DEIR assessment.

Finally, the DEIR recommends as a mitigation that a "regional remediation" program be adopted. We recognize that a regional remediation program may have some benefits. However, this DEIR exaggerates those benefits. Because contamination which may exist would result from a multiplicity of isolated, site-specific sources (e.g. underground tanks) competent investigation will require some investigation of almost every parcel. (Moreover, since the Project apparently contemplates that the Redevelopment Agency or the new "single user" would somehow recover site cleanup costs from former owners, considerable site-specific investigation would be required in any case.) Finally, the DEIR should recognize to the extent that a region-wide investigation and remediation program is beneficial, it can be carried out cooperatively by a group of owners as well as by a "single user".

D. Traffic and Circulation

The DEIR acknowledges, although incompletely, the extraordinarily adverse impacts which the Project will have throughout East Palo Alto, particularly along the length of University Avenue. Without the Project, and even with the addition of a very long list of other "short term" projects, most of the University Avenue intersections would continue to operate at LOS A, B, or C in the a.m. and p.m. peak hours. The Project results in significant deterioration of intersection conditions at a number of intersections, with many intersection dropping from LOS A or B, to LOS levels of D, E and F. The Project causes the key University/Bay intersection to drop from

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LOS "B" to "F" in the a.m. peak, and from "C" to "F" in the p.m. peak hours. However, although the DEIR recognizes some of the adverse traffic impacts, it significantly understates the overall impacts, and exaggerates the potential for mitigating these effects.

The traffic assessment is deficient in limiting its scope to the area north of Woodland Avenue. The DEIR fails to consider how the new auto trips using University Avenue south of Bay Road also may have significant impacts on University and other roads south of Woodland Avenue. Presumably, these impacts are reflected in some way in the University Circle DEIR, published March 1990. However, the failure to address these impacts directly in the DEIR has the effect of obscuring the Ravenswood Project impacts. Also, if the University Circle DEIR is intended to serve as the CEQA document addressing the Ravenswood Project's traffic impacts south of 101, and Woodland, the comment period on the Ravenswood Project DEIR should be extended to allow review of the University Circle DEIR in the context of the Project.

The DEIR should note that one of the stated purposes of the redevelopment Project is to address certain transportation and circulation deficiencies, including peak period congestion on University Avenue (including at Bay and University), and University and Donohue. (See "Preliminary Report" at II-9.) In this regard, it is notable that the overall result of the Project, even incorporating unrealistic mitigations, is to substantially degrade traffic conditions at these points.

Although the DEIR describes a large number of intersections as operating a LOS "F" condition after the Project is built, it fails to identify the predictable secondary impacts of these conditions. If the demand on intersections at peak hours exceeds their capacity, the result will almost certainly be a lengthening of the peak period. In addition, motorists faced with gridlock conditions at University Avenue intersections are likely to seek out alternate routes, including adjacent residential areas, where even a small absolute traffic increase is likely to be perceived as significant. The DEIR must identify those impacts, and make a reasonable effort to quantify the extension of peak conditions and to analyze likely traffic diversion routes and impacts.

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The traffic impact analysis assumes the timely completion of a number of road improvements, including the University Avenue/Bayshore interchange. Unless the DEIR can assure that these improvements will be in place, the traffic analyses should also be run without assuming these improvements.

The DEIR proposes a variety of traffic mitigation measures, including physical improvements at five University Avenue intersections. Although the physical improvements identified would improve intersection conditions marginally, many of the key intersections would remain at LOS "E" and "F". Furthermore, some of the improvements, which are not clearly described, contemplate widening of University Avenue. The consequences of such widening on neighboring businesses and residences should be identified.

The DEIR must provide greater detail on the proposed intersection improvements, including feasibility, right of way availability and costs and construction cost, in order to allow a reasonable judgment in this feasibility and desirability of such measures. In addition, the analysis should calculate the Project's appropriate contribution to such improvements, in order to allow these costs to be factored into the economic analysis of the Project.

The DEIR also proposes adoption of a TDM program in order to mitigate the extremely severe traffic impacts of the Project. The DEIR then analyses the effectiveness of the TDM by assuming peak period trip reductions of 35% for the Project. This assumption of the effectiveness of TDM measures seems extraordinarily high, and the DEIR should either document the basis for this extremely optimistic assumption for a Project and location of this type, or use a more realistic projection (i.e., perhaps 10%). Unless this assumption can be justified, Table 4.5.10, reflecting alleged intersection conditions based on this 35% TDM reduction, grossly misrepresents post-mitigation intersection conditions, and seriously compromises the accuracy and legal sufficiency of the DEIR.

Finally, the DEIR's analysis of cumulative traffic impacts is woefully incomplete. The DEIR identifies only a very short list of cumulative projects. At the very least, the cumulative traffic analysis should factor in the contemplated addition of 2,000 housing units in East Palo Alto, as discussed in the housing section of the DEIR (see p. 4.11-5). Also, the DEIR

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should discuss available long-term trip and traffic estimates (as distinct from specific projects) which may have been developed by neighboring cities.

E. Utilities - Sewage Treatment Capacity

On p. 4.9-3, the DEIR states that the proposed project would generate .190 million gallons of flow per day to the sewer system. However, Table 4.9-1 states that the Project will generate almost 375,000 gallons per day. Further, Table 4.9.1 does not include the impact of the residential units to be built on the Four Corners area. Thus the Project will generate almost 400,000 gallons per day of sewer demand. If the .190 million gallons figure is a net figure, subtracting current sewer flows in the area, this should be clarified and the present demand figures set out in detail.

The DEIR states that the current sewer treatment allocation of 2.9 million will be adequate for existing demand (1.9 million), plus the Project and the University Circle project. However, as discussed above the DEIR appears to have used inconsistent figures for expected septic demand for the Project. Also, the EIR does not discuss the wet-weather capacity.

Furthermore, the DEIR ignores the impact of other reasonably anticipated cumulative development in the City. The DEIR indicates that the City has a capacity for about 2,000 more residential units (p. 4.11-5). Given the enormous increase in jobs generated by the Project, it is reasonable to expect that many of these units will be built. There is therefore no excuse for failure to include them in cumulative sewage treatment demand projections. (If significantly less than the 2,000 units are built, this will result in further imbalance between the employment created by the Project and the potential increase in the housing supply.)

F. Employment and Housing

The discussion of jobs/housing balance is completely inadequate. Other than assuming a 50-50 split between top level scientists and a lower level of production workers, it does not state what types of jobs will be created nor what the salary and educational level of the jobs will be. Sun could easily have provided this information based on its current workforce.

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In fact, the analysis states: "Estimates as to the demand for types of housing by income levels is beyond the scope of this analysis." (Page 4/11-6) No adequate jobs/housing analysis can be conducted without such information.

The EIR itself admits that "It is apparent that potential housing supply in the City of East Palo Alto (2,010 units) would meet less than half of the housing needs generated by direct employment from the project and only one-third of the housing needs generated by both direct and indirect project-related employment." (Page 4-1-6)

Given the fact that housing demand will exceed housing supply and that the Project will generate demand for housing that is probably in excess of the existing price range of most of the housing in the City, two outcomes of the Project are likely:

- (1) A large number of these employees may commute from other areas, in which case, the traffic analysis may be understating the traffic impact of the project. The traffic analysis assumes a normal commuting pattern based on generalized trip generation information. If a larger than normal number of employees commute out of the City, the traffic situation may be even more dire than the EIR currently portrays.
- (2) Those employees that purchase homes in the City may do so at prices that are inflationary to the existing housing market, thus worsening the housing situation for many residents. Without adequate data it is impossible to determine what level of housing these employees may purchase, but if, as seems likely, they are in the moderate income range, this could impact housing that is now in the "move-up" category. This could cause the price of these homes to rise rapidly, thus decreasing the supply and raising the price for existing residents.

It is important to note that the establishment of such a large single employer will have major implications for a city the size of East Palo Alto. In addition, this is the only major industrial area available for development in the City.

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There is no excuse for such a brief and superficial analysis of what may be one of the most crucial impacts of the project.

The lack of even minimal information is yet another indication that the true impacts of the proposed plan have not been considered in the EIR.

IV. Alternatives

CEQA requires a DEIR to include a range of alternatives, which could attain the "basic objectives" of the Project, with the discussion of alternatives focused on alternatives "capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance." According to the DEIR, the Project will have at least the following unavoidable significant adverse effects:

- relocation of almost all existing businesses
- fill of wetlands (due to construction of North Access)
- possible impact on endangered species habitat (due to construction of North Access)
- substantial increase in traffic congestion
- traffic generated impact on air quality

As required by CEQA, the DEIR does include a "no project alternative." The discussion mischaracterizes the no project alternative, saying that because of existing blight, further deterioration is expected. In fact, market forces are and would continue to result in improvements in the industrial area. Currently planned projects include a newspaper distribution area on Demeter Street, new construction at Sandoz, expansion of ROMIC and an industrial "incubator" project at the Boorman property, as well as an on-going phase out of wrecking yard uses. However, the IDEA agrees that under the no project alternative it is possible that the pace of redevelopment might be substantially slower without some governmental involvement.

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The alternatives discussion is seriously deficient. Alternatives One, Two, and Three have virtually the same, or more severe traffic impacts as the proposed Project. Alternatives One and Two have significant unavoidable adverse impacts on wetlands and endangered species, and alternative Three avoids these impacts only by eliminating a new road link which is probably essential to handle the traffic generated. Alternatives One and Three force the relocation (and probable closure) of virtually all existing businesses (due to lack of alternative sites and relocation costs) and Alternative Two provides relocation sites which may be insufficient and provides no mechanism for finding relocation. Finally, all three of these alternatives create thousands of new jobs, with little or no assurance that a substantial number of these jobs will be filled by current East Palo Alto residents. The resulting demand pressure on the local housing stock will result in housing demand and price inflation which may force out many, if not most, of the current low to moderate income residents of the City.

CEQA requires the inclusion of at least one alternative which achieves the basic goals of the Project while substantially reducing the significant adverse impacts of the Project. The DEIR fails completely to satisfy this requirement. However, IDEA has developed such an alternative, as described below.

IDEA Alternative

The IDEA Development Alternative includes the following elements:

Retained Uses

A variety of uses, encompassing about 36 acres of the Industrial Area, would be retained in essentially their present form. In some cases this includes planned expansion/extension of these uses (e.g., ROMIC).

Proposed Projects

The IDEA Alternative identifies a number of parcels where specific projects are proposed, totalling 21.1 acres. In some cases, these parcels also include some retained uses as well. The configurations of these proposed projects are based largely on plans of current owners for their parcels; however

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expansion/reparcelization to include identified "redevelopment/relocation areas" is also contemplated and desirable.

Development/Relocation Sites

Finally, the IDEA Alternative identifies 70 acres as "Redevelopment/Relocation" parcels. Many of these parcels are currently vacant, or contain wrecking yards or other smaller or lower value uses. All or most of these would be phased out voluntarily by the owners due to the higher economic returns available if the sites are redeveloped in accordance with the plan, or relocated in some cases to create larger developable sites for new uses. Likely uses of the designated Development/Relocation area were identified by market analysis performed by ADE, and include General Industrial, Distribution/Transportation and Office uses (See Attachment 1).

Attachment 2 shows the proposed general location of retained uses, proposed new projects, and redevelopment/relocation acreages, while Attachment 3 identifies in particular parcels included in each category and the ownerships.

In addition to the proposed uses, the IDEA Alternative also identifies certain required infrastructure improvements, which are far less than the proposed Project. Major improvements include:

- Reconstruction of Bay Road from Pulgas to the levee to match existing boulevard configuration west of Pulgas
- construction of Tara Street to provide road access to landlocked parcels.

The IDEA Alternative retains the existing basic road alignment, with minor improvements (i.e., curbs, etc.) to bring the system up to citywide standards. No North Access road is contemplated.

Unlike the alternatives identified in the DEIR, the IDEA Alternative eliminates or substantially mitigates all the unavoidable significant adverse effects of the Project, and

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therefore must be included in order for the DEIR to satisfy CEQA. Specifically, the IDEA Alternative:

- generates about 50% less traffic. Although the IDEA Alternative contemplates a tripling of current employment in the Industrial Area (to 3,400) this is only half of the estimated employment for the Project. This reduction obviously will have a major positive effective on traffic conditions.
- Because of the lower traffic generation, the IDEA Alternative does not require a new North Access road. As a result, the adverse impacts on wetlands and wildlife are completely eliminated.
- The IDEA Alternative provides for retention of many of the existing uses and employment. Other existing uses would be phased out.
- The net number of new jobs would be reduced, but the variety of businesses would provide equal or greater job opportunities for East Palo Alto residents because they would be better matched to existing skills and education levels. By reducing the total number of new jobs, the IDEA Alternative lessens the severe pressure on the City's housing supply which the Project would create.

Furthermore, the IDEA Alternative accomplishes all the basic objectives outlines in the Preliminary Report. Because of its obviously lesser impacts, and its obvious accomplishment of all the redevelopment program goals, the IDEA Alternative must be addressed in order for the DEIR to meet even the minimum requirements under CEQA. Of course, CEQA does not require consideration of clearly infeasible alternatives; however it is not necessary to conclusively establish the financial feasibility of an alternative in order to assess it under CEQA. Furthermore, available information indicates that the alternative is very feasible:

- individual development projects already are proceeding

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- the overall public costs of the IDEA Alternative are far less than the proposed Project. While the projected Project was estimated to cost \$112 million, most of these costs (e.g., North Access road) are either unnecessary under the IDEA Alternative or will be borne by the private sector (e.g. toxics mitigation and land acquisition).

V. Conclusion

The DEIR is fundamentally deficient in its failure to assess any alternative which substantially mitigates the unavoidable adverse impacts of the Project. In addition, the DEIR discussion is seriously deficient in its discussion of biological impacts and mitigations, hazardous substances impacts and mitigations, traffic impacts and mitigations, and impacts on employment and housing. As a result of these deficiencies, the DEIR is inadequate to meet the requirements of CEQA. Furthermore, making the necessary changes and adding the legally-required alternative discussion will not be sufficient. CEQA provides that where significant information is added after the DEIR is circulated, the EIR must be recirculated for public review.

Sincerely,



Timothy A. Tosta



Edward Stevens Atkinson, Jr.



A P P L I E D
D E V E L O P M E N T
E C O N O M I C S

RAVENSWOOD INDUSTRIAL PARK
LAND USE AND EMPLOYMENT ANALYSIS

	Acreage	Building Sq. Ft.	Employment
Retained Uses [a]			
General Industrial	29.66	205,750	433
Distribution/ Transportation Office	6.37	46,750	55
Proposed Projects			
General Industrial [b]	15.14	156,750	235
Distribution/ Transportation Office	3.99 1.98	37,780 24,000	49 80
Redevelopment/Relocation [c]			
General Industrial	39.49	688,126	1,286
Distribution/ Transportation Office [d]	17.61 13.14	191,773 331,905	249 1,106
TOTAL	127.38	1,682,834	3,493

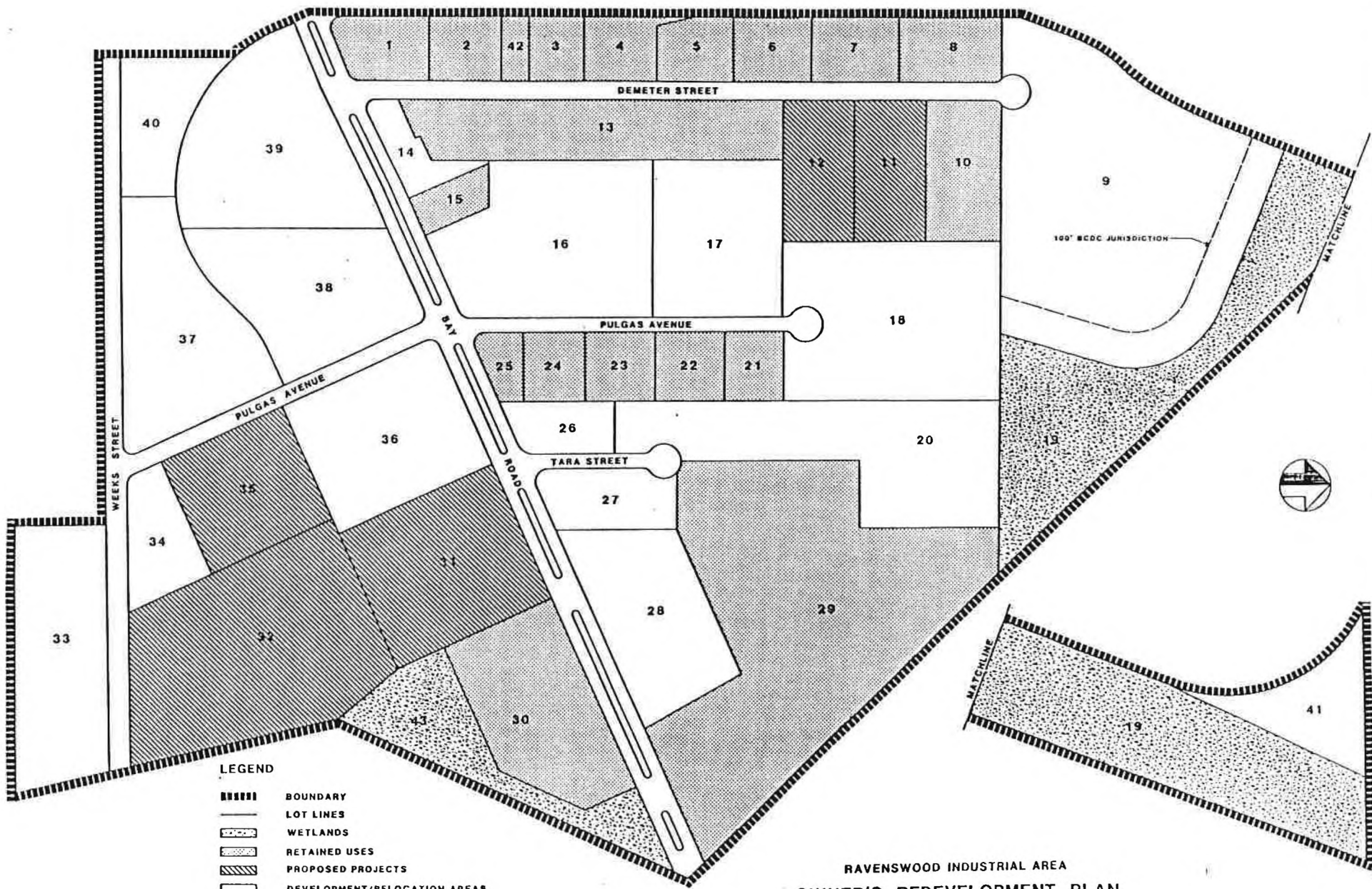
[a] Actual figures.

[b] Includes retained uses for Borrmann's Steel Co. and Sandoz Corp.

[c] Development potential based on the following factors:

	FAR	Sq.Ft./Emp.
General Industrial	0.40	535
Distribution/ Transportation Office	0.25 0.35	770 300

[d] Estimates assume 4.51 acres developed at one story and the balance at two stories.



- LEGEND**
- BOUNDARY**
 - LOT LINES**
 - WETLANDS**
 - RETAINED USES**
 - PROPOSED PROJECTS**
 - DEVELOPMENT/RELOCATION AREAS**

**RAVENSWOOD INDUSTRIAL AREA
OWNER'S REDEVELOPMENT PLAN**

Scale : 1" = 100'

ATTACHMENT 3

**Owner's Redevelopment Plan
Ravenswood Industrial Area**

Retained Uses

<u>No.</u>	<u>Owner</u>	<u>Acres</u>
1	Philip Wang	1.065
2	Philip Wang	0.90
42	Jack Barnes	0.28
3	Mo Yo Kong	0.622
4	Mo Yo Kong	0.86
5	Ray Park	0.896
6	Bruce Baron	0.905
7	Richard Russell	1.01
8	Helen Lamp	1.21
10	Howard J. White	2.0
13	Michael Demeter*	4.37
15	Marilyn Lemmon	0.61
21	County of San Mateo	0.91
22	Michael Berthiaume	0.91
23	Dennis Sibbert	0.88
24	John Nuckton	0.92
25	John Garcia	0.56
26	Romic Chemical*	13.15
27	PG&E	<u>3.97</u>
	Subtotal	36.03

*Includes Proposed Site Expansion

Proposed Projects

<u>No.</u>	<u>Project Designation</u>	<u>Acres</u>
11	San Francisco Newspaper Agency	1.99
12	Demeter Office Project	1.975
31	Sandoz Warehouse	5.19
32	Torres	8.78
35	Borrmann Steel Incubator Project*	<u>3.17</u>
	Subtotal	21.11

*Includes Retained Uses

Redevelopment/Relocation

<u>No.</u>	<u>Primary Owner</u>	<u>Acres</u>
9	Economy Foods South*	9.0
14	Don Sevy	0.823
16	Saturo Iwasaki	5.8
17	Charles Touchatt	3.86
18	Harmony Investment	6.56
20	Joseph Scianacalepore	6.2
26	Melvin Curtaccio	1.12
27	Ronald Rogge	1.3
28	Michael Demeter	5.31
33	Raymond Rullamas	4.51
34	Guadencio Lopez	1.66
36	Melvin Curtaccio	5.11
37	Henry Wong	5.14
38	Peck & O'Conner	4.72
39	Dennis Sibbert	5.30
40	Chiyoko Iwasaki	1.83
41	Economy Foods North*	<u>2.0</u>
Subtotal		70.24

*Includes estimated developable acreage

Wetlands

<u>No.</u>	<u>Owner</u>	<u>Acres</u>
19	Economy Foods	18.43
43	PG&E	<u>2.83</u>
Subtotal		21.26

Right of Way

<u>Street</u>	<u>Acres</u>
Weeks Street	2.25
Pulgas South of Bay	1.07
Bay Street	5.37
Tara Road	0.46
Pulgas North of Bay	1.11
Demeter Street	<u>2.16</u>
Subtotal	12.42

TOTAL **161.06**

INDUSTRIAL DEVELOPMENT AND EMPLOYMENT ASSOCIATION (IDEA)
OF EAST, PALO ALTO

Executive Director: Virgus O. Streets

April 2, 1990

Mr. Marty Tarshes
City of East Palo Alto
2415 University Avenue
East Palo Alto, CA 94303

Re: Comments in Response to "Draft Environmental Impact
Report: Ravenswood Industrial Area Redevelopment Plan
and General Plan Amendment: City of East Palo Alto,
San Mateo County, California"

Dear Mr. Tarshes:

Thank you for this opportunity to present comments on the DEIR. The Ravenswood Industrial Area Redevelopment Project poses significant concerns to IDEA and to its members because of the devastating physical and economic impacts it will have on the property, owner rights and equities, and the industrial zone in general. It is imperative that IDEA be given adequate opportunity to evaluate the DEIR and all related actions contemplated in the City of East Palo Alto's redevelopment program, and to submit comments thereon in a way which will in turn be considered by the City of East Palo Alto.

The first part of the text of this response reemphasizes our general opposition. More detailed comments on specific objections follow below and in a separate letter from Baker & McKenzie. All comments are to be considered as the IDEA's formal response to the DEIR.

General Comments

The Industrial Property Owners Association (now the IDEA) has submitted for the record its general opposition to the manner in which this process, from its inception, disregards due process and the rights and equities of IPOA members. The actions of the City with respect to contemplated development of the Ravenswood Industrial Area to date have seriously circumvented, deprived and/or violated industrial property

owners due process and vested development rights. Such actions have included: Improper public notice; improper and abusive use of administrative discretion in land use actions which exceed administrative authority; improper application of existing land use regulations, and violations of the Brown Act in several Council, Agency, and Planning Commission agenda involving matters relating to redevelopment of the industrial zone. The whole of these actions have caused and portend to cause serious adverse environmental and economic impact on the Ravenswood Industrial Area.

Your handling of the overall Ravenswood Industrial Area Redevelopment process has stymied owner and public participation. This EIR process is a specific case in point. For instance, at the February 1, 1990 Redevelopment Agency meeting, over IDEA's and some Council Members objection, a resolution was adopted to circulate the February 1, 1990 DEIR in deference to your pressing timetable to begin public review. Yet the DEIR was actually circulated two weeks later.

IDEA made copies of the February 1 DEIR at considerable expense, only to discover that a different version of the DEIR was actually circulated. The difference between the two DEIR versions was not made public until the gratuitous Public Hearing was held March 27, at which time IDEA requested an explanation. That the February 1 DEIR was actually an "Administrative Draft" and that there is "only three pages of difference" between the two conceals the real issue of the substantive difference between the two versions. The substantive issue revealed on the three pages relates to the project's adverse traffic impact westward along University at the Donohoe intersection and to the feasibility of the mitigation measures.

Was the so called "Administrative Draft" Environmental Impact Report a subject of discussion during the closed session held during the Agency meeting? Since that closed session was not noticed on the Agenda, nor voted on to be included in the Agenda, nor described as to what subject matter was to be discussed, nor reported on after the closed session, a number of questions arise concerning the changes made between the two versions of the DEIR (i.e., the February 1, 1990 and the February 14, 1990 drafts). Was the cumulative impact of the SUN Microsystems Project and the University Circle project and the feasibility of their respective mitigation measures a subject of discussion during that closed session? The analysis of traffic impact mitigation measures in the two versions gives the appearance that the DEIR dated February 14, 1990 is contrived.

These apparent procedural irregularities and violations of the Brown Act seriously question the validity of the DEIR, since they in no way can be considered "a good faith effort at full disclosure."

More significant are the substantive inadequacies and deficiencies of both versions of the DEIR. For instance, neither version adequately analyzes project nor cumulative traffic impacts and the feasibility of the mitigation measures associated with them.

The DEIR does not analyze the range of reasonable alternatives to the proposed project that could feasibly attain the project's basic objectives, and evaluate the comparative merits of each alternative. (Guidelines 14125, subd, (d); 21100, subd. (d).) Here it must be kept in mind that the basic objective of any redevelopment plan is to remove blight. It has not been demonstrated that the proposed project is feasible. To say that the proposed project "is the only feasible project" is unreasonable.

To reemphasize IDEA's general opposition, the DEIR is inadequate and incomplete because: (1) the proposed project fails to adequately assess the "whole of an action" affecting the environment; (2) the proposed project fails to adequately assess "significant" (adverse) effects (or impacts) on the environment arising from the project. In particular, the proposed project fails to adequately assess the adverse environmental, economic and social effects caused by the project. These general comments are elaborated in the specific objections presented under separate cover by IDEAS counsel, Baker & McKenzie.

Transportation, Circulation and Parking

The locational scope of the traffic impact omits analysis of intersections that are already congested and that are likely to experience impacts from the project. The traffic impact analysis does not include the intersections along University west of the University 101 interchange from Woodland to Alma Streets, as was called for previously in Palo Alto's response to the NOP.

Intersections within East Palo Alto neighborhoods currently experience congestion from pass-through traffic seeking short cuts at peak hours. Traffic from the proposed project will exacerbate already intolerable gridlock and emission pollution. Add the spillover traffic when local thorough fares become detours from regional traffic jams, East Palo Alto with predictable regularity will become a peak hour traffic disaster area with no feasible relief measures in sight.

The DEIR fails to adequately analyze project impacts on the University Avenue-Highway 101 interchange, both in the existing configuration and the planned future configuration, and the specific projected traffic flows from the proposed University Circle Project.

In the absence of adequate analysis, the proposed alteration of the University Avenue 101 interchange described

in the University Circle Supplemental DEIR is not a feasible mitigation of the additional adverse traffic impact potentially generated by the proposed Ravenswood Industrial Area Project.

Good land use and transportation system management can prevent such disaster from occurring. It makes little sense to locate a "foot loose" large scale computer workstation maker whose 5,000 + employees will journey to work in single--occupancy vehicles into a residential community like East Palo Alto already suffocating from traffic congestion. According to the TSM plan, 71% of all San Mateo County employees journey to work in single occupancy vehicles (see TSM, March, 1990). Employees of High tech computer related industries are even more dependent on their cars to travel to work. One TSM congestion mitigation objective is to achieve a 25% reduction in the single-occupancy vehicle mode of travel to work. Another is to create shuttle and bike trails between major employers and park and ride centers. Judging from past attempts to break-up the "romance" of single-occupancy vehicles and drivers, these are not feasible mitigation measures.

The TSM traffic congestion forecasts are based on ABAG population and employment growth projections. According to ABAG, the population of East Palo Alto will increase by 13% (18,400 to 20,500, and employment will increase 518% 960 to 4,960) between 1980 and the year 2000. Given the projected traffic congestion that this growth implies, growth management, is an obvious mitigation of the congestion. In addition, as the TSM recommends, the use of telecommunications by Sun's workers could significantly prevent projected future traffic congestion in East Palo Alto. (Sun's employees should use their own work stations, not displace East Palo Altans).

Significant Adverse Economic Impact

Under the California Environmental Quality Act, the EIR must assess the adverse economic or social effects of a project if the project will cause a physical change which will cause an adverse economic impact. The DEIR is substantially inadequate in its assessment and mitigation of the significant adverse economic and social effects it portends. The proposed project does not achieve the General Plan goal "to manage economic growth in a manner which enhances fiscal solvency and achieves the economic goals of residents and the local business sector". It is inconsistent with the existing General Plan in several significant respects.

"Development Without Displacement" is one of the primary policy objectives of the 1986 General Plan, yet the proposed project would displace virtually all of the existing businesses and employment in the Industrial Area to accommodate on large scale user, Sun Microsystems, Inc. To prevent such displacement yet achieve development, the General Plan calls upon the Redevelopment Agency "to initiate the negotiation of Owner Participation Agreements with the owners of each of the


key improvement sites to be designated as Redevelopment Project Areas.

The proposed project does not further the adopted policy that "The City and Redevelopment Agency should develop, as an integral component of all economic development activities, an aggressive program for expanding the base of local entrepreneurs."

The East Palo Alto Planning Commission, on September 11, 1989, selected the Project Area, established the boundaries, and adopted the Preliminary Plan and a Negative Declaration. Under CRL, the Preliminary Plan must be consistent with the existing General Plan. The Planning Commission did not determine that a General Plan amendment would be required for the Project Area to attain consistency between the General Plan and the goals and objectives of the redevelopment program. Yet the DEIR is entitled "Ravenswood Industrial Area Redevelopment Plan and General Plan Amendment". Under CEQA, Negative Declaration can not be modified incrementally and there is no record of that the Planning Commission either recommended nor determined that a General Plan amendment would be required.

Thus, the proposed General Plan Amendment would accommodate a Project that potentially will generate adverse impacts which the DEIR fails to mitigate. The project is self fulfilling unregulated and unmanaged growth.

Sincerely,



Virgus O. Streets
Executive Director