

**FINAL SUPPLEMENT TO
THE UNIVERSITY CIRCLE REDEVELOPMENT PLAN
ENVIRONMENTAL IMPACT REPORT**



Prepared for :
City of East Palo Alto

June, 1990

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I. INTRODUCTION

This Final Supplemental Environmental Impact Report for the University Circle Redevelopment Plan ("FSEIR") consists of (1) the Draft Supplemental Environmental Impact Report for the University Circle Redevelopment Plan ("DSEIR"), (2) the public comments received during the 45 day comment period for the DSEIR, (3) a summary of the comments to the DSEIR, (4) the responses to the summarized comments, (5) such other additional information as the Redevelopment Agency of the City of East Palo Alto (the "Agency") and the City of East Palo Alto (the "City") may choose to incorporate into the FSEIR, and (6) a list of persons, organizations, and public agencies commenting on the DSEIR. Many of the comments raised similar issues, and in order to eliminate unnecessary repetition and as authorized by Section 15132 of the CEQA Guidelines comments and responses have been summarized in Section IV of the FSEIR (the "Summary") to provide greater clarity. The Summary lists in parentheses comments that are substantially identical to the specific comment addressed in the Summary. Where appropriate, the responses in the Summary make cross-references to other comments and responses discussing similar issues.

The FSEIR also includes an "Index to Responses" ("index") located at pages III-1, et seq. The columns in the index labeled "Reference Paragraph" and "Page Number" are intended to direct the reader to the comment number and page of the Summary containing the substantive response to the particular comment. Persons and organizations which have submitted comments are identified by a capital letter in Section II of the FSEIR, and individual comments by each commentator have been assigned numbers. Thus, each particular comment has been assigned a unique letter and number combination identifying the commentator and the particular comment (e.g. E-7). The full text of the comments themselves is included at pages V-I et. seq.

The FSEIR incorporates by reference the DSEIR, copies of which are available from the City of East Palo Alto. The DSEIR was circulated from March 16, 1990, through April 30, 1990. The comments to the DSEIR included in the FSEIR include letters from local residents and their legal counsel and other public agencies as well as oral comments made during public hearings held March 20, 1990, and April 17, 1990, before the Agency and transcribed by an Agency reporter. No significant new information has come to light during the public review period, and therefore the FSEIR need not be recirculated for further comment.

II. LIST OF THOSE COMMENTING ON THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

- | | | |
|----|---|--|
| A. | City of Palo Alto | Mr. William Zaner, City Manager |
| B. | City of Palo Alto | Mr. James E. Gilliland, Planning Admin. |
| C. | City of Palo Alto | Mr. Kenneth R. Schreiber, Director of Planning & Community Environment |
| D. | Transcript of the City of East Palo Alto Public Hearing held March 20, 1990 | Ms. Joann Lauritzen, Reporter |
| E. | Transcript of the City of East Palo Alto Public Hearing held April 17, 1990 | Ms. Joann Lauritzen, Reporter |
| F. | Shute, Mihaly & Weinberger
Attorney at Law | Ellen J. Garber, Esq. |
| G. | California Department of Transportation | Mr. Wade Greene, District CEQA Coordinator |
| H. | City of Menlo Park | Mr. Al Morales, Principal Planner |
| I. | Citizen of Palo Alto/1st part (pages 1-12) | Mr. John Mock |
| J. | Citizen of Palo Alto/2nd part (pages i-iii/12-17) | Mr. John Mock |
| K. | McDonough, Holland & Allen | Mr. Brent Hawkins, Esq. |
| L. | Metropolitan Transportation Commission (MTC) | Mr. Keith Mattson, Environmental Review Officer |
| M. | Citizen of East Palo Alto | Mr. Trevor Burrowes |
| N. | Citizen of East Palo Alto | Mr. Alan Wong |
| O. | Mid-Peninsula Regional Open Space District | Mr. Garbert Grench, General Manager |

P.	State of California Office of Planning and Permit Assistance	Mr. David C. Nunenkamp, Deputy & Research Director
Q.	City of Menlo Park	Mr. Al Morales
R.	Attorney at Law	David C. Spangenberg, Esq.
S.	Affordable Housing Task Force	Mr. William Byron Webster, Member
T.	Citizen of Palo Alto	Mr. Floyd M. & Sandra M. Gardner
U.	Citizen of East Palo Alto	Mr. Ken Harris
V.	ABAG (Association of Bay Area Governments)	Mr. Gary Binger, Planning Director
W.	Citizen	(name unknown)
X.	Bay Area Air Quality Management District	Mr. Milton Feldstein
Y.	Airport Land Use Commission	Mr. Jaunell Waldo, Staff Coordinator
Z.	Citizen	Mr. Ray Hoster
AA.	Willows Homeowners Association	Mr. Brion J. McDonald
BB.	Citizen	Mr. Paul F. Wilson
CC.	Citizen	Mr. William Byron Webster

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4	Z-4	IV-85

<u>COMMENTATOR</u>	<u>REFERENCE PARAGRAPH(S)</u>	<u>PAGE NO.</u>
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Z

5	Z-5	IV-85
6	E-7	IV-30

AA. Willows Homeowners Association (Mr. Brion J. McDonald, President).

1	H-11, H-12	IV-46
2	B-24	IV-22
3	H-12	IV-46
4	AA-4	IV-85
5	B-24	IV-22
6	B-24	IV-22
7	H-11	IV-46
8	H-21-1	IV-49

BB. Citizen of Menlo Park (Mr. Paul F. Wilson).

1	BB-1	IV-85
2	BB-2	IV-85
3	BB-3	IV-86
4	BB-4	IV-86

CC. Citizen of East Palo Alto (Mr. William Byron Webster).

1	E-7	IV-30
2	E-8	IV-30
3	E-8	IV-29, 30
4	E-3	IV-29
5	F-31	IV-43
6	E-15	IV-31
7	E-15	IV-31
8	E-15	IV-31, 49
9	E-15	IV-31

IV. RESPONSES TO SUMMARIZED COMMENTS

A-1. (B-10, C-23) Please consider this a request, pursuant to Government Code Section 6256 (the Public Records Act), for a copy of the following public documents:

- 1) The PUD Permit application;**
- 2) The PUD ordinance;**
- 3) The Disposition and Development Agreement (DDA);**
- 4) The Statutory Development Agreement (SDA);**
- 5) The proposed General Plan amendments;**
- 6) The University Centre Public Improvement Analysis;**
- 7) The "property tax pass-through" agreement;**
- 8) The "Minority Incubation Program";**
- 9) A more recent version of the Draft Specific Plan.**

The documents requested have been made available to the City of Palo Alto since the date the request was made. Interested persons may obtain copies of these documents from the City of East Palo Alto by paying a nominal copying charge. Refer also to response B-9.

A-2. I would like to request copies of the following documents: Resolution No. 31 of the Redevelopment Agency, Resolution No. 531, Resolution No. 532, and Ordinance No. 102 of the City Council.

The documents requested are available to members of the public at the City of East Palo Alto. Interested persons may obtain copies of these documents from the City of East Palo Alto by paying a nominal copying charge.

A-3. (A-19, C-47, C-63) Page III-5, item D-1: According to Figure IV-D.4, the volumes on University Avenue south of Woodland Avenue range up to 27,000, not 30,000, vehicles per day. Additionally, Palo Alto believes that at least two other potential neighborhood short-cut routes should be included in the analysis – Hamilton Avenue and Woodland Avenue/Newell Road.

The comment is correct in noting that the University Avenue cumulative (without project) traffic level is estimated at 26,700 vehicles per day which is less than the 30,000 cited in finding D-1 of the DSEIR. However, this correction does not change the conclusion that this increase in traffic is not significant because an increase of 3,300 cars is well within the margin of error for these calculations.

With regard to impacts on Hamilton or Newell, the DSEIR analysis indicated that about 400 vehicles per day would use the Lincoln-Melville Route to travel between the University/Woodland intersection and Middlefield Road. This route represents the most direct route through the neighborhood in the most likely direction for project

trips. It is unlikely that project traffic would use the Woodland-Newell route, due to its indirectness, the poor condition of Woodland Avenue, and the fact that traffic between the project area and University Avenue south of Woodland Avenue would likely have shorter delays than traffic between the project area and Woodland Avenue east of the Woodland-University Intersection. Use of Hamilton Avenue is more likely to be affected by cumulative traffic from growth in downtown Palo Alto than project traffic. Although it is possible that some of the project trips would use Woodland-Newell, rather than Lincoln-Melville and that a small portion of the University Avenue trips would use Hamilton Avenue, the addition of these trips will not affect significantly the impacts studied.

A-4. (A-20, C-48, C-64) Page III-6, item D-2: Table IV-D-2 shows that the Freeway mainline would experience level of service "E", not "D", or better. The table also shows that the additional lanes would lead to an improvement of about .05 to .10, not .10, in the volume/capacity ratios.

The freeway mainline would experience service level "E" conditions or better during the a.m. and p.m. hours under the cumulative traffic scenario. However, the freeway would experience an average improvement in V/C ratio of .0975 or .10, as stated in the DSEIR.

A-5. (A-30, A-51, C-49, C-67, C-81) Page III-7, items D-4, 5: It is misleading to state that these (University Avenue Interchange and University/Woodland Intersection) improvements will be beneficial. By themselves, they would be; however, they are being undertaken because the project necessitates them. The benefits are lost once project traffic is added to the improvements. Furthermore, the changes in bicycle flows would not be beneficial unless certain other provisions (referenced in Comment A-10) were made.

Traffic from the project would not negate the benefits of the proposed freeway improvements. The improvements would result in improved traffic circulation despite the increased levels of traffic generated by the University Centre Project using the interchange. Specific problems which would be remedied by the modifications include:

- elimination of the tight radius off-ramp from the eastbound C-D roadway (toward San Jose) onto University Avenue;
- elimination of the mixing of freeway off and on-ramp traffic with local commercial traffic patterns along University Avenue;
- elimination of the eastbound weaving section along the C-D roadway (toward San Jose) where vehicles from University Avenue north of the interchange toward the on-ramp conflict with off-ramp vehicles from points further north along the Peninsula (towards San Francisco) bound for points to the north in East Palo Alto.

While it is true that the proposed project would absorb much of the vehicle capacity at the interchange, the resulting levels of service would be adequate to support project traffic along with projected growth in area-wide cumulative traffic due to Palo Alto, Menlo Park, and other East Palo Alto projects.

With regard to bicycle flows, no significant changes in bicycle flows are proposed in the short-term interchange improvement project. Existing bicycle flows, however, are benefitted by the improvements listed in Paragraph D-14 on page IV.D-33 of the DSEIR.

A-6 (A-31, C-50, C-68) Page III-7, item D-6: The text states that the ultimate interchange configuration will include pedestrian facilities on both sides of the freeway overcrossing. Yet, facilities on the east side of the overcrossing are not shown in Exhibit "A" of the Caltrans Project Study Report ("PSR"), or in the DSEIR. The text states that a pedestrian overcrossing of the eastbound off-ramp would be provided and is shown in figure IV-D-7. However, figure IV.D-8 shows a pedestrian undercrossing at this location. Exhibit A of the Caltrans PSR also shows an undercrossing, instead of an overcrossing.

The page references above are not correct. The text reference regarding pedestrian facilities on both sides of the interchange refers to the ultimate interchange project being studied by Caltrans which would include reconstruction of the University Avenue overcrossing. The short-term improvements described in the DSEIR would retain the single existing sidewalk on the west side of University Avenue. There is no reference in the text of the DSEIR to a pedestrian overcrossing. The figures referenced at pages IV.D-7 and IV.D-8 do show a pedestrian undercrossing.

A-8. (A-43, C-52, C-74) Page III-9, item D-11: The data in the text (page III-9, item D-11) shows that the Project by itself does create significant negative impacts at three intersections in 2010 – Embarcadero/Middlefield, University/O'Brien, and Willow/Middlefield, thus, mitigation measures are required to mitigate project impacts.

The commentator confuses cumulative traffic impacts with project impacts. All of the locations cited would exceed the LOS D with cumulative traffic increases with or without project trips. Therefore, even without the project, cumulative negative impacts would occur at these intersections as noted in the DSEIR. Recommended mitigations for cumulative impacts are described on pages IV-D-34 through IV-D-39 of the DSEIR.

A-9. (A-44, A-52, C-53, C-75, C-82) Page III-9, item D-12: The data in the text shows the project does create a significant negative impact on the Bayshore Freeway mainline, which requires mitigation. However, Table IV-D-9 shows that in 2010, PM peak hour, the project will cause a shift from LOS D to LOS E (v/c from .90 to .91).

The project impact on the Bayshore Freeway, in 2010, p.m. peak hour, east of University is a V/C ratio of .01. Based on the standards of significance established by the City of East Palo Alto, this increase is not significant. The standards of significance used in the DSEIR are defined on Page IV.D-8 of the DSEIR.

A-10. (A-49, A-25, C-54, C-79, Z-3) Page III-10, item D-14: Benefits to cyclists on the University Avenue overpassing would be easily negated by the multiple sets of double turn lanes and heavier traffic volumes, unless bicycle lanes, wide curb lanes, or a separate bicycle overcrossing were provided. All roadway improvements should accommodate bicycles by providing Cal Trans-standard bicycle lanes, including through bicycle lanes to the left of right turn lanes.

Cal Trans and FHWA have jurisdiction over freeway improvements and will determine what provisions for bicyclists are appropriate.

The project imposes no significant effects on bicycle traffic, and therefore includes no bicycle traffic mitigation measures. An overcrossing at the Embarcadero Road/Highway 101 intersection, plus existing and proposed pedestrian improvements amply respond to bicycle traffic needs. Refer to responses Z-2 and A-28.

A-11. (A-50, C-55, C-80) Page III-11, item D-15: The Project seems to improve pedestrian circulation, especially if the pedestrian under/overcrossing of the east-bound off-ramp and facilities on the east side of the University Avenue overcrossing are provided. Sidewalks along Woodland Avenue, University Place, Manhattan Avenue, and the at grade portion of University Avenue should be separated from traffic lanes by a landscaped buffer strip.

Comment noted. Providing a landscaped buffer as suggested is an issue related to urban design rather than traffic or other environmental impacts of the project.

A-12. (C-56) Page IV-D-3, bottom: Refer to Comments and Responses A-22 to A-29 below.

A-13. (C-57) Page IV-D-5, middle: The DSEIR states that counts were taken in the vicinity of the University/Bayfront Expressway intersection before and after the earthquake. Yet the existing ADTs presented in figure IV-D-4 are the same as those presented in the Program EIR.

Peak hour traffic counts taken at three intersections along the northern portion of University Avenue were updated to reflect the most recent data available. A comparison of these new peak hour intersection volumes indicated that they correspond very well with the peak directional street volumes documented in the daily count data. As such, the daily volumes were not adjusted.

Peak hour traffic volumes, which were used to identify significant negative impacts on this portion of University Avenue, were adjusted based upon more recent counts. No new ADT counts were collected.

A-14. (A-21, B-22, C-34, C-58, C-65) Page IV, D-5, bottom: The recent Cal Trans Project Study Report ("PSR") for Route 109 did not include a "widened Willow Road" as an alternative.

Comment noted. The DSEIR simply states that widening Willow Road was one alternative that was discussed, but it points out that no alternative was recommended in the PSR.

A-16. (C-60) This EIR has not included a standard of significance for Cal Trans facilities. East Palo Alto's response to comment H-29 in the Program EIR stated that Cal Trans' standard of significance was a volume increase of 5 percent once at least ninety percent of capacity has been reached. This standard, if still appropriate, should be included in this EIR.

Comment noted. This DSEIR does use the Caltrans standard of significance set forth above. No significant project impacts would be found using this standard.

A-17. (B-3, B-33, C-4, C-44, C-61) References have been made in other documents to East Palo Alto's "Gateway Redevelopment Project;" however, it appears not to have been accounted for in this analysis. If this project is "reasonably anticipated," CEQA requires that it be part of the cumulative analysis.

The Gateway Redevelopment project was not included in the analysis of cumulative impacts, because this project is not a yet a "reasonably foreseeable" future project. The City of East Palo Alto has identified an area called the "Gateway/101" area as an area deserving future study for potential redevelopment. To date, the area has only been identified as a redevelopment survey area. As of this date the City has not been and is not analyzing redevelopment of the "101/Gateway" area, due to lack of funds. No developer or other fund source has been identified as a candidate to fund pre-redevelopment analysis or planning activities or to otherwise consider undertaking development of this site. No land use approval applications, either by current owners or other parties, are pending. The area has no final boundaries, no land use theme or certain redevelopment potential, and has not been determined to be a redevelopment project area. Redevelopment Plan adoption for this area is at least approximately one year away. The DSEIR therefore under CEQA need not consider redevelopment of the Gateway area since the only reasonably foreseeable reuse of this area is through private development actions consistent with current General Plan and zoning designations. Long-range discussion of additional, more intense or different development under Redevelopment Agency authority is not yet sufficiently mature to require cumulative analysis under CEQA.

A-18. (C-62, V-6) The list of Stanford projects in Appendix G should include an additional major project which is reasonably anticipated but has not yet been approved: the Stanford West housing development.

The Stanford West Development was included in the cumulative list and the cumulative traffic analysis of the DSEIR. As noted in Table B-1, on page B-5 of the University Circle Program EIR, the land use assumption was for 350 townhouses, 200 apartments, 250 senior apartments and a 100 bed skilled nursing facility.

Comments A-22 through A-29 all pertain to the University Avenue/Highway 101 interchange, pages IV-D-15, 16.

A-22. (A-12, B-20, C-56, C-66(a)) No analysis or discussion of project impacts was provided for any of the interchange movements (the collector/distribution roadways, merge points and on/off-ramps) for the existing or proposed interchange configurations.

The interchange movements were analyzed in the Program EIR at pages V.D-45 through V.D-55 for a hypothetical "Level Two" development scenario. The analysis of the Level Two proposal is sufficient to describe the projected impacts of the Implementing Actions, which involves a smaller project than the hypothetical Level Two studied in the Program EIR. No additional analysis in the SEIR is required. A detailed analysis of the interchange will also be provided by CalTrans in a project study report.

A-23. (A-12, B-2, B-20, C-32, C-56, C-66(b) H-26) No improvements have been proposed or discussed for the north half of the interchange even though the University Center Project will impact movements on the north side of the interchange nearly as much as on the south side. The Program EIR had identified some potential capacity problems with the north/westbound off-ramp and the north/westbound collector distribution roadway. Even if the future configuration of the north side of the interchange is not yet known, an analysis of project impacts on the current configuration would serve as an indicator of future impacts.

The Program EIR indicated that the north half of the interchange would perform adequately with Level Two land use, which was more intensive than the project proposed under the Implementing Actions. Level Three would have resulted in over capacity conditions on the westbound, C-D roadway as shown in Table V-D-15 of the Program EIR.

It should be noted that the San Mateo Traffic Authority has funds available for a project which could treat all movements at the interchange and that improvements to the northern half are likely in the longer term as part of the ultimate interchange project being studied by Caltrans.

A-24. (A-12, C-56, C-66(c)) The importance of the existence of a fifth eastbound auxiliary lane on the freeway mainline between the University Avenue and the Embarcadero Road interchanges to the proper functioning of the two-lane eastbound on-ramp should be discussed. This lane and one in the westbound direction are proposed to be funded by Measure A and Cal Trans, but the exact method for funding and the schedule is not certain. If it is important that the eastbound auxiliary lane be part of the proposed improvement to the south half of the interchange, the DSEIR must confirm the timetable and funding source.

Although dual left turn lanes would be provided into the eastbound on-ramp from University Avenue, these would merge to a single lane. Therefore, an auxiliary lane would not be required to merge a dual lane on-ramp, and would not be an important part of the southern half of the interchange.

A-25. (A-12, C-56, C-66(d), F-18) The DSEIR should confirm the timetables and funding sources for all elements of the reconstruction of the University Avenue/101 interchange, and that all improvements can be completed together.

The freeway interchange improvements are anticipated to be completely funded through private-sector funds, and will be required to proceed simultaneously with initial construction of private improvements on the project site, and to be completed before subsequent private improvements are begun. Private funding can be secured in this manner either exclusively through a private-sector borrowing, or through tax-exempt public finance techniques secured by the project site, or through San Mateo Transportation Authority funds, should the City, Agency or County determine to assist in finance mechanisms of this type. Private sector advances might also be eligible for reimbursement from the San Mateo Transportation Authority Measure A funds. An additional factor for the Agency to consider is a form of public finance assistance in funding secured by available tax increment revenue. Refer also to comments F-18, B-4.

A-26. (A-12, C-56, C-66(e)) There are two potential weaving problems in the interchange design shown in Figure IV-D-7: (1) The short weaving distance between the end of the eastbound off-ramp and the back of the queue for the southbound University Avenue through movement at the Woodland traffic signal; and (2) southbound University traffic turning onto westbound Woodland may be trapped into turning right into University Place whereas some traffic may need to proceed west on Woodland.

Regarding Item (1): Vehicles would have more than 550 feet in which to cross into the southbound through lanes from the termination of the eastbound off-ramp. An operations analysis of the University Avenue interchange conducted for the Project Study Report prepared for Caltrans indicates that this weaving section would operate at LOS D or better with Future Base plus project traffic. Regarding Item (2): Dual right turn lanes would be provided from southbound University onto westbound Woodland. At the Woodland/University Place intersection, one of these would be a

through and right lane, so vehicles would not be trapped (also see response to Comment A-29). Traffic proceeding west on Woodland Avenue at University Place would merge, rather than weave, into the left lane which would allow both through and right-turn movements. The 200 foot distance between University Avenue and University Place is adequate to accommodate this low volume maneuver. Cal Trans has reviewed the proposed interchange configuration and is in the process of finalizing a PSR which will confirm major geometric design issues.

A-27. (A-12, C-56, C-66(f) Further design work for the University Avenue/Woodland Avenue intersection should consider modifications that would eliminate the traffic island and short right turn ramp in the southwest quadrant (where Woodland traffic turns right onto University toward Palo Alto). This would correct an existing as well as a future problem of inadequate merging distance.

Comment noted. Cal Trans has reviewed the proposed interchange configuration and is in the process of finalizing a PSR which will confirm major geometric design issues. These issues should address modifications to eliminate the traffic island and short right turn ramp in the southwest quadrant.

A-28. (A-12, C-56, C-66(g) No discussion or accommodation has been provided for bicycle traffic on the University Avenue overpass. With (i) the University Center Development located south of the freeway, and East Palo Alto residential areas located mostly east of the freeway and (ii) the large traffic volumes projected for the overcrossing and its complex cross section including multiple sets of double right and double left turn lanes, a separate overcrossing for bicyclists should be constructed along with a new interchange.

Comment noted. See Response to Comment A-10.

A-29. (A-12, C-56, C-66(h)) There are at least two inconsistencies between figure IV-D-7 in the EIR and the traffic circulation plan in the University Centre drawing package. First, the drawing shows an eastbound collector-distribution road segment that is proposed to be eliminated in the revised interchange configuration. Second, the drawing shows a west bound shared through/right lane at the Woodland Avenue/University Place intersection that is not shown in figure IV-D-7. This through movement is needed.

The University Centre drawing referred to incorrectly shows a portion of the C-D roadway which would be omitted. The DSEIR drawing is correct.

With regard to the west-bound approach leg to the Woodland/University Place intersection, while the PSR exhibit shows the correct lane configuration, a through arrow has been omitted from the second lane from the curb on westbound Woodland -

- this lane would be a through or right-turn lane. The DSEIR analysis considered this latter design.

A-32. (B-21, C-4, C-33, C-69). Page IV-D-20: The terms "project" and "specific plan" are used on page IV-D-20, generating confusion as to which project is being analyzed in this section. Furthermore, two projects were described on page III-1, one totaling 604,000 net square feet and the other 700,000 net square feet, and it is not clear which project was used for trip generation analysis. If trip generation was based on net square feet, it will have to be recalculated with gross square feet, thus increasing the trip generation of the project.

As discussed on page II-4 of the DSEIR, the "project" analyzed in the DSEIR is the Redevelopment Plan and its implementation through the legislative and administrative approvals defined on page II-4 of the DSEIR as the "Implementing Actions." The DSEIR (page II-4) recites the definition of the "Project" as intended by CEQA. The focus of this Supplemental EIR is the approval of the "Implementing Actions" proposed as the means of effectuating the redevelopment policies set forth in the University Circle Redevelopment Plan. They sometimes are referred to in the DSEIR as the "project" to be considered on the basis of the DSEIR. CEQA encourages retaining the terms and meanings commonly understood by the public at large, for whom "project" means the physical structures to be built, in this case those to be authorized by the PUD Permit.

The DSEIR studies the environmental effects of 35,000 gross square feet of retail space, a 270 room all-suites hotel and 480,000 gross square feet of office development. Despite references in the Specific Plan to "net" square footage, traffic and employment generation figures were calculated by reference to "gross" square feet development criteria. A re-examination of the traffic and employment data in the DSEIR undertaken in response to this comment has disclosed that, with respect to office development, the "net" office space described in the Specific Plan would allow office development 10% - 20% greater than that which was studied in the DSEIR. This discrepancy occurred because gross square footage methodology was applied to a net square footage figure in employment generation calculations for the office use. Traffic calculations for the office space then were derived from the employment figures. The PUD Permit Application studied in the DSEIR is for development of a 266 room hotel, 35,000 gross square feet of retail space and approximately 485,000 gross square feet of office space. The potential to build a larger office component under the Specific Plan was not evaluated. If a project were proposed which incorporated the maximum office build-out potential under the Specific Plan of 480,000 net square feet, traffic and employment figures could increase from 10% - 20%.

Since the DSEIR studied the environmental impacts associated with the project proposed by the PUD Permit Application, the DSEIR could be certified and considered as a sufficient basis for approving the PUD Permit Application as proposed. Unless the Agency elects to study a development substantially larger than what the

PUD Permit describes, the potential build-out authorized under the Specific Plan should be reduced to the level proposed in the PUD Permit Application.

Trip generation was based on net square footage exclusively for the retail use. The retail rate incorporates a 15 percent reduction to account for passer-by and walk trips, which is a very nominal reduction given the type and quantity of retail which is proposed. (The current ITE manual allows for a larger reduction for diverted trips, or 50% as noted in the DSEIR.) For comparison purposes, the trip generation was computed using the gross square feet. The ratio of net square feet to gross square feet is 85%; therefore, the 34,629 net square feet of retail would be approximately 40,740 gross square feet. By applying a 50% reduction for passer-by or diverted trips to the trip rate using gross square feet, the retail use would generate approximately 1,671 daily trips, 56 a.m. peak hour trips, and 135 p.m. peak hour trips. As such, the trip generation for the retail use is overstated in the traffic analysis with the application of net square footage. The trip generation for office use was based upon the estimated employment, which was approximately 1,680 employees, and trips for the hotel were based on the number of rooms.

A-33. (C-69) Page IV-D-20: The Specific Plan calls for a 185,000 square foot hotel with 266 suites while the PUD application calls for a 181,000 square foot hotel with 266 suites. All these inconsistencies should be clarified.

Comment noted. The Specific Plan establishes the outer limits of available hotel development for the Project area. The PUD permit application provides for a hotel within the maximum allowable parameters of the Specific Plan.

A-34. (C-69) Page IV-D-20: Tables should be provided showing all details of the calculations, enabling the reader to know which and what size uses comprise the project and what trip generation rates were used.

Trip Generation for the project was computed using trip generation rates published by the Institute of Transportation Engineers (ITE) for office and retail and City of Palo Alto hotel rates, as noted below:

USE	UNITS	DAILY	AM PEAK HOUR		PM PEAK HOUR	
		TWO-WAY	IN	OUT	IN	OUT
Office	Employee	2.99	0.43	0.06	0.08	0.40
Retail	1,000 SF	69.71	1.20	1.14	2.71	2.91
Hotel	Room	8.69	0.315	0.21	0.345	0.35

Using these rates, the following trips were assigned to the roadway network:

USE	DAILY TWO-WAY	AM PEAK HOUR IN	OUT	PM PEAK HOUR IN	OUT
Office	5020	727	109	127	668
Retail	2440	42	40	95	102
Hotel	2311	84	56	92	93
TOTAL	9771	853	205	314	863

The "office" trip rate is per employee, based upon a total employment of 1,680 persons. For comparison purposes, trips using 480,000 gross square feet based on ITE trip generation rates for the office component were computed. (This trip generation is based upon gross square feet as opposed to net leasable square feet as described in the project description.) This comparison showed that, using a gross square-foot basis, 4,448 daily trips would be generated, with 772 a.m. peak hour trips and 723 p.m. peak hour trips. These numbers are lower than the amount assigned to the network in the traffic analysis.

The retail rate incorporates a 15 percent reduction to account for passer-by and walk trips, which is a very nominal reduction given the type and quantity of retail which is proposed. (The current ITE manual allows for a much larger reduction for diverted trips.) All of the remaining retail trips were then assigned to the roadway network. Moreover, most of the retail would be support retail with service oriented businesses for the office and hotel uses. Such businesses might include a copy shop, an espresso, donut or sandwich shop, or an office supply store. As a result, virtually all of the retail trips would be internal, and an additional reduction in trips could be estimated. Therefore, the trip generation analysis for retail use is conservative.

The Specific Plan identifies a 266 "all suites" hotel as the programmatic land use. Another comparison study was done using the 266 rooms and the "all suites" rate from the current ITE manual. This land use would result in 133 a.m. peak hour trips and 115 p.m. peak hour trips, which is also less than the amount assigned in the traffic analysis.

The Specific Plan also tests a "Reduced-Scale" land use alternative. This scenario is similar to the Specific Plan land use as proposed, except the hotel would be dropped. Therefore, the trips assigned to the network were as follows: 7460 daily, 769 a.m. inbound, 149 a.m. outbound, 222 p.m. inbound, 770 p.m. outbound.

It is essential to understand that the project would result in the elimination of existing trips from the roadway network. Based upon the existing land uses, which include 62 units of residential as well as 225,000 square feet of neighborhood retail commercial, the following trips would be eliminated:

USE	DAILY TWO-WAY	AM PEAK HOUR IN	OUT	PM PEAK HOUR IN	OUT
Residential	605	5	37	37	17
Retail	9614	224	132	558	558
TOTAL	10219	229	169	595	575

Thus, the project would result in a net reduction in daily traffic, an increase in a.m. peak hour traffic, and essentially no change in p.m. peak hour traffic generation (although p.m. peak hour trips would be more directional in nature).

A-35 (A-7, C-51,C-70) The text states that the primary access to the project would be via University Place. However, the garage access is at the end of a long plaza with visitor parking and pick-up/drop-off functions. Drivers may prefer the more direct garage access reachable via Manhattan Avenue, only one-half block further west. Manhattan Avenue could, in fact, become a major project access.

Peak hour traffic will use the most convenient route between arterial roadway facilities and the intended parking location. University Place is the nearest access point from University Avenue and Bayshore Freeway, and most project trips will therefore access or egress from Woodland Avenue off of University Place. Garage facilities between University Place and Manhattan are reachable from either University Place or Manhattan, but are more directly reachable from University Place. University Place will also be the designated visitor entry. For these reasons, most project trips will use University Place.

A-36 (A-37, A-38, A-39, C-71) Page IV-D-23: University Place is supposed to be the main entry to the proposed project, yet it shows zero future volume. The sum of all daily traffic volumes entering and exiting the specific plan area is 1200 (Woodland east) plus 400 (Woodland west) equalling only 1,600 daily trips. The volume on O'Connor is not shown but presumably is not large. How these 1,600 daily trips relate to the 3,140 daily net new trips in table IV-D-5 needs to be explained. The 1,200 daily project trips on Woodland between University Place and University Avenue is less than the 1,500 daily project trips on University Avenue south of Woodland, which cannot be correct. These inconsistencies need to be corrected or explained.

It is not possible to directly relate computed changes in traffic generation at the project site to changes in roadway volume because the existing trips to and from existing residential/retail uses which would be removed from the network have an entirely different pattern of distribution and trip length from those which would be added under the Implementing Actions.

Existing uses generate a small number of home-based trips from the existing residential uses, as well as a substantial number of neighborhood commercial trips. The neighborhood commercial traffic would include two trip components. About half of these trips would be short-distance home-shopping trips made between the retail uses and nearby residences. The remaining half would be "diverted trips" which come principally from passerby volume using University Avenue and the Bayshore Freeway interchange.

The traffic analysis deducted these trips from the interchange area and surrounding roadway network in accordance with standard practices used in EIR traffic studies, i.e., trips were deducted based upon their estimated trip generation and travel distribution. Removal of the existing retail use would eliminate "passer-by" trips, which would have the effect of increasing through volumes on University immediately at the interchange, while somewhat reducing turning volumes. Beyond the immediate vicinity of the interchange, however, elimination of the passer-by component would have little effect on daily or peak hour traffic.

After deductions were made for existing land uses, the project trips were added. Project office trips were added back using the travel distribution indicated in the Program EIR. These trips would be more heavily loaded to the freeway and regional arterials than the retail trips. The project retail trips were then distributed to the network in accordance with the retail distribution given in the Program EIR into surrounding residential areas in East Palo Alto, Palo Alto and Menlo Park.

The net effect of the project is complex. At greater distances from the interchange, home-work office trips would be added to the network, resulting in elevated traffic levels. (Beyond the study area of this DSEIR, however, these trips would be double-counted with trips estimated in environmental studies of regional freeway facilities and new housing units.) In nearby areas of surrounding East Palo Alto, Palo Alto and Menlo Park, the elimination of the home-shopping trips from the existing retail uses would result in a "netting out" of traffic from the added office trips, and lower volume increases would occur. In the immediate area of the interchange, roadway link volume increases would also be substantially lower than if no existing land use were present due to the "passer-by" retail trips which would be removed from the network. At the same time, however, certain turning movements would actually increase due to elimination of the passer-by traffic.

For these reasons, it is not possible to directly add volumes on a cordon line around the project and compare the added traffic to the net trip generation of the project. This accounts for the apparent (but not real) discrepancies noted by the commentator.

A-40 (A-41, C-72) Page IV-D-26: According to this figure, the approximate sum of average daily project traffic, external to the project site, is the sum of the following: 300 (Route 109), 2800 (Route 101 east), 1200 (Route 101 north), 400

(Woodland west), 1500 (University south), totalling 6200 daily external trips. The fact that this is double the 3140 daily trips shown in Table IV-D-5 should be explained. Also, 300 trips are shown on Route 109 south of Bayfront Expressway, while less than 100 are shown on University Avenue south of Bay Road.

The apparent discrepancy between the number of external project trips counted on the cordon noted in the comment and the trip generation table is due to the difference between the trip length of new versus existing trips: while the computed ADT of the project exceeds the computed ADT of existing uses (therefore, technically resulting in 450 net new trips), the trip length of new trips, which are heavily "home-to-work" trips would be considerably longer than the trip length of existing trips, which are principally short distance home-shopping trips. Thus, while on a nearby cordon, the project may result in lowered traffic levels, at greater distances from the project (from which no existing retail traffic would be deducted), new trips would be added.

The comparison of trips on University south of Bay Road versus those at the Bayfront Expressway underscores this fact -- the existing retail use in the project area generates home-shopping trips to residential neighborhoods accessible from Bay Road but does not generate any significant level of traffic across the Dumbarton Bridge. Therefore, after existing retail traffic is credited out from added office trips, there would be higher levels of traffic generated on University north of Bay Road than on segments south of Bay Road, as the commentator has noted.

A-42. (C-73) Pages IV-D-28, 29, 31: Using the trip information provided in the report, we are unable to verify the validity of the level of service calculations. The assignment of peak hour project trips on the network needs to be provided.

Assignment of peak hour trips or trip distribution is provided in the Program EIR, Appendix A, Table A-4.

A-45. (C-76) Page IV-D-31: There are inconsistencies between this table and Table 4.5.12 on page 4.5-20 of the Ravenswood Industrial Area Redevelopment Plan EIR (February 14, 1990). Both EIRs were prepared at approximately the same time, with the same cumulative project assumptions, and both with, presumably, the same long-term scenarios (the Ravenswood EIR doesn't actually give the year for its long-term scenario). There are differences of up to two levels of service between the PM peak hour "future base + project" column of Table IV-D-8 in the Supplemental EIR and the PM peak hour "long-term with project" column of Table 4.5.12 in the Ravenswood Redevelopment EIR. These inconsistencies should be explained or corrected.

The Ravenswood EIR service levels, which are poorer than those shown in the DSEIR for this project, correspond to those "without TSM" for the Ravenswood Project. Since the roadway system would not have the capacity to deliver the volume of traffic potentially generated from the Ravenswood site, development at the

Ravenswood site would require very substantial TSM mitigations for development to proceed, which mitigations are recommended in the Ravenswood EIR. Therefore, the DSEIR uses the most realistic scenario for the Ravenswood site by assuming the TSM programs are instituted for the Ravenswood Development.

A-46. (C-77) Pages IV-3-30, 35, 36 (items D-13, D-3, D-11): The project should be responsible for instituting and partially funding a peak period commuter shuttle service between the Palo Alto Caltrain station and the project site. The shuttle could also serve the Menlo Park business park near O'Brien and University and the proposed Ravenswood redevelopment area.

Shuttle service or improved transit connections to the Palo Alto train station should be considered as a candidate TDM measure for this project.

A-48. (C-78) Access design elements should be spelled out in terms of specific proposals.

Caltrans and FHWA have jurisdiction over freeway improvements; the City of East Palo Alto has jurisdiction over local street improvements. Therefore, access design elements will be determined by Caltrans or FHWA.

A-53. (C-83) Page IV-D-34, bottom: The five improvements listed beginning at the bottom of the page are integral with the project and should definitely be included as conditions of approval of the project, contrary to what the immediately preceding paragraph states. Absent any one of the five improvements, severe traffic impacts would be likely to result.

Comment noted. The five improvements referenced do constitute part of the University Centre Project as proposed in the PUD Application.

A-54. (C-6) Construction of a sidewalk on the east side of the University Avenue overcrossing, as stated on page IV-D-19 of the EIR, should be added. The EIR should state how all these improvements will be funded.

Caltrans and FHWA have jurisdiction over improvements to the interchange and should determine if additional pedestrian sidewalks would be warranted. No structural studies have yet been accomplished to determine if the addition of a sidewalk to the east side of the overcrossing is feasible, given the design and age of the facility.

A-55. (C-84) Page IV-D-37, bottom: The proposed improvement for the Embarcadero/East Bayshore intersection in Palo Alto should address if and how a second northbound through lane would be provided once the shared through/left lane were eliminated.

The existing striping, which includes a shared left-and-through lane, requires split phasing of northbound and southbound traffic. Given the small northbound through volume at this location and very high left-turn demand, it is recommended that the shared lane be converted to a left-turn lane by restriping. This in turn would allow overlap phasing to be installed, which would decrease overall density at the intersection.

A-56. (C-85) Page IV-3-38, middle: The improvement at University/Middlefield may be implemented by Palo Alto within the next year, but by restriping rather than by widening. The paragraphs immediately following those describing the University/Middlefield and the Embarcadero/Middlefield improvements apply to the University/Guinda and Embarcadero/East Bayshore improvements as well.

Comment noted. As with the University/Middlefield and Embarcadero/Middlefield intersections, the City of East Palo Alto could work with the City of Palo Alto to study potential improvements and could require a financial contribution to be made toward the cost of agreed-upon improvements, based upon a pro-rata share of impact.

A-57. (C-86) Page IV-D-38, bottom: The improvement described for Embarcadero/Middlefield was considered by Palo Alto during its Citywide Land Use and Transportation Study, and was rejected. This should be noted in the text.

Comment noted.

B-1. (A-32, B-16, C-2, C-28, F-10, F-11, H-6, K-1) The project is not well defined. Throughout the DSEIR, the project being analyzed is referred to as the "University Circle Redevelopment Plan, the University Centre Project," the "Specific Plan" of 700,000 net square feet, and or the "PUD Permit Application" of 604,000 net square feet. The distinction is significant since each of these terms has a separate meaning. Using them interchangeably makes it difficult to determine what the real project is.

As discussed in the response to comment A-32, this Supplemental EIR analyzes the implementation of the University Circle Redevelopment Plan. That plan, together with its implementation, is the "Project" as envisioned by CEQA and the CEQA Guidelines. The "project" studied in this DSEIR is the package of land use approvals defined on page II-4 of the DSEIR as the "Implementing Actions." The adoption of the Specific Plan and the approval of the PUD permit application are both elements of the "Implementing Actions" studied in this Supplemental EIR. CEQA requires that an EIR analyze the "whole of an action" affecting the environment, and CEQA decisional law forbids chopping a large project into numerous small projects for environmental analysis. In accordance with these principles, the DSEIR analyzes the entire package of land use approvals necessary to implement the Redevelopment Plan. Depending on the context of particular sections of the DSEIR, references to different components of the "project" are appropriate and are intended to provide greater specificity than would

general references to the "project." For this reason, references may not be entirely uniform in order to make the DSEIR more intelligible to the public, the City and the Agency.

As discussed on page II-1 of the DSEIR, the Implementing Actions, which are being undertaken in furtherance of the Redevelopment Plan, and the Redevelopment Plan itself, are deemed to constitute a single project for CEQA purposes. The Implementing Actions analyzed in the DSEIR are therefore an extension of the Redevelopment Plan and together with the Redevelopment Plan constitute a single project pursuant to the program EIR format mandated by CEQA.

B-4. (B-13, B-34, C-1, C-22, C-26, C-45, C-66(d), F-17, H-3, H-4) The DSEIR does not specifically identify funding sources to accomplish public improvements for the proposed project, responsible parties to execute said improvements, or the sequencing of actions necessary for completion of identified improvements.

See Response to Comment A-25, above. The DSEIR discusses the need for traffic and transportation infrastructure improvements at pages IV-D-1 through IV-D-5. The analysis in this portion of the text discusses the financing of the proposed improvements by discussing the use of developer contributions, Measure A financing and State Transportation Improvement Plan ("STIP") funds. The DSEIR also describes the roles that Caltrans and local governments will be expected to play in completing the improvements and expected timetables for completion of the improvements.

The commentators do not indicate which financial data is missing from the DSEIR. As discussed above, the financing, scheduling and responsibility for road improvements is discussed at pages IV.D-1 through IV.D-5 of the DSEIR. Funding for additional police services is discussed at pages IV.H-4,5. Improvements to the water supply system, fire protection, sewage, storm drainage and other public service improvements are analyzed fully at pages IV.H-1 through IV.H-14. To the extent that they are predictable, the costs, scheduling and responsibility for completing these improvements is discussed. Moreover, CEQA does not require that an EIR discusses all mitigation measures and the implementation thereof in final detail, so long as the measures proposed are feasible. (See Section 15021 of the CEQA Guidelines). The infrastructure improvements analyzed in the DSEIR are feasible irrespective of whether complete details regarding scheduling, costs and responsibility are yet known or finally allocated. It should be kept in mind that the DSEIR is an informative document rather than a mechanism for imposing mitigation measures, exactions or cost allocations.

B-5. (C-1) Proposed phasing does not require the hotel to be constructed in Phase I, or at any date certain. In the financial analysis on the redevelopment plan, prepared by Katz-Hollis and Associates, the primary long-term revenue source to East Palo Alto to be generated in the proposed project is the hotel.

Comment noted. The phasing of the construction of the hotel and other improvements can be worked out between the City, the Agency and the developer in the DDA, or in the PUD Permit. The absence of a detailed implementation schedule, including phasing of construction of the hotel, however, is not a CEQA issue, and resolution of these issues is not a function of this SEIR.

B-6. (A-33, B-11, B-17, B-18, C-2, C-4, C-24, C-29, F-11, H-8, H-9, I-15) The reduced project analyzes a net square footage proposal of 700,000 square feet. This could substantially understate impacts on traffic, parking, utilities, etc., which are normally evaluated on a gross-square-footage basis. The previous document seemed to be analyzing gross square footage. "Translating" this document into gross square footage may increase the project size up to 1,000,000 square feet.

See Response to Comments A-32 and B-1, above. As noted in Response A-32, the DSEIR analyzed the proposed development in terms of "gross" square footage, despite references to "net" square footage in the Specific Plan. Translating the Specific Plan into gross square footage may well increase the apparent maximum potential size of the project, but the project's actual traffic, parking, housing, safety, noise, population, visibility and other impacts studied in the DSEIR will be neither greater nor smaller merely because the project was described in "gross" terms. "Gross" measurements may be more useful for describing impacts associated with potential visual impacts associated with a structure's bulk (e.g. visual impacts) than are "net" measurements, but such visual impacts are best analyzed, as was done in the DSEIR, by reference to actual dimensions, building height, building pad size characteristics and landscaping requirements, as set forth in the PUD Permit Application, rather than by gross square footage assumptions. The DSEIR analysis is sufficient for approval of the proposed PUD Permit, but approval of a substantially larger development would require additional environmental assessment under CEQA.

B-7. (B-12, B-30, C-3, C-41, F-11, H-20, H-21) The reduction in visual and aesthetic impacts anticipated with the proposed project may not fully materialize, given that the mass and scale of the project could increase up to 25 percent with gross square footage projections. While the number of proposed floors has been reduced from 17 to 12, building heights are shown to be approximately 200 feet, for an average floor height of 16.5 feet. This compares to a normal commercial floor height of 10 to 11 feet. The overall height of any building cannot exceed 230 feet above grade in order not to violate ALUC height restraints. The height limits should be specified in feet in the DSEIR and the Specific Plan.

The DSEIR examines the potential visual impacts associated with development of twin twelve-story structures with heights of up to 205 feet as proposed in the PUD Permit application. The building height studied in the DSEIR, as compared with the building heights analyzed in the Program EIR, is significantly lower and will have proportionately smaller impacts than the structures analyzed in the Program EIR. This is specifically to mitigate the potential visual impacts noted in the Program EIR for

Level 2 or Level 3 development. The total bulk of a building, which is related directly to the building's height, design and the area of its building pad, are the primary determinants of visual impacts. The Specific Plan contains restrictions on building pad size by imposing setback and landscape requirements and also contains a 12-story, 220 foot limitation on building heights. Visual impacts should therefore be judged on the basis of the building dimensions contained in the PUD Permit Application that relate to bulk rather than on the basis of the interior ceiling heights.

The average floor heights for office buildings which have more than three to four floors is 12'9" to 13'6". This is because taller buildings require structural beams above the ceiling of each floor that can be anywhere from 18" to 36" tall. There must also be room for HVAC and mechanical systems to go in underneath the beams. Most office ceilings are 9' in height. Therefore, each floor is going to be approximately 12'9" to 13'6". The University Centre Project as proposed and described in the PUD Permit application has an 18' tall first floor. This is due to architectural considerations, since the higher ceiling height on the first floor provides the appearance of a "base" to the building. It also helps enhance the appearance and function of lobbies and retail spaces and creates a more attractive appearance. The mechanical enclosure at the top of the building is approximately 39'4" high to its highest point. The enclosure at the top is also in part an architectural feature which finishes the mechanical equipment on the roof in an architecturally integrated, peaked enclosure. Although a shorter building could be constructed and still contain 12 floors, the only real "excess" height is in the first floor and the mechanical enclosure on the top of the building. These design features do not add significantly to the visual impact of the buildings. In fact, as a part of the unified architecture of the proposed structures, these design features clearly are intended to improve the visual quality of the buildings and therefore to mitigate adverse visual effects.

The overall building heights, including mechanical penthouses, spires, antennas and flagpoles must not exceed 230 feet in order to comply with the Palo Alto ALUC restrictions. Figure 6 of the Draft Specific Plan imposes a 220 foot building height limit, which is within the ALUC height limitations.

B-8. (B-12, B-28, B-29, B-35, C-25, C-40, C-46, F-11, I-14) Specific development parameters normally identified in the specific plan process are not included in the proposed Specific Plan and are, therefore, not analyzed in the DSEIR. These include maximum building heights, minimum parking requirements, set back requirements, etc. The Specific Plan reference to a 12 story maximum would be easily achievable in commercial buildings within a 150 foot height; however, 200+ foot heights are referred to throughout the DSEIR. The only building step back requirement is imposed above a 150 foot building height.

Comment noted. This comment addresses the legislative merit of the proposed Specific Plan rather than any environmental issues inherent in its adoption.

As discussed on pages III-1 and IV.L-8, the Specific Plan would authorize construction of buildings with heights of up to 12 stories, exclusive of mechanical penthouses, antennas, spires, flagpoles and similar structures. Figure 6 of the draft Specific Plan limits building heights to 220 feet. This proposed Specific Plan is intended to be a broad policy document rather than a detailed regulatory, document, and it is permissible to express building height limits in terms of stories rather than feet. See Government Code § 65451. The Specific Plan expresses height restraints in both forms. The Specific Plan draft implicitly considers building step back requirements for structures of heights less than 150 feet to be aesthetically unnecessary.

The purpose of a specific plan is to translate and apply general land use policies expressed in the General Plan to a specific area. Some of the policies in the Specific Plan are general rather than specific. However, the Specific Plan studied in the DSEIR does include many specific quantifiable standards, such as the types of uses permissible in the Specific Plan area, and building height, floor area, lot size, building setback and landscaping requirements. The draft Specific Plan is drafted to accommodate both the general development policies appropriate for a Specific Plan as well as appropriate quantifiable standards.

B-9. (F-10) The PUD Permit application is not part of the DSEIR, and has not been made available to the public. The DSEIR should be revised to incorporate an analysis of the PUD Permit application.

The PUD Permit is one of the Implementing Actions explicitly comprising the subject of the DSEIR, as set forth on page II-4 of the DSEIR. The actual application forms and documents submitted by DeMonet Industries are on file in the Planning Department of the City of East Palo Alto and are available to the public and to interested public agencies. The relevant physical and other characteristics of the structures defined in the PUD Permit application are described and analyzed fully in the DSEIR, and therefore no revision is necessary for the purpose of incorporating the PUD Permit application. Refer also to response F-10 for further explanation.

B-14. (B-15, I-45, C-27) East Palo Alto should consider alternative locations for the Project, and the Redevelopment Plan's adoption should be reconsidered in the light of those alternatives. The DSEIR does present a variety of alternative locations. But it does not purport to be a basis for the reconsideration of the Redevelopment Plan and the DSEIR in effect concedes that this is a meaningless exercise once a Redevelopment Plan has already been adopted and the development proposed is that which should take place within an area slated for redevelopment. This presentation of alternatives in a context in which they cannot be meaningfully considered by decision-makers does not comply with CEQA.

As discussed in Section V of the DSEIR, California Redevelopment Law and recent judicial interpretations of CEQA are in apparent conflict with respect to whether an EIR analyzing actions implementing an adopted Redevelopment Plan must

analyze alternative sites. Under redevelopment law, a redevelopment agency can exercise its authority only over areas in which "blight" has been factually determined to exist. The limitations of Redevelopment Law thus impose an unavoidable limit on "alternative" locations for activities to eliminate blight under the California Redevelopment Law. The statutory powers to assemble land and provide tax incremental funding assistance, rendering projects more feasible or likely, are factors that the City properly can consider among many factors relevant in determining which alternative development sites are suitable. Despite the limitations on site selection mandated by Redevelopment Law, the DSEIR does analyze alternative sites for the project.

The commentator has incorrectly suggested that the analysis of alternative sites in the DSEIR is an empty exercise. Since CEQA requires analysis of alternatives, primarily as a good faith basis for comparisons with the proposed site on its planning and public policy merits, the DSEIR analysis is valuable. The DSEIR analyzes the off-site alternatives in light of the relative environmental impacts and legal impediments that arise from the requirements of the Redevelopment Law. The "context" of the consideration of alternative sites (i.e., the redevelopment context) may render such analysis technically unnecessary, but the analysis set forth in the DSEIR nevertheless is intended to serve a useful purpose in informing the decision-makers and the public of the comparative merits of different sites for comparable development.

B-18. (C-30) The amount of parking for the project does not appear to be adequate to prevent spill over parking to adjacent streets. The criteria for parking requirements of 4 per 1,000 square feet for office, 5 per 1,000 square feet for retail, and 1 per room plus 1 per 50 square feet of meeting space are acceptable, however, the analysis of parking impacts should be based on gross square footage of all facilities and not net leasable areas. Allowance for shared use of parking facilities would only decrease the parking by a limited allowance for hotel rooms, as the banquet, conference and restaurant facilities would be considered as a concurrent use with the office and commercial spaces.

The parking standards used in the DSEIR are based on net leasable area, as required in the University Circle Specific Plan. Net leasable area determines the amount of activity that will generate the need for parking activities, so that entry ways, bathrooms, corridors, and mechanical spaces are not considered. In addition, the Institute of Transportation Engineers, (ITE) Parking Demand Manual uses a rate of 2.79 spaces per 1,000 gross square feet or 3.3 spaces per net floor area for office use, and .81 space per room for non-convention hotel use. The Urban Land Institute (ULI) uses 3.80 spaces per 1,000 gross square feet, or 4.4 spaces per net floor area for retail use. As such, the parking standards set by the City of East Palo Alto are very conservative, and generally apply to "stand alone" uses. The ULI Shared Parking Manual recognizes the potential for shared parking between office and hotel uses, considering the peak parking demand for office use occurs during the weekday hours of

8:00 a.m. to 6:00 p.m., and the peak parking demand for hotels occurs during the evening hours of 8:00 p.m. to 11:00 p.m.

B-24. (C-36, AA-2, AA-5, AA-6) Traffic impacts and street improvements on the east side of University Avenue should be analyzed. A significant amount of traffic is carried on such streets as Scofield Avenue, West Bayshore, Woodland and the Newell Street bridge, most of which are in poor condition.

The DSEIR examined streets and intersections, including those East of University Avenue, that are representative of the area that may experience detrimental traffic effects. Although it is possible that other streets would experience an increase in traffic volumes as a result of the project, the DSEIR addresses impacts on streets that would be most significantly affected by the project. Lincoln and Woodland, which are found east of University Avenue, for example, are analyzed on pages IV.D-11 and IV.D-26, 27 of the DSEIR. The analysis in the DSEIR is adequate to describe area-wide impacts even though not all the streets mentioned in the comment were discussed in detail.

B-25. (C-37) The analysis of the wastewater capacity of the Regional Water Quality Control Plan is not adequate. The analysis should include the impact of this project and other projects proposed in the City of East Palo Alto. Although the Regional Water Quality Control Plant is designed for 38 million gallons per day (MGD) capacity, recently imposed mass limitations on effluent metals will limit the capacity of the plant to some (undetermined) lower value, since the mass limits are based on existing flows which are under 25 MGD. When the flow goes up in wetter years, the plan may exceed the mass limits, and restrictions on East Palo Alto Sanitary District's volume allocation could result in less than their present allocation of 2.9 MGD. The collection system in East Palo Alto has suffered severe infiltration during wet years in the past.

The combined wastewater generation of the Ravenswood and University Circle Redevelopment plans is expected to be .318 million gallons per day (Ravenswood Industrial Area Redevelopment Plan Draft Environmental Impact Report). As stated in the DSEIR, East Palo Alto has an allocation of 2.9 mgd, and currently uses 1.9 mgd. This leaves an unused capacity of 1 mgd, which is more than adequate for the combined projects. The cumulative projects list includes 145 housing units which would have a less than significant impact on the remaining 1 mgd unused sewer treatment capacity. These projects constitute the projects which are under current environmental review in the City of East Palo Alto.

B-26. (C-38, H-24, I-40) Any proposal for underground parking must consider groundwater levels in this area. Construction of such parking could necessitate constant pumping of groundwater in the drainage system unless the parking structure is constructed in a waterproof manner. Pumping is not favored because of the possible impacts including ground subsidence, the creation of groundwater plumes, the impact

on storm drainage systems and the possibility that the pumped water would have to be treated through the sanitary sewer system.

The subsurface garages are not expected to require pumping as a result of flooding. Flooding of the garage is to be avoided by the construction of berms near the garage entrances to divert water.

B-27. (C-39, F-24, H-23, H-35, I-36) Page IV.H-7 of the DSEIR indicates that an "almost unlimited supply of water is available in the Hetch Hetchy Aqueduct to be purchased from the City of San Francisco." This statement is not true. The DSEIR should also examine the effects of drought and the impacts of the project on water resources. New projects should be required to provide for water conservation measures.

Comment noted. The statement that there is an "almost unlimited supply of water available from the Hetch Hetchy Aqueduct" is an overstatement. Based on a phone conversation with Robert Frame of the San Mateo County Water Works, there is currently no limit on the quantity of water the City of East Palo Alto may purchase from the aqueduct in a year with normal rainfall. However, the water delivery system for Hetch Hetchy water is expected to reach capacity in ten years.

During drought years residents and businesses in East Palo Alto are required to conserve water or face severe financial penalties. Financial penalties are based on the amount of water used over previous water use data. Water use penalties can amount to an increase of \$3 per water unit (748 gallons) used over the allocated amount. For new projects the San Mateo County Public Works Department bases the water allotment on the projected need. Bob Frame of the San Mateo County Public Works Department encourages new development to use low water use landscaping, low flow faucets and shower heads, and recycle water in cooling systems where possible. In Mr. Frames opinion a project that incorporates these measures is making an adequate effort to minimize water use during drought periods (Frame May 1990).

The landscaping for the project is designed to be water conserving. The only species of trees in the landscape plan that are not water conserving are magnolias and maples. These two species are used only as accent trees and comprise less than 35 of the tree specimens on the site. All the other trees and shrubs that are to be used on the site will be selected from those plants listed in the "Water Conserving Plants and Landscapes for the Bay Area" by East Bay Municipal Water District, 1990. Refer also to Comment J-25.

B-31. (C-42) The DSEIR should consider the impacts of using such products as mirror or highly reflective glass for the exterior of the building.

The use of mirror glass or highly reflective glass is a visibility impact subsumed by the analysis of impact L-1, discussed at page IV.L-7. As discussed in page IV.L-7,

visual impacts resulting from the construction of the twelve-story buildings would be significant. The use of highly reflective glass might exacerbate visual impacts, but these impacts may be significant even if non-reflective glass is used. Highly reflective glass also may have beneficial aesthetic effects, because from most perspectives, reflective glass will mirror the sky, giving the visual impression that the building is part of the landscape. The Specific Plan provides that project applicants satisfy the requirement that no uses on the project site shall cause intense light or glare creating a nuisance or hazard to aircraft. Building materials can be evaluated against this standard. As an intrinsic feature of the project, no mitigation monitoring measures are required.

C-5. (C-12, I-38, I-39) The section on groundwater does not discuss the effects the Project will have on the groundwater. The water table in the general area of the Project Site is relatively high. Excavation for foundations and any other underground facilities, such as underground parking, will require pumping underground water into the drainage system. This could adversely affect the existing drainage system. The DSEIR should also discuss the potential for flooding in terms of a 25 year or 100 year flood.

Development under the proposed Implementing Actions would not increase the amount of impermeable surfaces found in the Project Area. Therefore no increase in the volume of water draining of the Project Area is anticipated as a result of redevelopment. The DSEIR discusses the flood plain and 100 year flood impacts on page IV.H-13. As discussed therein, the Implementing Actions call for upgrading the storm drainage system to improve the drainage capacity for the area. 25 and 50 year flood impacts would be less severe than the 100 year floods described in the DSEIR.

C-7. (C-19) Recycling and conservation measures are not discussed in the DSEIR.

The DSEIR has not discussed recycling and conservation efforts because most recycling efforts are not yet commercially feasible means of mitigating environmental impacts. There are numerous recycling centers in San Mateo County and Santa Clara County that will purchase aluminum, cardboard, white paper, newspaper, and glass. Recycling efforts for the Specific Plan area could be coordinated through a building manager. The value of many recycled materials will assure that materials will be picked up at no cost if access is provided to the sorted materials.

C-8. Page III-4, item A-2 – The identified mitigation measure bears no clear relationship with the identified cumulative impact. Further, the Draft EIR should address the timing of housing developed through the use of the 20% tax increment funding.

As discussed in section IV.A of the main text of the DSEIR, the potential housing impacts attributable to the project can be mitigated to levels of insignificance

by use of 20 percent of the tax increment for replacement of low and moderate income housing.

C-9. (E-21, W-6) How will the employment of East Palo Alto residents be maximized under the proposed redevelopment plan? The DSEIR should discuss the necessity for job training and should analyze mitigation measures including developer financed training programs.

Job training programs are to be determined by the City of East Palo Alto and the means of maximizing the employment of local residents will be described in developer agreements with the City of Agency and in the findings of fact when this EIR is certified by the City of East Palo Alto. Refer also to response E-7, below.

C-10. The Draft EIR should address on Page III-4 and 5, items C-1, C-2 and C-3, the issue of regional jobs-housing impacts as well as the cumulative impacts for jobs generated by all proposed projects within East Palo Alto.

The pages referenced by the commentator are to the summary section of the DSEIR, which is intended to provide a brief synopsis of the significant potential impacts and mitigation measures. Readers desiring more information should look to page IV.C-1 through IV.C-4 of the DSEIR. The DSEIR examined the cumulative impacts on employment of all the projects listed in Appendix "G" of the DSEIR, which represents all reasonably foreseeable future regional projects that may cause significant employment and housing impacts. Analysis of "all" projects proposed in the City is infeasible and not required under CEQA.

C-11. (E-20, M-5, M-22) The DSEIR should identify which existing businesses and associated employees will stay. The project is likely to reduce the number of jobs for local residents.

The City of East Palo Alto Redevelopment Agency is in the process of surveying existing businesses in the Project Area as part of the relocation process implemented by the Agency. The results of the survey will indicate which businesses and associated employees wish to stay. The Agency's Relocation Plan will address this issue in accordance with City policy considerations.

C-13. (F-19) The visual impacts of the proposed project are significant, and the Draft EIR should evaluate the mitigation measure of reducing the building heights.

The DSEIR concludes that the potential visual impacts of the twelve-story buildings on residents of Menlo Park and Palo Alto are insignificant because vegetation provides adequate screening. (See impact L-2 at page IV.L-7). The visual impacts of the structures likely to be experienced by most Menlo Park and Palo Alto residents are expected to be minimal. It should be noted that the reduction in height to 12 stories and the setbacks and tapering of the proposed University Centre Project is itself a

mitigation in accordance with the recommended mitigations in Section V-L of the Program EIR. The visibility study conducted by EDAW Inc., which was based on a projected 275 foot high building, indicates that a 205 foot high building would be largely unnoticeable to most nearby residents. For these reasons, the DSEIR concludes that potential visual impacts to Palo Alto and Menlo Park residents will be insignificant and therefore require no mitigation measures.

The DSEIR discusses visibility impacts to nearby residents in impact L-1. The impacts to nearby residents may be significant and unmitigable. The DSEIR analyzes a reduced scale, 356,000 square feet alternative featuring six story buildings. The DSEIR concluded that such an alternative would reduce the visibility impacts of the buildings.

C-14. On page III-15, Item L-5, the effectiveness of vegetative screens should be analyzed in greater detail, including the impact of the underground parking garage on existing and future vegetation.

The DSEIR does not discuss in detail in the Summary Section all characteristics of the potential impacts and mitigation measures of the Project. Readers should refer to the text of the DSEIR where these issues are discussed in more detail. The underground garage should not impact future vegetation because more deeply rooted plants will be located away from the foundation. Where plants are placed on or near structures, appropriate containers will be provided to contain the plant. Most of the existing vegetation on the site must be removed for construction. The Parking Garage design as shown in the PD Permit Application allows deep rooted trees only in areas located a substantial distance from the underground garage and as a consequence the larger trees will not intrude on the underground parking facilities. The underground garage is mainly under the 2 office buildings. These vegetative screens will reduce the visibility of the buildings from nearby residents. Refer also to comment C-43.

C-16. (I-35, K-7) Page IV.H-1 of the DSEIR refers to homicides in "Palo Alto" when in fact it should read "East Palo Alto."

The comment is correct. The sentence should read " . . . 16 homicides in the City of East Palo Alto in 1989, (85 per 100,000)"

C-17. (C-18, I-37) The wording on page IV.H-11 should be clarified; what is meant by the references to "unlimited" and a "two year" solid waste capacity? Analysis of the Aponolio Canyon landfill facility should be included in the DSEIR.

The DSEIR states erroneously that the Ox Mountain landfill facility has "unlimited" capacity. The Ox Mountain landfill is expected to reach capacity in two years. According to Mr. Larry Kold, the staff recommendation of the Regional Water Quality Control Board, Oakland (RWQCB), will indicate that the permit should not be granted for the Aponolio Canyon fill site. However, Mr. Kold indicated that the existing Ox Mountain land fill in Half Moon Bay will be expanded if the Aponolio

permit is denied. According to Mr. Kold, one or the other land fill site will be permitted in the next two years, meaning that there will be land fill capacity for the next 16 to 20 years.

C-20. (F-13, I-9, I-13, I-19, J-27, I-20) The Alternatives section should analyze a reduced scale alternative consisting of the hotel and reduced amounts of office development.

Under CEQA an EIR must analyze a "reasonable range" of alternatives to the proposed project. The DSEIR considers both a "no project" alternative and a "reduced scale" alternative as well as five alternative sites. The "reduced scale" alternative analyzes the potential impacts that a lower density, development project, including commercial and retail uses, (but not hotel uses), would have. This alternative was selected as a compromise between reducing environmental impacts and furthering the City's economic and planning goals of revitalizing the redevelopment area. The City's goal of increasing commercial development caused the Agency to consider pure commercial and retail development over hotel uses in its analysis of alternatives. A hotel, as contemplated for the preferred project, requires a large commercial base to support it. The Agency concluded that if the commercial base was reduced significantly, hotel construction would be economically infeasible given the high costs of redevelopment, including land acquisition and relocation expenses. In light of the City's preference for commercial development and the economic infeasibility of supporting a hotel without a substantial commercial base, the Agency analyzed a reduced scale alternative without a hotel component. Under the circumstances, the Agency's decision was reasonable and the "no project" and "reduced scale" projects discussed in the DSEIR comprise a "reasonable range" of alternatives. See also response to comment F-13.

C-21. The cumulative job growth for Palo Alto and Stanford appears not to recognize that numerous approved and potential developments involve the replacement of existing non-residential buildings and thus a substantially lower net growth in jobs.

Comment noted. If the job growth for Palo Alto and Stanford is lower than anticipated, regional housing supply shortages will be less severe than indicated in the DSEIR and will therefore require less mitigation.

C-43. (B-32) The vegetation along San Francisquito Creek should not be considered as a mitigation in screening the proposed buildings. Future flood control projects may require the removal of significant amounts of the existing vegetation, thus exposing the project to adjacent single family homes.

Comment noted. Existing vegetation along San Francisquito Creek is an existing condition preventing the necessity for mitigation of visual impacts of the proposed buildings to the extent they are screened by this vegetation. There are no plans at this time for flood control projects along the creek that would remove the existing

vegetation. Future development projects of a wide range may impact the project; however, the DSEIR can only consider the reasonably foreseeable projects available to public review. Any future flood project must analyze the environmental effect of removing existing vegetation and may impose appropriate mitigations.

C-78. (A-47, B-23, C-35, F-30, H-15, H-34, L-4, X-3) The TDM program should be considered as a mandatory mitigation measure, given the significant impacts mentioned under comments for pages IV-D-28 and 30, and considering the upcoming regional mandatory transportation control measures. Access design elements should be spelled out in terms of specific proposals.

The DSEIR, like all EIRs, is intended to provide relevant environmental information and to suggest ways in which the decision-making body charged with approving a project can reduce significant adverse effects of the project on the environment. An EIR has no authority to require the approving body to take any particular action or adopt mitigation measures, but can only recommend and analyze such actions or measures. The City of East Palo Alto may require adoption of a TDM program, but the DSEIR does not by itself have authority to require that the City impose a TDM as a mitigation measure.

D-1. I haven't had a chance to review the Supplemental Environmental Impact Report. Notwithstanding, I am certainly happy to see that it is finally out.

Comment noted.

D-2. To the extent that the Supplemental EIR is consistent with the original Redevelopment Plan, I support it enthusiastically. To the extent that it is not, I support it with the City's commitment to making changes that would be designed to make sure that it does, in fact, implement your general plan.

Comment noted.

E-1. (U-1) The DSEIR should address the issue of impact on the community—loss of community access and community-oriented businesses, businesses that have been servicing the community on a personal level that could possibly be eradicated.

Comment noted.

Community businesses displaced by the Redevelopment Plan may be provided with new business opportunities under the Relocation Plan. The DSEIR states that impacts to any businesses forced to relocate can be mitigated by exploring alternative sites for relocating businesses. (See Mitigation A-1 of the DSEIR). Further analysis of the business and residential Relocation Plan is included below in response E-8.

The DSEIR analyzes environmental issues rather than sociological issues. Under section 15064(f) of the CEQA Guidelines, "social changes resulting from a project shall not be treated as significant effects on the environment." Unless a physical (i.e., environmental) change results from a social change, sociological impacts are not significant for CEQA purposes.

E-2. (E-1, E-28, S-10, U-2) The DSEIR should address the issue of articulated policies to support and nurture the small businesses within the community. What is needed in the City of East Palo Alto are more businesses that serve the needs of East Palo Alto residents, not fewer, in order to capture more of this money for reinvestment in the community and to increase the sales tax revenue to the City. The retail outlets that are likely to find a place in the retail component of the completed University Centre Project are more likely to address the needs of the largely upscale visitor staying in the associated luxury hotel and twin office towers than they are the more modest needs of the residents of East Palo Alto.

As discussed in the DSEIR and the Program EIR, the City is required by law to provide relocation assistance for both residential owners and businesses that will be displaced by redevelopment. The relocation plan will help to assure that businesses currently operating on the project site will continue to operate at different locations throughout the area. Further analysis of the business relocation plan is provided in the response to comment E-8.

The City considered the relative advantage of undertaking no redevelopment activities in the redevelopment area. The Program EIR considered different hypothetical levels of development for the project area, including no redevelopment activities.

E-3. (E-13, S-4, S-16, S-17, U-3, CC-4) There is no financial analysis of the project, comparing it with the financial return of other kinds of projects.

Financial analysis, which technically need not be included in an EIR, was performed at the time of the adoption of the Redevelopment Plan. Retail uses have not flourished in the Project Area historically, contributing to the blighted conditions found in the area.

E-4. (E-22, U-4) The DSEIR should discuss guaranteeing current tenants and owners preference within the University Circle Project.

Comment noted. This comment raises no environmental issues. The DDA, the terms of which will be negotiated by the developer, the City and the Agency may consider guaranteeing current owners and tenants preferences within the University Centre facility.

E-5. The plans for the University freeway overcrossing included lopping off one leaf of the cloverleaf. That stretch of University Avenue is a fairly serious traffic mess today. If one leaf of the cloverleaf gets lopped off, we're going to have an even bigger mess.

Comment noted. Reconfiguring the "one leaf of the cloverleaf" will improve existing traffic conditions. Refer to Response to Comment A-5.

E-6. I strongly urge you to reconsider those plans and make a full eight-way cloverleaf so that we don't have to have crossing traffic to tie us up for years to come.

Comment noted. Refer to Response to Comment A-23.

E-7. (E-10, E-22, E-29, F-20, I-27, I-28, S-1, S-8, S-9, U-4, W-7, Z-6, CC-1) There are no provisions for a job set-aside for East Palo Alto residents in the post-construction phase of the project.

As discussed on page IV.C-2 of the DSEIR, the University Center Project will provide an estimated 2,031 jobs. The DSEIR concluded that the project will not have significant adverse impacts on employment. Nonetheless, in order to provide decision makers with additional information, the DSEIR suggests that the Agency should seek to maximize the number of local residents in new jobs created by the project by implementing a local hiring or training program for local residents. A job set-aside program is a policy issue to be determined by the Agency and City in the negotiation of the DDA.

The City has established a Jobs Training Program, a First-Source Local Hiring Program and a Minority Business Incubation Program, and requires compliance with all three programs by every public and private developer desiring to do business with the City.

E-8. (E-2, E-9, E-11, E-12, E-26, E-27, S-2, S-3, S-7, S-11, S-12, S-14, W-5, CC-2, CC-3) The DSEIR should discuss the details of the business and residential relocation plans which are discussed in broad terms in the DSEIR as a mitigation measure for persons and businesses displaced by the redevelopment project.

Construction of University Centre will result in the displacement of 96 residential units and approximately fifty (50) businesses within the Specific Plan Project Area. Section 33413.5 of the California Redevelopment Law requires that, thirty (30) days prior to its consideration of the Disposition and Development Agreement ("DDA") with the Developer, the Agency must adopt a Replacement Housing Plan ("Plan"). The contents of the Plan are mandated by statute, and the Plan provides that, among other requirements, not later than four years after displacement, the Agency must provide for the construction of at least one dwelling unit to replace each dwelling unit displaced. The draft Plan was submitted to the PAC, the Department of Housing and Community

Development, local housing agencies and the public for the required thirty-day review period on April 2, 1990. The Agency considered and approved a final Plan on May 29, 1990.

The Agency also is required by the California Redevelopment Law to adopt Relocation Plans for those residential and business persons displaced from the Specific Plan Project Area. Section 6038 of the California Relocation Assistance and Real Property Acquisition Guidelines, which were adopted by the Agency in April, 1990, provides that the Relocation Plans are required to be in place prior to commencement of any phase of the University Centre Project that will result in displacement.

E-15. (S-6, S-18, CC-6, CC-7, CC-8, CC-9) California redevelopment law mandates that the University Circle housing PAC should be working with you on an ongoing basis and improving different stages of the redevelopment process. They haven't even been able to have quorums at many of their meetings.

Comment noted.

E-16. (W-1) A specific analysis needs to be made on the profile of the unemployed and underemployed in the City, in order to truly determine whether or not available jobs for City residents will or will not increase, and what type of training if any will prepare the residents to be employed.

Comment noted. The Program EIR analyzed the known empirical data regarding the current employment characteristics of East Palo Alto residents. This data has not changed significantly since the Program EIR was circulated for public review, and the DSEIR accordingly does not address this issue in detail. General analysis of the employment setting is located at page IV.C-1 of the DSEIR.

E-17. (W-2) Wages for the projected jobs should be analyzed to evaluate the impact on the community.

Current statistical methodology will not predict accurately the expected wages for jobs projected to be added by the University Centre project. The California State Employment Development Department (EDD) produces an "Area Wage Survey"; the results of this survey indicate that reliable wage estimates cannot be reported by broad employment categories such as those reported in Table IV.C-1 of the DSEIR, page IV.C-3 (Gross, May, 1990). Within the clerical category weekly wage rates range from \$300 to \$600 per week. For computer operators, systems analysts, and programmers, wages ranged from \$600 to \$1,100 per week. As wages are based on varied job descriptions, employee performance, and employee education, it is our conclusion that reliable wage data cannot be applied to the broad professional categories reported in the DSEIR.

E-18. (W-3) What is the expected timeline between the relocation of local businesses and residents and the completion of the project, and how will this impact local employees?

Timelines will be driven in part by the date the developer acquires title to the land and other factors relating to financing of the project, etc. The DDA and the City's Relocation Plan will set forth the City's objectives for relocation. Construction of the first building is expected to take about 20 months, and the first occupants could locate in the building in early 1992, assuming construction is commenced at the beginning of the second quarter of 1991. Full buildout of the Specific Plan Area could take between two to four years. Various construction workers could be employed on the site from two to four years.

E-19. (W-4) How will the business incubator program relate to employment?

The business incubator program is intended to support locally operated businesses that provide jobs in the City of East Palo Alto. To the extent that the business incubator program will encourage the growth and success of local businesses, local jobs will be supported.

E-23. (E-24, E-25) One of the issues that I've heard Menlo Park and Palo Alto representatives bring up is the issue of floor area ratio, or what we call FAR. The University Centre project is a 1.4-to-1 FAR, and I've heard comments made to the effect that this is a very high FAR and that East Palo Alto should consider the propriety of considering a proposal of that level. So I went and did a little bit of homework in Palo Alto to just bring to light the kinds of things that these neighboring communities are doing. One of the projects they recently approved on University Avenue is almost a 2-to-1 FAR. One of them is actually more than a 2-to-1 FAR. I think it's appropriate to consider the fact that this project is actually much less dense than these projects that Palo Alto has been approving and will provide a substantially greater amount of benefits to the City of East Palo Alto than those projects have provided to Palo Alto.

Comment noted.

E-30. Redevelopment money stays in the project area for some long period of time, 20 years or something like that.

Comment noted.

F-1. The proposed Specific Plan does not cure the defects in the General Plan or in the adoption of the Redevelopment Plan, and the draft SEIR fails to comply with the California Environmental Quality Act ("CEQA").

Comment noted. Detailed responses to the comments alleging specific deficiencies in the DSEIR are discussed below.

F-2. The Association is not opposed to development in Whiskey Gulch. However, the planning process for Whiskey Gulch should respond to community needs rather than the needs of a particular development.

Comment noted.

F-3. We urge the Redevelopment Agency and City County to amend the General Plan and reconsider the Redevelopment Plan on the basis of a sound environmental document prior to considering the proposed project. The law requires this approach by mandating consistency of inferior enactments (such as development plans, specific plans, zoning, and project approvals) with a legally adequate general plan.

Comment noted. The General Plan will be amended prior to or concurrently with the adoption of the Specific Plan. The Specific Plan, rezoning ordinance, PUD permit and other inferior legislation and approvals will be consistent with the amended General Plan. The proposed General Plan is summarized at Page IV.A-3 of the DSEIR.

F-4. (H-32) The draft SEIR is deficient in numerous respects. Some of these defects, described in more detail below, include an inadequate project description, an inadequate discussion of alternatives, mitigation measures that are deferred to future studies, failure to propose mitigation measures for significant impacts, and inadequate analyses of impacts related to traffic, schools, housing, cumulative and growth-inducing impacts. We request that the SEIR be recirculated for additional public comment as the responses to comments will undoubtedly contain important new information.

Comment noted. The alleged deficiencies of the draft SEIR are discussed individually in the responses to specific comments. It is impossible for the commentator to judge whether the responses to comments may contain important new information requiring recirculation.

F-5. (F-6, F-7) The General Plan and Specific Plan are vague and lacking in standards. The land use element of the General Plan lacks sufficient standards to guide commercial development as required under section 65302(a) of the Government Code; hence, it is legally inadequate.

The commentator has not alleged any specific inadequacies in the General Plan, which is consistent with Government Code Section 65302. It is impossible to respond to such a general criticism.

F-8. The Specific Plan and Redevelopment Plan are inconsistent with the General Plan. To the extent that the East Palo Alto General Plan provides standards for commercial development, it recommends small scale retail and multiple family uses in the project area, whereas the proposed project as described in both the Specific Plan and Redevelopment Plan is a large scale, high-rise office and commercial development.

The East Palo Alto General Plan shall be amended prior to or simultaneously with the approval of the other Implementing Actions so that all inferior legislative and administrative approvals are consistent with the General Plan. The proposed General Plan Amendment is summarized at page IV.A-3 of the DSEIR.

F-9. Although the draft SEIR alludes to the need for General Plan amendments, none are proposed. Furthermore, it is impermissible to cure inconsistencies by amending the General Plan to conform to lesser ordinances and plans.

A General Plan amendment is proposed as part of the Implementing Actions and is discussed at page IV.A-3 of the DSEIR. General plans may be amended to authorize changes in zoning and other land use ordinances. A city may not enact ordinances inconsistent with the General Plan, but a city can amend the General Plan to authorize changes in land use regulations authorizing higher density development.

F-10. (B-9) Although the draft SEIR acknowledges the existence of a specific proposed development requiring General Plan amendments and PUD zoning, the project description does not provide the language of the proposed amendments or PUD ordinance, making analysis of potential impacts impossible. Nor does the SEIR contain the PUD application, engineering study, other pertinent documents submitted by the applicant, or development-related agreements, which may contain specifics of the project that are essential to a thorough environmental analysis.

Refer to Comment B-9. The DSEIR need not include the text of proposed land use regulations and amendments. The General Plan amendment is summarized on page IV.A-3 of the DSEIR. Section 15124 of the CEQA Guidelines requires that the project description contain the following items: a map showing the location of the project, a statement of the objectives sought, a general description of the project's technical, economic and environmental characteristics, and a brief statement describing the intended uses of the EIR. Section 15124 provides further that the description "shall not supply extensive detail beyond that needed for evaluation and review of the environmental impact." The "Implementing Actions" are described in page II-3 of the DSEIR and the text in the DSEIR describes the general development parameters. The architectural drawings that are included in the DSEIR provide visual depictions of the proposed project. The DSEIR therefore is not required to include the actual documents themselves. Interested persons are also free to examine the specific documents, which are on file with the City of East Palo Alto, submitted in connection with the University Centre application.

F-13. (I-9, I-13, I-44, F-12) The alternatives reviewed in the draft SEIR do not represent a reasonable range of alternatives as required by CEQA. The draft SEIR fails to include feasible alternatives that will both accomplish City goals and address environmental concerns. For example, the draft SEIR does not examine a reduced size alternative of any sort that includes a hotel component which would contribute transient occupancy tax revenues to the City. Nor does the draft SEIR examine other alternative land uses such as housing.

See response to comment C-20. CEQA requires that the Lead Agency charged with preparing an EIR analyze a reasonable range of alternatives "which could feasibly obtain the basic objectives of the project." The City's primary objectives in undertaking redevelopment is to eliminate urban blight, to generate new commercial activity, to provide East Palo Alto residents with new employment opportunities and to enhance the City's tax revenues in order to finance City services. The City's redevelopment objectives are discussed comprehensively in the Program EIR and need not be repeated at length here. The Program EIR documents the pervasive social and economic problems of the City, and the University Centre redevelopment project proposed in this DSEIR is intended to implement those redevelopment goals.

The DSEIR examined two on-site alternatives, a "no-project" alternative and a "reduced scale" alternative, as well as five alternative location projects. The Redevelopment Agency selected the reduced scale alternative as a "compromise" level of development offering relatively fewer environmental impacts but also fewer economic benefits and commercial feasibility. The enormous land acquisition costs, relocation expenses, and construction costs require that the City permit relatively dense development in order to attract economically viable development projects. The reduced scale alternative analyzed represents the minimum project density that is commercially feasible; the DSEIR did not analyze less intense development alternatives, because the Agency determined that lower scale development could not support the cost of redevelopment.

As discussed in response C-20, the DSEIR did not analyze a reduced scale alternative with a hotel component, because the Agency concluded that a reduced scale commercial project would not support a hotel. The demand for hotel space derives principally from the increased commercial activity that will accompany higher intensity commercial uses, and with lower commercial densities a "reduced scale" hotel alternative is commercially infeasible.

The Agency did not consider a residential development project, because the City's goal to remove blight is better satisfied through commercial development. As discussed in the Program EIR and the DSEIR, the City is currently a net exporter of employment, which means that more East Palo Alto residents commute to jobs outside the City than non-residents commute to the City. As is documented in the Program EIR and the DSEIR, the development of a commercial base will provide further

employment opportunities for East Palo Alto residents, which will best enhance the City's redevelopment objectives.

F-14. (H-36, I-42, J-28) The analysis of alternative locations does not provide meaningful comparisons among alternatives, but instead relies on conclusory statements about relative levels of impacts. The draft SEIR also improperly rejects all alternative locations on the self-serving grounds that they would not remove "documented blight in the Project Area." This blanket statement precludes analysis of alternatives that may remedy blight in other areas of the City. Finally, the reasons for rejecting the Environmentally Superior Alternative are not sufficiently explained.

The degree of analysis of alternative sites need not be as detailed as the analysis of the project itself. The alternatives discussed in the DSEIR permit decision-makers and the public to consider the relative merits of comparable development at other sites in order to promote informed decision-making.

As discussed in response B-14, the DSEIR considers alternative sites in light of the restraints inherent to California Redevelopment Law. The legal and pragmatic restraints of Redevelopment Law are factors that the Agency properly considered in its selection of alternative redevelopment sites. Blight may exist in other portions of the City, but the DSEIR is not the proper vehicle for making that determination and, in any event, potential blight in other areas should not be used to divert attention from the proposed development of the University Circle project area, which is to date the only location in which the City has determined that blight exists.

Section 15126(d)(2) of the CEQA Guidelines requires that an EIR identify an environmentally superior alternative if the "no project" alternative is superior to the proposed project. The "no project" alternative would be environmentally superior to the "reduced scale" alternative. The "reduced scale" alternative would also be environmentally superior to the Implementing Actions. However, the "no project" and "reduced scale" alternatives would not satisfy the City's goal to revitalize the Redevelopment Project Area.

F-15. The EIR and Draft SEIR improperly rely on future studies to disclose impacts and adopt mitigation measures. Thus, it is insufficient for purposes of CEQA to defer study of the need for off-site water system improvements, fire protection system improvements, and responsibility for increased police protection, other public facilities, and underground tank removal and remediation until after the project is approved.

The DSEIR does not rely on future studies to determine the environmental impacts of the project or to propose mitigation measures. On page IV.H-6 and IV.H-8 the DSEIR refers to the need to conduct additional testing for water supply and fire protection infrastructure improvements after approval of the Specific Plan, but this testing is recommended only to monitor the performance of these infrastructure

improvements. As stated on pages IV. H-6 and IV. H-8, the extension of a main water loop through the site will provide adequate water supplies to the project. Further testing is discussed in the DSEIR merely to verify the performance of this mitigation measure. Analysis of the significant impacts of the project on water supply and fire protection and mitigation measures is provided at pages IV.H-5 through IV.H-9 of the DSEIR.

On page IV. K-2 of the DSEIR, the text states that underground storage tanks are present on the site and will need to be removed prior to construction of the project. The DSEIR proposes that additional studies be conducted before construction in conjunction with the removal of these underground tanks. The DSEIR incorrectly designated the presence of the underground storage tanks as a "significant impact" of the project. Potential groundwater contamination caused by underground tanks is a presently existing condition properly set forth in the "setting" section of IV.K, rather than an impact of the project. The project itself will not cause any significant impacts but will instead improve water quality since any contamination will be remediated in compliance with state and federal regulations.

The project will not have adverse impacts on groundwater or soil, and hence requires no mitigation measures in these respects. Future studies will be performed to determine whether the site is contaminated and, if so, appropriate remediation measures will be implemented, but the DSEIR does not rely on future studies to determine the scope of project impacts on soil or groundwater quality.

The DSEIR also does not rely on future studies to identify impacts or to propose mitigation measures for police services. These impacts and appropriate mitigation measures are discussed on pages IV. H-2 through IV. H-5 of the DSEIR.

F-16. Reliance on future actions is particularly misleading with regard to the draft SEIR's traffic analysis. For instance, the draft SEIR provides no indication that recommended traffic improvements will ever be implemented.

The DSEIR discusses in pages IV.D-1 through IV.D-5 the proposed road improvements within the project area studied for traffic impacts. The responsible agencies, funding and timetables are discussed in these sections. Many of the road improvements recognized in the DSEIR may require state and federal assistance, but this fact alone does not render an EIR inadequate. Section 15091(a)(2) of the CEQA Guidelines recognizes that the Lead Agency may not have jurisdiction to impose some project mitigation measures as conditions of project approval, but CEQA permits approval of a project nonetheless if the lead agency finds that the responsible entity "can and should" require such changes to be made. Since the road improvements analyzed in the DSEIR are identified and responsible parties are named, the analysis of mitigation measures does not rely improperly upon unspecified "future actions" to mitigate traffic impacts.

F-18. (A-25) The analysis assumes the reconstruction of the University Avenue Interchange even though Caltrans considers the interchange a low priority. The draft SEIR suggests that development of the project will allow for funding of "certain costs" of the interchange, yet there is no assurance that the remainder of the funding will be available. The draft SEIR should have analyzed two scenarios – one which assumes the interchange and one that does not – since the interchange will require the approval of Caltrans.

Refer to comment A-25. The reconstruction of the University Avenue interchange is currently a low priority project from the San Mateo Traffic Authority, but developer contributions and/or tax increment subsidies are expected to accelerate the funding necessary for this improvement. The DSEIR analyzed the traffic impacts on the assumption that the University Avenue interchange improvements will be in place near the time of build-out of the University Centre project, because it appears likely that the developer, local governments and Caltrans will work together to finance and construct this necessary infrastructure more quickly than might otherwise occur without the project. The interchange improvements are an inherent feature of the Implementing Actions, as shown in the PUD application, and the DSEIR therefore analyzed the potential environmental impacts with these improvements included.

F-19. The EIR must identify mitigation measures for each significant environmental impact identified. In this case, the draft SEIR has identified a number of significant impacts – visual, shadows, and cumulative air quality impacts – but proposes no mitigation measures. However, the SEIR could have discussed lowering building heights and other site design changes to mitigate significant visual and shadow effects.

Comment noted. The height, bulk and setbacks of the project proposed in the PUD application are consistent with the mitigation measures recommended for the Level Two preferred alternative in the Program EIR. Reducing the building heights further could reduce visual impacts, including shadows, to levels of insignificance. The Specific Plan contains mitigation requirements as noted on page IV.L-14 of the DSEIR, including building setback and step back requirements. The University Centre Project incorporates these mitigation measures. Significant cumulative impacts on air quality are largely inevitable, with or without the University Centre project, because of area-wide traffic volume increases. The proposed TDM program and hiring local workers will reduce these impacts, but area-wide air quality impacts may still be significant. The DSEIR satisfies CEQA by analyzing and proposing feasible mitigation measures even though impacts may still be significant after mitigation. See also response to comment C-13.

F-20. The draft SEIR also proposes undesirable or ineffective mitigation measures for other significant impacts, such as encouraging neighbors to plant trees to screen the project. Certain mitigation measures propose vague future actions – such as

attempting to hire locally or encouraging water conservation – without imposing any direct requirements for action or any specific project conditions.

The mitigation measures proposed in the DSEIR are feasible and effective. To the extent possible the mitigation measures are specific. As previously noted (see response B-4), the DSEIR functions as an informative device rather than a mechanism for implementing mitigation measures. The Agency may require the applicant to implement measures capable of reducing or eliminating significant impacts as conditions for project approval. The Agency may require, for example, a job set-aside program or water conservation steps as conditions for project approval.

F-21. The EIR and Draft SEIR fail to adequately analyze the impacts of the project and proposed mitigation measures. Impacts on schools are not quantified, and no calculations of storm water runoff are provided. The draft SEIR contains no analysis at all of potential wind and glare impacts of the highrise buildings, impacts on parks, need for new electrical facilities, or impacts of increased demand for sewer capacity on the undeveloped portions of East Palo Alto.

School impacts are often included in an EIR, but a project's impacts on schools are not generally environmental impacts cognizable under CEQA. Where there is evidence that a project may cause overcrowding of schools and will require the construction of new schools, a project may have secondary physical impacts that require environmental analysis in an EIR. El Dorado Union High School v. City of Placerville 144 Cal. App. 3d 127, 192 Cal. Rptr. 480 (1983). The Program EIR, at pages IV-H-16 through V-H-18, did discuss school impacts under hypothetical levels of development 1, 2 and 3. The Program EIR concluded that school impacts in the Project area were insignificant, because sufficient capacity exists in local schools to accommodate increases in students attributable to the project. These impacts were quantified for the hypothetical Level Two development on page V-H-17 of the Program EIR. As discussed on page IV-H-12 of the DSEIR and in response to comment K-3, the development of the University Centre project may result in both project and cumulative significant impacts on schools, which, as discussed in the Program EIR and the DSEIR, could be mitigated to levels of insignificance through the imposition of statutory school impact fees.

Storm drainage is discussed at pages IV.H-13,14. The DSEIR states that the project will not cause an increase in the total amount of water to be diverted by the storm drainage system. Wind impacts attributable to the project would be insignificant. Prevailing winds are from the west and the structures proposed to be built pursuant to the PUD application are oriented to displace a minimum amount of wind from the west. Minimizing the wind displacement minimizes the wind tunneling effect of tall buildings. Since this building will not be surrounded by similar tall buildings there will not be a significant amount of wind tunneling effects.

Glare impacts are discussed in response B-31, and can be mitigated as required under the Specific Plan, by appropriate screening and painting. Glare may also be reduced by using non-reflective surfaces and tinted glass. The DSEIR contains no new information requiring supplemental analysis of the University Centre project on parks. Sewer impacts are discussed at pages IV-H--10 of the DSEIR. The energy impacts of the project remain unchanged from those analyzed in the Program EIR and hence require no new analysis.

F-22. (A-34) The traffic analysis does not provide supporting data to verify the conclusion that the project will result in less traffic than originally anticipated in the EIR. Neither the EIR nor the draft SEIR provide trip generation rates for the proposed levels of development and thus do not allow for an adequate comparison of project impacts under the EIR and the draft SEIR.

Appendix B to the DSEIR contains complete data regarding the traffic impacts of the proposed project. This data supports the conclusion that the Implementing Actions will have fewer and less significant impacts on transportation compared to the hypothetical levels of development two and three discussed in the Program EIR. Refer also to Response A-34 for further discussion of trip generation rates.

F-23. The proposed project calls for approximately 600,000 net square feet of development, yet no increase in volume to capacity ("V/C") ratios at intersections is acknowledged. Further, the existing average daily traffic levels in the draft SEIR are inconsistent with existing average daily traffic levels in the EIR.

The SEIR contains traffic volume data that has been updated since the Program EIR was prepared.

F-25. The description of growth-inducing impacts in the draft SEIR does not expand at all on the discussion in the EIR despite the additional information in the draft SEIR concerning infrastructure improvements, road improvements, and housing. Further, the discussion in the previous EIR, which is incorporated in the draft SEIR by reference, provides no quantification of anticipated growth.

The Program EIR discussed on Page XIII-1 addresses growth inducing impacts of redevelopment. As stated on page IX-1 of the DSEIR, the analysis in the Program EIR is applicable to the Implementing Actions discussed in the DSEIR. The Project will not expand City services to previously unserved areas.

F-26. The DSEIR has not adequately assessed the impacts of the proposed project in conjunction with other reasonably foreseeable projects. Cumulative impacts on water supply, sanitary sewer capacity, and solid waste disposal, for example, are ignored. The SEIR implies that significant cumulative traffic impacts would be generated not by the proposed project but rather by projects proposed by Menlo Park and Palo Alto and by regional traffic growth. The meaning of the term "cumulative

impact" has apparently been misinterpreted. CEQA states that to determine cumulative impacts, an EIR must analyze a list of past, present, and reasonably anticipated future projects producing related or cumulative impacts, including projects outside the control of the agency.

The DSEIR discusses cumulative impacts and mitigation measures of past, present and reasonably anticipated future projects (see Appendix "G" to the DSEIR) in either the analysis of individual impacts and mitigation measures in Section VIII of the DSEIR or in the Program EIR. Waste water, water and solid waste disposal services are provided to the City of East Palo Alto independent of Menlo Park and Palo Alto. The cumulative project impacts relevant to East Palo Alto (from Appendix G of the DSEIR) include University Circle and the Ravenswood Redevelopment Project. Cumulative impacts on water, sewer and waste disposal facilities are not significant, and are expected to be as follows:

Waste Water: The combined wastewater generation of the Ravenswood and University Circle Redevelopment plans is expected to be .318 million gallons per day (Ravenswood Industrial Area Redevelopment Plan Draft Environmental Impact Report). As stated in the DSEIR, East Palo Alto has an allocation of 2.9 mgd and currently uses 1.9 mgd. This leaves an unused capacity of 1 mgd which is more than adequate for the combined projects.

Water: The University Circle project is expected to use 142,000 gallons of water per day, approximately 115 percent of the expected wastewater generation (.128 mgd). The Ravenswood Redevelopment Project is expected to generate .190 mgd of wastewater and is therefore expected to demand 115 percent of that figure in water, or 218,500 gallons per day. The total water demand per day of the combined projects is 360,700 gallons per day.

According to Mr. Robert Frame of the San Mateo County Public Works Department, there is sufficient water to accommodate both the Ravenswood and the University Circle Development Projects. At the present time, water quantities have not been restricted to users in any part of this area of East Palo Alto except under drought conditions which required all users to reduce consumption until drought conditions are alleviated.

Solid Waste Disposal. According to Mr. Larry Kold, the staff recommendation of the Regional Water Quality Control Board, Oakland (RWQCB) will indicate that the permit should not be granted for the Aponolio Canyon fill site. However, Mr. Kold indicated that the existing Ox Mountain land fill in Half Moon Bay will be expanded. According to Mr. Kold, one or the other land fill site will be permitted in the next two years, meaning that there will be land fill capacity for the next 16 to 20 years for the existing and cumulative growth in the area.

F-27. (F-17) The draft SEIR denies its responsibility for mitigation claiming that the necessary traffic improvements lie outside of East Palo Alto's jurisdiction. CEQA requires a full analysis of feasible mitigation measures whether or not the lead agency has the authority to implement the measure.

Pages IV.D-10 through IV.D-42 of the DSEIR analyze the cumulative traffic impacts of the project and other reasonably foreseeable projects. The mitigation measures discussed in the DSEIR beginning on pages IV.D-34 include a TDM program and cooperation with other jurisdictions for implementing road improvements. The DSEIR does not "deny responsibility" for recommending traffic mitigation measures, but instead states that the City of East Palo Alto must cooperate with other affected municipalities to devise regional solutions to cumulative traffic growth. The City of East Palo Alto can approve the project if it concludes that other entities having the power to implement mitigation measures "can and should" require such measures to be implemented. Since many road improvements are outside the City's jurisdiction the City cannot itself impose conditions to mitigate area-wide traffic impacts.

F-28. (A-15, B-19, C-15, C-31, C-59) The DSEIR concludes that there will be no significant cumulative impacts due to the project by itself unless the V/C increases by 0.5. This assumption is questionable since the other jurisdictions that will be directly affected by the project consider a V/C change of 0.1 to 0.2 to be significant.

The decision that only deteriorations in level of service ("LOS") in excess of 0.5 constitute a significant impact is within the discretion of the Redevelopment Agency. No regulations require that a particular change LOS be designated "significant." Methods used to assess significant negative impacts at signalized intersections vary widely. The City of San Ramon allows a higher intersection capacity to be used to compute impacts; the City of San Jose allows averaging of impacts over a large set of intersections, and the City of San Francisco allows as much as one whole change in LOS without finding a significant impact.

F-29. The DSEIR does not analyze cumulative traffic impacts for an interim year.

The DSEIR analyzed cumulative traffic impacts at the date of build-out of the proposed University Centre project because that is the date when the project could be expected to cause regionally significant impacts. The traffic analysis includes a cumulative list of reasonably foreseeable developments in the vicinity of the project. Detailed information is not available on the timing of each projects' anticipated build-out. As such, the development of an interim year analysis of travel demand is not necessary, as it would require speculation on the level of growth that would occur prior to build-out and would not alter the analysis of the traffic impacts included already in the DSEIR. In addition, CEQA requires that the EIR examine reasonable options for mitigating or avoiding any significant cumulative effects of a proposed project. CEQA

does not require that an EIR provide traffic analysis for all conceivable future dates, and the analysis presented in the DSEIR complies with the CEQA "rule of reason."

F-30. The draft SEIR also fails to identify reasonable and feasible mitigation measures for the significant cumulative air quality impacts identified in the draft SEIR. The SEIR must identify mitigation measures capable of offsetting significant impacts.

As the DSEIR describes on page VII-1, the project may contribute significantly to the regional deterioration in air quality. Future cumulative area-wide mitigation measures, such as a TDM program as proposed in the DSEIR, would reduce significantly the cumulative air quality impacts. See also response to comment C-78.

F-31. (E-14, H-5, S-5, S-15, CC-5) Although circulation of a mitigation monitoring program is not mandatory, we request that the proposed program be circulated for public review.

Request noted. Public Resources Code Section 21081.6 does not require that an EIR contain a mitigation monitoring program as part of the environmental review process. The mitigation monitoring program instead imposes a duty upon the lead agency approving a project to require mitigation monitoring for all mitigation measures imposed by the lead agency at the time of project approval. The mitigation monitoring program will be adopted as part of the "findings" to be made by the Agency rather than in the EIR itself.

F-32. We request that the City take the following actions: Correct the deficiencies in the draft SEIR and recirculate, circulate the mitigation monitoring program for review, amend the general plan and reconsider the redevelopment plan.

Request noted. The final SEIR is in full compliance with CEQA and requires no recirculation since no substantial changes to the project have been made and no new information has come to light since the DSEIR was circulated. As discussed in response F-31, the mitigation monitoring program need not be circulated for review with the SEIR. Finally, the general plan shall be amended to authorize all of the Implementing Actions which are the subject of the DSEIR, but the redevelopment plan need not be reconsidered.

G-1. As stated on page III-2 of the DSEIR, possible impacts of the proposed Specific Plan that are known to be controversial include traffic related to uses on the project site.

Comment noted.

G-2. On page IV-D-5 it is stated that the Bayfront Expressway projects may be downgraded since much of the widening has been accomplished. This statement should be deleted or modified since it is not correct.

The third sentence in the second paragraph on page IV-D-5 is deleted and replaced with the following: "The restriping on Route 84 is a temporary congestion relief measure. Regional Measure 1 will propose long term solutions to congestion along the Bayfront Expressway."

G-3. Regarding Route 109 (page IV-D-5) the San Mateo County Transportation Authority has asked MTC to include this study in a Regional Transportation Improvement Program. Caltrans will not be requesting action, and the study would be called a route determination study rather than a route adoption study as stated.

The latter part of paragraph 4 on page IV-D-5 is deleted and replaced with the following:

The PSR does not provide a recommended alternative but states that the next step in the study process would be a request by the San Mateo County Transportation Authority to MTC to include this study in a Regional Transportation Improvement Program. Thereafter, a Route Determination Study will be prepared. (Since the Route Determination Study is not identified in the 1989 preliminary STIP, and the funding source for the study is uncertain, this analysis does not assume any change in conditions along the Route 109 corridor.)

G-4. On page IV-D-16 the section in the first paragraph incorrectly refers to certain access ramps as hook ramps. The University interchange is a clover-loop interchange with existing businesses provided for in the northwest quadrant. The changing traffic conditions have exceeded the standards for which this interchange was designed. However, it was originally designed to standard.

Comment noted.

G-5. On page IV-D-30, it is stated that public transit ridership by Peninsula commuters is extremely limited. Public transit ridership should be encouraged to relieve traffic congestion. A TDM program should be put in place for project with financial and other incentives provided by employers to support use of public transit and ridesharing.

This statement implies that there are limited routes that service the site on a local and regional basis. Transit use should be encouraged, but additional bus service to the site would have to be provided in order to accommodate transit users. Therefore, the two percentage usage is a reasonable estimate based on the existing public transit system. The Program EIR sets forth mitigations to improve the transit access including increasing frequency of bus service on University Avenue, shuttle buses to downtown Palo Alto and the Caltrain depot, rerouting SamTrans routes to points

within the project area and developing an effective transfer to the Dumbarton AC transit route (see p. V.D-61 of the Program EIR).

H-1. The DSEIR generally understates the significant impacts, and it does not adequately discuss specific mitigation measures.

Comment noted. Specific criticisms of the DSEIR are discussed above and below.

H-2. The DSEIR should discuss in detail the Mitigation Measures as well as any potential impacts resulting from the implementation of the Mitigation Measures.

Comment noted. Specific criticisms of the DSEIR are discussed above and below.

H-7. The Specific Plan defines the "Project" as a "relatively high-density, mixed-use complex comprising a total of approximately 700,000 square feet of net floor area," and it also includes provisions whereby the upper limits of the intensities of the component uses on the project site "could be exceeded in accordance with the terms of a Use Permit approved by the Planning Commission."

Use permits permitting uses that exceed certain land use limitations are valuable planning tools authorized by state law. Any applicant for a use permit must satisfy the conditions necessary for issuance of such an entitlement. The project proposed as University Centre would not violate the 700,000 net square feet limitation and would not require a use permit. If a larger project were proposed a separate environmental review would be done to determine the impacts and mitigations, if any.

H-10. Menlo Park is greatly concerned with the effects the project will have on Menlo Park's single family residential district immediately adjacent to the project site. The cumulative impact of project traffic together with other future projects and future regional growth will contribute to the degradation in the LOS at various intersections along University Avenue between the Project Site and the Dumbarton Bridge. Most of these intersections will operate at LOS of E and F, causing substantial delays to traffic moving in the northerly direction. This condition would force northbound traffic to seek alternative routes such as the residential street network of The Willows neighborhood to Willow Road and then north to the Dumbarton Bridge causing significant negative impacts to the neighborhood.

Existing approaches to Dumbarton Bridge back up already and the project would not significantly change this situation. Cumulative traffic from regional through trips to the Dumbarton Bridge results in severe negative impacts at intersections along University Avenue north of the Bayshore Freeway Interchange. Diverted trips on the most likely neighborhood "short-cuts" were considered. The project impacts at these intersections are minimal.

H-11. (I-32, AA-1, AA-7) The "Specific Plan" on pg. 16 (Appendix C) states "To facilitate access to the project and the neighborhood to the West (The Willows) modifications to the Woodland Avenue and University Avenue intersection probably will be necessary." Preliminary plans have been prepared and are shown in the DSEIR. The improvements on Woodland Avenue at Manhattan Avenue as proposed will induce traffic to proceed into The Willows, yet the Report does not fully and specifically address the implied effects of these improvements on The Willows neighborhood.

It is not clear what "implied effects" means. The improvements proposed on Woodland at Manhattan will be used to provide additional access to the project site. As shown on figure V.D-9 traffic on Woodland would increase by 400 ADT and by 300 ADT on Manhattan. The increases are not considered significant; therefore, the increases would not significantly effect the Willows neighborhood. Also refer to response to comment H-12.

H-12. (I-32, AA-1, AA-3) Additional through traffic would adversely affect the single family residential qualities of the neighborhood. Increased through traffic on the local residential streets will result in an increase in the ambient noise levels, degradation of the local air quality and increased traffic hazards to pedestrians and bicycle riders, particularly children going to and from school.

According to the FHWA, the project would not have an adverse affect on the quality of the residential neighborhoods. A comprehensive study of residential traffic management (State of The Art: Residential Traffic Management, U.S. Department of Transportation, Federal Highway Administration, Report (FHWA/RD-80-092, December 1980, pg. 10.)) identified the 2,000 to 3,000 ADT level as the range at which residents perceive a change in the character of a residential street. Resulting ADT's on potentially-affected residential roadways in Menlo Park would be at or below the low end of this range with the added project traffic. Also, refer to Response to Comment H-11.

As discussed in response X-1, the project will result in significant air quality impacts and the cumulative regional air quality impacts are significant.

Noise impacts are discussed on page IV. E-1 of the DSEIR. The DSEIR concluded that the proposed Project would not result in significant noise impacts. Along Manhattan Avenue the cumulative sound level increase (project over existing conditions) is estimated to be 6.5 dBA. The increase, calculated as a result of the Specific Plan, is only 2 dBA over existing conditions and 0.6 dBA over future base conditions. The cumulative sound level, as calculated by computer modelling, will increase to 56 dBA and will remain below the 60 dBA criteria level per California State Code, Title 24 (noise insulation standards). Along Woodland Avenue the

cumulative sound level increase for projects over existing conditions will be 1.8 dBA. The increase calculated for the Specific Plan will be only 0.4 dBA over existing conditions and 0.25 over future base conditions. The sound level increases as a result of a project within the scope of the Specific Plan are considered insignificant, and do not require mitigation measures beyond those described in the Program EIR.

H-13. The DSEIR does not provide sufficiently specific information regarding the effects that the increased traffic volume resulting from the project will have on the local residential streets.

Page IV-D-21 - IV-D-26 describes the project impact on daily traffic volumes. Figures IV-D-9 - 12 also illustrate daily traffic impacts within the Specific Plan Area. The comment is unclear as to the respect in which the discussion of traffic impacts is unclear.

H-14. We request that the traffic analysis be expanded to include the entire street network of the Willows to examine the potential effects of the increased traffic volumes generated by the project on the Willows. We further recommend that, based on the findings of the analysis, feasible and appropriate short term and long term mitigation measures be developed and implemented to divert through traffic generated by the project from the Willows residential streets and direct it toward the freeway and major arterials to reduce the potential neighborhood impacts to acceptable levels.

Refer to Responses to Comments H-11 and H-12. The project-generated impacts on the Willows neighborhood are not considered significant; therefore no additional mitigations are required.

H-15. The standards of significance used in this report are more liberal than the standards used in other communities. The 3,000 average daily vehicles used as the threshold to determine significant adverse impacts on local residential streets is high. Under this standard, a 200% increase in ADV on a local street carrying 1,000 vehicles per day would still be considered an insignificant impact. Several of the streets within the Willows neighborhood are presently carrying between 1,000 and 1,500 vehicles per day, and the residents of the area have complained that the existing traffic conditions are getting to be intolerable.

The DSEIR identifies 3,000 ADT as the limit at which changes in character of a residential street could occur even if the roadway volume is well below the roadway traffic-carrying capacity. This was selected based upon the following considerations:

The Menlo Park Comprehensive Plan (1986) indicates that local residential street typically carry up to 2,000 ADT. An evaluation for the appropriate traffic limits to protect residential street environments was conducted for Menlo Park (the Valparaiso Extension Project Draft EIR, 1986) and found that collectors carry from 2,000 - 5,000 ADT (Marin Planning Code) or 3,000 ADT (Urban Land Institute). San

Francisco's Street Livability Study (1970) classified "moderate" residential street volumes as 8,000 ADT and "light" as 2,000 ADT, but admittedly this is in a highly urbanized environment. Also see response to comments H-12 and C-78.

H-16. Environmental standards to define what constitutes a significant impact are not absolute. The degree of the impact is relative. The Standards of Significance used in the Report need to be re-examined.

The comment is correct in noting that environmental standards regarding significant impacts are not absolute. However, the DSEIR utilizes standards set by the City of East Palo Alto, as well as typical standards set by the FHWA and comparable environmental studies, and other authorities, all as noted in the DSEIR.

H-17. Figure IV-D-4 show Durham Street as incurring a 2,000 ADT or a 333.3% increase by the year 2010 as a result of "future base" growth without the project. This implies that future traffic would travel along Durham Street. However, both Table IV-D-6 and Figure IV-D-11 show zero (0) increase in ADT on Durham Street from the project traffic; this seems inconsistent.

The added trips resulting from Future Base traffic on Durham Street were described erroneously in Figure IV.D-4 of the DSEIR as 333.3 percent. In fact, the increase is 233.3 percent. The analysis in the DSEIR projected that 100 daily trips will be made as a result of the Project. Table IV.D-6 and Figure IV.D-11 indicate that Average Daily Traffic ("ADT") volumes of 100 or less attributable to the Project are categorized as zero percent increases since the change in ADT is statistically insignificant. Most vehicles accessing the site are expected to use University Avenue and the University/Bayshore Freeway interchange rather than Durham Street.

H-18. Table IV-D-6 and Figure IV-D-11 show that Woodland Avenue will incur a 400 ADT or 22.2% increase as a result of the project. Woodland Avenue is a narrow, meandering road contiguous to the San Francisquito Creek. The additional traffic volume will greatly increase the potential traffic hazards and degrade the environmental qualities of this quiet residential street. The DSEIR should evaluate and recommend mitigation measures to minimize these potential impacts. The DSEIR should also discuss the effects of this additional traffic on the San Francisquito Creek's natural environment.

An increase in traffic volumes along Woodland will not significantly change the street environment or character. No evidence indicates that small increases in daily volume would result in an increased accident rate. The project and project generated traffic will not intrude upon San Francisquito Creek or the adjacent vegetation. As discussed on page V.6-3, 4 of the Program EIR, the construction phase of the project may cause construction-related pollutants to enter the Creek. The Program EIR recommends the use of retention ponds or vegetation filtering to reduce those impacts to levels of insignificance. Also see response to comments H-11, H-12.

H-19. Items 7, 16 and 17 in Table IV.D-6 on pg. IV.D-24 regarding Middlefield and Willow Roads are inconsistent with the directional conventions used in the DSEIR.

The following changes are made to Table IV.D-6 on page IV.D-24:

Item 7	-	Middlefield Road (West of Glenwood)
Item 16	-	Willow Road (North of 101)
Item 17	-	Willow Road (South of 101)

H-21. An effort should also be made to reduce the visual impact of the building by using appropriate building materials and exterior finishes. Appropriate landscaping should also be used to screen the buildings from the residential areas.

As discussed in section IV.L of the DSEIR, the Specific Plan will require that buildings constructed in the Redevelopment Area be well designed and attractively landscaped. The DSEIR proposes reducing visual impacts by requiring the use of vegetative screening using urban scale trees, including deciduous trees. The building proposed in the PUD permit application features an attractive design intended to minimize adverse visual effects.

The Specific plan (Revised 9/7/89) Page 15 also requires compliance with the following limitations:

- Exposed mechanical systems should be screened and/or painted with attractive colors.
- Manhattan and Woodland Frontages. These frontages should be inviting places to walk and shall be designed to integrate the University Circle area with its adjoining neighborhoods. Both frontages shall be characterized by generous landscaping and attractive building forms.

The University Centre architectural plans indicate that exterior surfaces will minimize glare with the use of tinted glass and avoiding mirrored surfaces. Landscape plans show that mature urban scale trees are to be used throughout the project. These trees will soften the exterior lines of the building from the pedestrian perspective. The buildings will be accessible to pedestrians from Manhattan and Woodland through landscaped walkways. Buildings are set back from the street frontages.

H-21-1. (AA-8, Q-1) The Report states that the shadows of the buildings will not extend beyond Manhattan Avenue, but the shadow study showing the extent of the impact on the westerly side of the project site was not included in the Report. Please provide graphics showing the location of shadows likely to be cast on the westerly side of the Project area.

The shadow impacts of the project are discussed in Section IV.L of the DSEIR. Shadow impacts are cited as significant and unmitigable on page VII-1 of the DSEIR. The visibility study is located in Volume 2, page III.A-2 et. seq. of the Program EIR. Detailed shadow studies were provided in the DSEIR on pages IV.L-12 and IV.L-13. Figure IV-1 is provided here to show the general area of shadows cast at 8:00 a.m. The 8:00 a.m. shadow study indicates that some shadow would fall on properties in Menlo Park in the early morning hours of the winter months. By 8:00 a.m. these shadows will have moved to areas within the City of East Palo Alto. Shadow impacts in the early morning hours are not considered significant as they will be difficult to distinguish from other long shadows that will be cast by trees in yards and along streets, and will be reduced in spring, summer and fall as the sun follows a path higher in the sky and rises earlier in the morning. The shadows shown here are based on calculations from Hoover and Associates.

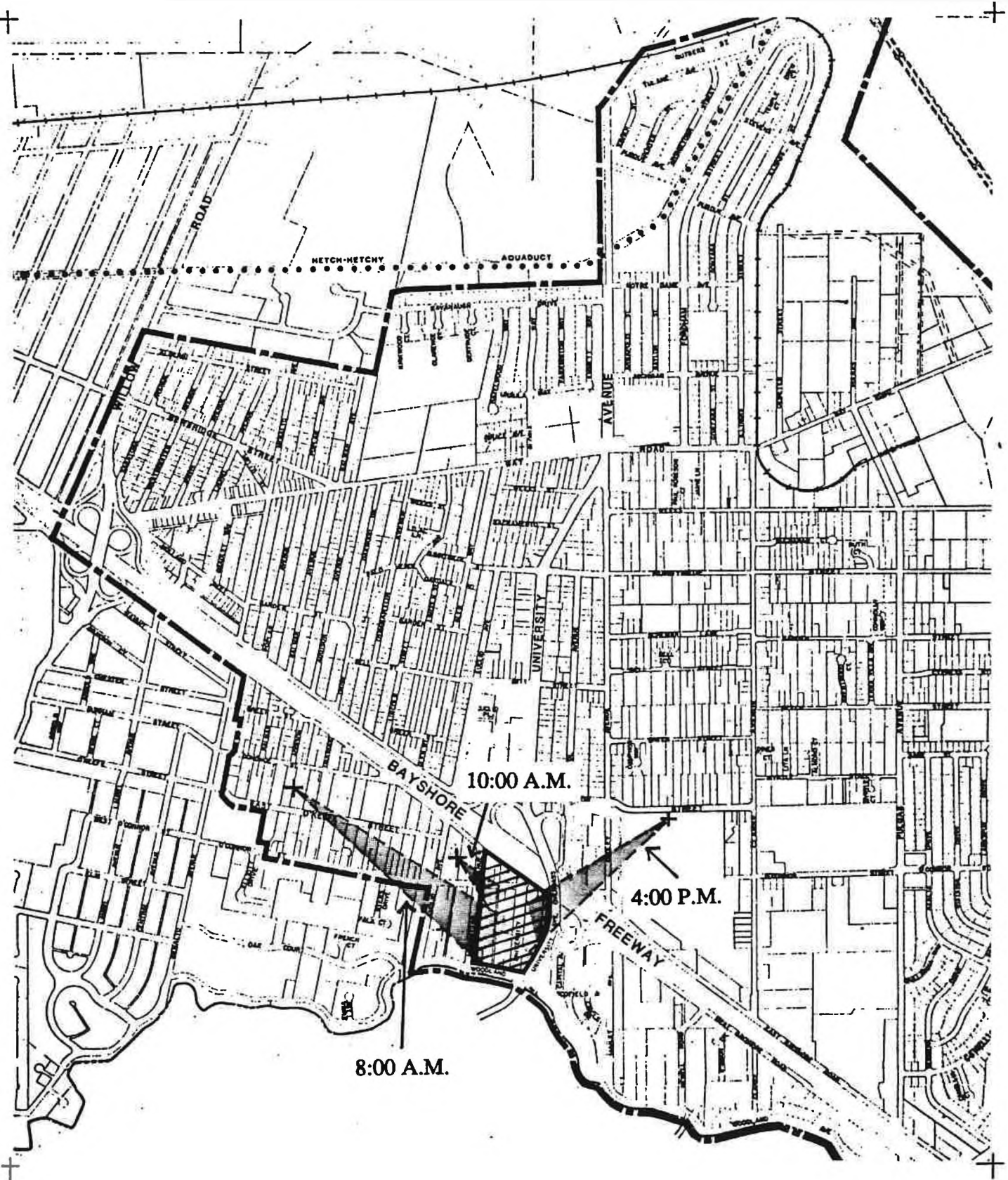


Figure IV-1 GENERALIZED SHADOW STUDY
(A.M. SHADOW = 2.1')

1" = 860'



H-22. On page III-1 the project area is described as a 22 acre commercial and residential area. On page IV-L-1 the Study area is described as being 11.93 acres. Please explain the difference.

The 22 acre figure mentioned on page III-1 encompasses the entire project area subject to redevelopment under the University Circle Redevelopment Plan. The 11.93 acre figure mentioned on page IV.L-1 identifies the core area historically known as Whiskey Gulch, which would be used for buildings and parking as is described in the PUD Permit application.

H-25. The discussion of the potential impacts on the groundwater should be expanded to include both short-term impacts resulting from the construction activities, such as siltation, as well as long-term impacts resulting from sump drainage for the underground facilities.

Groundwater during construction activities can be retained on the site to allow for the settling of silt and sediment. Groundwater can then be released to the city's storm drain system.

Sump drainage should provide for siltation settlement and skimming or filtering of oils and grease that may be in groundwater. Groundwater can be released to the City storm drain system after settlement and filtering.

H-27. We recommend that the construction of the Project and the mitigation measures be coordinated and phased accordingly so that the mitigation measures are in place prior to the project becoming fully occupied and operational.

CEQA requires that the EIR "examine reasonable options for mitigating or avoiding any significant cumulative effects of a proposed project." CEQA requires that mitigation measures be feasible, but it does not require that phasing or funding of the recommended mitigation measures be described in excessive detail in an EIR. The mitigation measures proposed in the DSEIR are feasible. The Agency and the City of East Palo Alto will determine how and when the mitigations will be implemented as part of the project approval process.

H-28. Bayshore Freeway Widening, pg. IV-D-3. Construction of these improvements commenced March 1990. We suggest that this section be updated to reflect the present status of this project.

Comment noted. The first sentence in paragraph 3 on pg. IV-D-3 is corrected to read as follows: "Construction to widen the Bayshore Freeway from the Santa Clara County Line to Whipple Avenue commenced in March 1990."

H-29, H-30. Route 109, pg. D-5. Route 109 would divert Dumbarton Bridge bound traffic from the Bayshore Freeway within the general area of the project site. However, extensive environmental studies will be necessary to determine an alignment that would be least disruptive to the environment. It will also require the cooperation of the communities that will be affected by the new road. We recommend that East Palo Alto actively pursue the realization of this southerly connection as a long-term mitigation measure.

As stated in the DSEIR, the funding source for the Route Determination Study for Route 109 is uncertain at this time; therefore, it cannot be considered as a long-term mitigation for the project.

H-31. (H-32) The Report indicates that the project will add 600 ADT to Middlefield Road that would contribute to the degradation of the LOS at this intersection, and it recognizes that the cumulative impacts at this intersection are significant and warrant mitigation.

Comment noted.

H-33. Willow Road-Newbridge Street, pg. IV-D-38. The Ravenswood Industrial Area Redevelopment Plan Draft EIR indicates that Newbridge Street will experience an increase of 3,440 ADT as a result of the implementation of the Redevelopment Plan. We request that this intersection be analyzed to address the impacts of cumulative effects of both the Ravenswood Industrial Area Redevelopment Plan and the University Centre Project.

The traffic analysis includes both the Ravenswood Industrial Area Redevelopment Plan and the University Circle Project in the cumulative impact analysis.

H-35. The Landscaping Plan for the Project Site should address the visual and aesthetic impacts and the prevalent drought conditions. Periphery planting should be installed to screen the Project from the surrounding single family residential areas, and the landscaping scheme for the Project Site should incorporate drought resistant plants to reduce water usage.

Mitigation measure L-16, discussed on page IV.L-15 of the DSEIR, recommends tree screening to mitigate visual impacts. As discussed in the response to comment B-27, the landscaping for the project is designed to be water conserving. The only species of trees in the landscape plan that are not water conserving are magnolias and maples. These two species are used only as accent trees and comprise less than 35 of the tree specimens to be planted on the site. All the other trees and shrubs that are to be used on the site will be selected from those plants listed in the "Water Conserving Plants and Landscapes for the Bay Area" by East Bay Municipal Water District, 1990.

H-37. (I-44, H-36) There is little buffer provided between the Project and the single family residential areas. An alternative that provides residential uses at the periphery of the Project Site should be considered. These residential areas within the Project Site would mitigate housing impacts generated by the Project and serve as transitional elements between the Project and the existing residential areas that would help buffer the impacts of the Project on the existing single family residential areas.

Comment noted. The City has considered redevelopment of the project area for both residential and commercial uses. The use of residential buffer zones would reduce the negative aesthetic/visual effects of the project on the nearby housing, but would not further the City's goal of maximizing commercial uses. Commercial uses will result in increased City tax revenues and will increase employment opportunities in the City by improving the City's commercial base. The alternatives analyzed in the DSEIR represent a reasonable range of options capable of fulfilling the City's stated goal of enhancing its commercial base. Therefore, the DSEIR need not include additional analysis of alternatives featuring residential uses.

H-38. The City of Menlo Park recognizes that to implement some of the Mitigation Measures, multi-jurisdictional cooperation will be required. Menlo Park is prepared to cooperate with East Palo Alto in any effort that would lead to the implementation of both short-term and long-term Mitigation Measures to minimize the impacts generated by the Project. This includes working with Caltrans and other agencies to develop and implement desired solutions.

Comment noted. Interjurisdictional cooperation will be crucial to implementing successfully certain mitigation measures.

I-1. (I-8, I-43) The terms "PUD Permit" and "DDA" are not defined.

The terms "DDA" and "PUD Permit" are defined under the Implementing Actions on page II-5 of the DSEIR. The "PUD Permit" referred to in the DSEIR is shorthand for "Planned Unit Development." A "DDA" or "Disposition and Development Agreement" is a three-party contract between the City, the Agency and the developer governing the terms of sale of the property in the redevelopment area to the developer and the allocation of responsibility for financing infrastructure improvements, the Relocation Plan and other features of redevelopment.

I-2. (I-3) At \$40 for each DSEIR this information seems unlikely to be very accessible to most citizens of a community such as East Palo Alto. The cost of obtaining the DSEIR is quite steep event for a citizen of the more affluent neighboring communities. The developer should bear the cost of duplication, rather than expecting those impacted by the development to subsidize its evaluation.

Comment noted. The Agency has provided copies to the East Palo Alto public library, pursuant to CEQA Guidelines Section 15087(d), for review by members of the public without charge. The costs of printing the DSEIR require an additional fee for persons wishing to have personal copies as permitted by Section 15045 of the CEQA Guidelines.

I-4. Approximately 40% of the DSEIR is raw traffic analysis data, which is useless to nearly all readers of this document. Only about 35% of the DSEIR isn't appendices. Doesn't its sheer volume discourage citizen participation, particularly in an area less accustomed to public participation, such as East Palo Alto?

Comment noted. It is difficult to balance the competing CEQA policies of providing too much detailed information and too little data. Traffic analysis is a very complex technical process requiring a great deal of detailed analysis. Detailed traffic data was provided in the DSEIR in an effort to fully inform the public and allow public participation at every level of analysis.

I-5. The DSEIR states on page II-1 that "This Supplemental EIR will not repeat information, impacts or mitigation measures previously described in the Program EIR." This makes it difficult for those not involved in the Program EIR to comment on the DSEIR.

Comment noted. The "Program EIR" was the first environmental assessment of future development of the redevelopment area. Copies of the Program EIR are available for review from the City of East Palo Alto.

I-6. The DSEIR states at page II-2: "The principal allegations of the lawsuits [against the City of East Palo Alto regarding the Program EIR] pertained to the failure of the Program EIR to analyze the impacts of a conceptual development study for the Project Area that had been undertaken by DeMonet Industries, Inc." This language was particularly difficult to comprehend. Please restate in a more intelligible way than in the DSEIR.

The lawsuits brought against the Redevelopment Agency assert in essence that the Draft EIR for the Redevelopment Plan or "Program EIR" failed to analyze the environmental impacts of a hypothetical development study performed by DeMonet Industries. Because the DeMonet study had not been submitted to the City or the Agency for approval, that development proposal was not considered in the Program EIR. The DeMonet study for potential development of the site was only a conceptual exercise by a private party and was not a part of the "project" requiring environmental analysis under the Program EIR.

I-7. The DSEIR states at page II-2: "At the time when the Redevelopment Plan was considered and adopted, no specific application for a developmental proposal had been received by the Agency or the City [of East Palo Alto] . . . Accordingly, the

Program EIR focused on the legislative and economic issues inherent in adoption of the Redevelopment Plan . . . The Program EIR did not include a detailed analysis of physical design aspects of . . . development alternatives." This indicates that the EIR didn't really study the actual impacts of such project but rather "focused on the legislative and economic issues."

The text quoted from the introduction to the DSEIR was intended to give a brief historical and legal context to the reasons for producing a Supplemental EIR after certification of the Program EIR. The Program EIR did not analyze the impacts of a specific development proposal, but instead analyzed the broad legislative and economic issues underlying the decision to adopt a Redevelopment Plan and to undertake some type of redevelopment activities. The Program EIR analyzed various hypothetical levels of development in order to inform decision-makers about the range of options possible for redevelopment, and it analyzed the environmental impacts that each hypothetical level of development would cause.

New information (the Specific Plan, the specific development proposal for University Centre and the other Implementing Actions) requires supplemental analysis, which is contained in the DSEIR, but the legislative and economic impacts of adopting the Redevelopment Plan need no further analysis. For this reason the scope of the DSEIR is limited to analysis of the environmental issues that were not addressed fully in the Program EIR.

I-10. Was tiering done correctly? The Program EIR focused on the legislative and economic issues. The DSEIR does not permit full discussion of the impacts of the actual proposal or reasonable alternatives, as these were supposedly covered in the Program EIR.

The DSEIR is part of a "program" EIR which is targeted legislatively for redevelopment projects. The use of a Program EIR for redevelopment projects is outlined in Section 15180 of the CEQA Guidelines. The analysis of alternatives in both the Program EIR and the DSEIR comprise a reasonable range of alternatives for analysis of both the adoption of the Redevelopment Plan and the Implementing Actions discussed in the DSEIR.

I-11. A supplemental EIR was chosen, and its limited scope precludes one from responding to issues on which the *preparers* (and/or the City of East Palo Alto) *have decided* there is no new information. This is most unfortunate and may raise doubts about the adequacy of the DSEIR in responding to the impacts of the project.

The preparers of the DSEIR have indeed analyzed new information that in their opinion requires supplemental analysis beyond the analysis done in the Program EIR. CEQA relies on public input through the submission of public comments to correct any deficiencies that may have been overlooked in the draft. Revisions to the DSEIR or

new analysis included in the responses to comments are intended to complete the analysis of all environmental issues.

I-12. Selecting only one other development alternative for this site may inherently not produce any new information, and be contrary to the legislative intent of having alternatives which result in examination of such issues.

The environmental impacts of the Implementing Actions rather than the alternatives selected for comparison with the Implementing Actions is the source of "new information" requiring supplemental treatment. Discussing the alternatives is part of the analysis of this new information.

I-13. A supplemental EIR is inappropriate for analysis of the University Centre Proposal.

As discussed in responses A-32 and B-1, a Program EIR requires preparation of an additional EIR only if new information requires preparation of a subsequent or supplemental EIR under Section 15162 or Section 15163 of the CEQA Guidelines. The Agency prepared and circulated a "supplement" rather than a subsequent DEIR, because only minor additions or changes to the Program EIR have been made in studying the Implementing Actions, which are a refinement and scaled-down version of the Level Two alternative studied in the Program EIR. Consequently, the use of a supplemental EIR is proper for the Implementing Actions.

I-16. (I-17) Concerning Section III, A, page III-1. Figure III-1 is inadequate for the purpose of judging regional impact. Section III does not provide maps scaled to the size of the development. The map entitled "REGIONAL SETTING" (Figure III-1) is completely inadequate for the purposes of judging regional impacts.

Section III of the DSEIR is a summary section and is not intended to provide detailed description or analysis of the project. The figure referred to in the comment above shows the location of East Palo Alto in relation to the nine counties in the Association of Bay Area Governments (ABAG) and the larger cities in those counties. The reference map was intended only to show the regional setting of the project and does not purport to describe its regional impacts. Readers desiring to see more detailed maps should turn to Figures IV.D-1, D-2 and IV.D-5 of the DSEIR. The Program EIR also contains detailed maps.

I-18. It would appear that the "Reduced Scale" Alternative involves approximately 350,000 square feet of office space. That's about 92% as much space as the Preferred Alternative. Shouldn't an Alternative involving about 50% as much space have been considered? Also, is this net square feet, as described in § IIIB, and if not, how are the two related?

The commentator appears to refer to section V-B on page V-4 of the DSEIR rather than page "IIIB." The reduced scale alternative of 356,000 net square feet discussed in the "Reduced Scale" alternative represents a development intensity of approximately 50% of the maximum allowable development intensity of 700,000 net square feet under the Specific Plan. The DSEIR therefore in fact discusses a reduced scale alternative comparable to that suggested by the commentator.

I-21. (S-10) Are the new services to be provided really intended for local consumption? Or, are we looking at increased traffic as the result of people from other areas coming in to use these new services. Obviously, most offices uses would not be providing many services of interest to the residents of East Palo Alto. By the virtue of the costs of leasing such space, wouldn't retail businesses tend to be more "upscale" in nature?

The replacement retail uses on the project site are expected to service hotel occupants, commercial tenants and their customers as well as nearby East Palo Alto residents. The types of services expected to be provided are to serve short trip needs, such as a florist, bakery, card shop, copy shop etc., which can also serve East Palo Alto residents and the surrounding neighborhood. Traffic for the retail uses and services will decrease. The new retail businesses may be more "upscale" and will enhance the City's image by upgrading the types of businesses located on the site.

I-22. (M-2) The DSEIR states in Section IVA.2 that removal of retail outlets, such as the hardware store and full service grocery, will likely cause East Palo Alto residents to seek services elsewhere" The DSEIR also suggests that other services will be provided instead, and that other retail sites exist which may be more convenient. However, the DSEIR fails to address the needs of those who do not drive, and will have to travel substantial distances until economic conditions are able to produce new businesses to serve them.

The trip length to an alternative retail center for East Palo Alto residents who do not drive largely depends on the relocation of the existing retail uses within the redevelopment area, in other areas of the City or in surrounding areas. Therefore, it is difficult to determine the traffic impacts, if any, as a result of the loss of retail outlets. If, for example, the retail uses were relocated to the north of the University Avenue/Bayshore Freeway interchange within the City, the average walking distance to the area would decrease for most of the East Palo Alto residents. However, if the retail area were relocated south of the Interchange, the walking distance would remain virtually the same.

I-23. The DSEIR should examine the jobs-housing imbalance for the affected area rather than the jurisdictional area.

Residents of East Palo Alto are expected to benefit substantially from the new employment opportunities deriving from the project. Residents of other cities will also

be employed, however, and the DSEIR analyzes the impacts associated with increased commuting to and from the site as well as area-wide jobs/housing imbalances. The jobs-housing analysis contained in the DSEIR addresses impacts to East Palo Alto, Palo Alto (including Stanford) and Menlo Park. Data for additional jurisdictions is unnecessary.

I-24 (I-25, I-26) The DSEIR only discusses the jobs-housing balance in the jurisdiction of East Palo Alto, and merely admits in a cursory way that it "cannot be expected to provide all the housing needed to meet the needs of future employees." It is noted that "additional housing would need to be available at a variety of income levels, including low income, moderate income, and above-moderate income. Given existing and reasonably foreseeable housing patterns, it is most unreasonable to assume that East Palo Alto would provide most of this housing! Yet, the DSEIR does not discuss effects on surrounding cities; it does not even mention Santa Clara County in the main text. This analysis is inadequate for assessing the impacts of the project on surrounding communities. The situation for employees of moderate income, both within and outside the project area, will be worsened even more than one would ordinarily expect.

The analysis of housing needs for the relevant portions of Santa Clara County likely to experience cumulative impacts as a result of approval of the Implementing Actions is included in the Table IV.B-1 of the DSEIR. Palo Alto, in Santa Clara County, is included in the cumulative jobs housing analysis in section VIII of the DSEIR. Above moderate income housing needs for Palo Alto are 832 units, and for East Palo Alto 353 units, based on ABAG's Housing needs Determinations, January 1989. Table VIII-2 on page VIII-5 of the DSEIR shows the impact on job and housing as a result of the cumulative projects list and ABAG Projections-90. A discussion of this table is provided in page VIII-2. Mitigation measures are provided in section IV.B of the DSEIR for the provision of low and moderate income housing.

Under ABAG standards, above moderate income housing is considered appropriate for incomes greater than \$24,728. The federal government standard of overpaying is a household that spends more than 30 percent of household income for housing. A single wage earner of above moderate income can afford to pay \$600 a month or more for housing. Market rate studio, one-bedroom and two-bedroom housing is available at \$600 dollars a month. Given that above moderate income housing needs can largely be filled by market rate housing, this is not considered a significant impact.

I-29. In Section IV.C-2 of the DSEIR, it is suggested that the generation of approximately 2,000 jobs "is not considered a significant impact and may actually have beneficial effects through the improvement of the jobs/housing balance." This is only true on a strictly local level, and the impact will be quite significant if the surrounding communities are considered.

The generation of 2,000 new jobs will have beneficial effects for the City of East Palo Alto with respect to employment, as discussed in section IV-C of the DSEIR, but will also have detrimental effects on noise, traffic, housing, air quality and other environmental areas. The language quoted from page IV-C.2 of the DSEIR was intended to state only that the project will have beneficial effects in the area of employment, not to suggest that other potential environmental impacts do not exist. The detrimental effects of increased employment are discussed in Section IV.B of the DSEIR.

I-30. In Section IV C-3, the DSEIR states: "Employment programs to be provided by the [Redevelopment] Agency will seek to maximize the number of local residents in new jobs created by the Implementing Actions." Yet, while the text also presents the disclaimer that "mitigation measures are not required for impacts of a less than significant level," one certainly can't help but wonder if it isn't there for a reason. Doesn't the presentation of a separate point here in the form of mitigation rather than an indication of Redevelopment Agency policy, in some sense, contradict the previous assertion of no significant impact to jobs-housing imbalance?

The DSEIR is correct in its assertion that the project will have no significant negative effects on employment, because the project will provide a net increase in jobs for local residents. The DSEIR also states in paragraph 2, page IV.A-1 that "mitigations for less-than-significant impacts [are] provided under certain sections for the purpose of presenting relevant data to . . . decision-makers." The proposed mitigation measure on page IV.C-2 is not inconsistent with the finding that the project will not have significant impacts on employment since the information is included only to provide additional information.

I-31. In Figure IV D-2 the map should read "Donohoe St.," not "Dononohoe St."

Comment noted.

I-32. Table IV D-6 and Figure IV D-11 show substantial increases in traffic in residential areas, on Woodland Ave. in Menlo Park (22% increase) and on Lincoln Ave. (25% increase) in Palo Alto. Why isn't this described in the main text, and what will be done to mitigate the imposition of commute traffic in a residential area?

Increases on Woodland Avenue are shown in Figures V D-9, D-11 and D-12. These increases are not considered significant. See also response to Comment H-11 and H-12.

I-33 (L-2) On page IV D-35, modifications to public transit is discussed. Since Santa Clara County will also be affected by traffic, shouldn't arrangements be made with Santa Clara County Transit to get additional transportation service to this area?

The comment is correct. The City of East Palo Alto should work with Santa Clara County Transit in an effort to improve public transit service to the Project Area.

I-34 University Avenue has the heaviest traffic west of US-101 as shown in Figure IV D-11. Currently, University Ave. has unrestricted access to US-101 southbound. The proposal eliminates this on-ramp, and requires drivers from Palo Alto to navigate an additional traffic light to enter US-101. Would this cause additional delays? If the lights are not carefully timed, won't this result in a substantial reduction of LOS (Level of Service) for the intersection of University and Woodland?

The improved freeway interchange would not cause additional delays at the University/Woodland intersection. The intersection at the southeast on-ramp on University would be a 2-phase signal with controls for the southbound left and northbound through movements. The northbound right-turn movement (vehicles traveling from Palo Alto to southbound US 101 would have dual right turn lanes and would be permitted to turn on red. The only opposing movement would be the southbound left-turn movement. The southbound through movement, (vehicles traveling to Palo Alto from University Avenue or exiting from the freeway) would not be controlled by the signal. The intersection at Woodland/University would have a multi-phase signal which would not allow more traffic at the southbound on-ramp intersection than it can handle. Further operations analysis at these and other locations near the interchange would be necessary in order to monitor and adjust as necessary the proper signal timing and phasing which would prevent a reduction in Level of Service.

I-41. In Section IVL, it is stated: "The only way to eliminate this [visual] impact is to abandon the Specific Plan." It should be noted that this does not necessarily mean abandoning any redevelopment, just this particular project.

Comment noted.

I-42. The Nairobi Village site should have been considered since it is likely that "blight" could be shown to exist at the Nairobi Village site.

If the City chooses to undertake further redevelopment activities in East Palo Alto, it must find the existence of "blight" in order to empower the Redevelopment Agency to assert redevelopment powers. Blight may in fact exist in numerous other areas of the City. Whether blight exists on the Nairobi Village site is not relevant to this DSEIR, which analyzes redevelopment in the University Circle redevelopment area. The discussion of blight in the DSEIR was intended only to relate the analysis of alternative sites to the requirements of redevelopment law. Refer to response F-14 and B-14.

J-1. You may rightly observe that Palo Alto allowed some rather large buildings to be built. Many of us are very unhappy about this and have fought actively to stop them. I don't think more oversized buildings (residential or commercial) is the answer.

Comment noted.

J-2. I am surprised and startled that your jobs-housing imbalance is so far in the other direction from ours.

Comment noted.

J-3. I sincerely hope you will consider other applicants. One of the main problems with DeMonet seems to be style, and consideration of history and surroundings.

Comment noted.

J-4. Alternative locations are considered "for a physical development project comparable to that of the Implementing Actions." Is it reasonable to consider essentially the same people at these locations, or shouldn't different office-retail-hotel mixes be considered?

Section 2100(d) of the Public Resources Code and Section 15126(d) of the CEQA Guidelines require analysis of alternatives which could feasibly attain the basic objectives of the project. The alternatives studied in the DSEIR were selected on the basis of these requirements. CEQA does not require that an EIR consider simultaneously both alternative sites and alternative intensities of development. The purpose of requiring alternate site analysis is to ensure that decision-makers have considered the relative environmental merits of undertaking development in different locations, not to require examination of every possible combination of differing development intensities and project site locations.

J-5. For each site, the question should be asked, "Could 'blight' be documented on this site?"

Comment noted. Determining whether "blight" exists is a lengthy and technical process which cannot be judged solely by appearances. Whether blight exists on other East Palo Alto sites is irrelevant to the DSEIR.

J-6. Isn't Site One much better than the Preferred Alternative, as it largely pushes its problems across U.S. 101 and thus reduces impacts on neighboring residential areas in unrelated jurisdictions?

Site One does not resolve visual or traffic impacts and does not resolve the blighted conditions that exist in the Project Area. Moving the significant impacts of a project from one population to another does not resolve the impact.

J-7. With regards to Site Two, it would be most unfortunate to the community if the Drew Medical Center were displaced.

Comment noted.

J-8. Since much of Site Three has been cleared, perhaps the "blight" has already been removed, but nonetheless, all of the other benefits of redevelopment would still be obtained.

Comment noted.

J-9. (J-11, J-13, J-19) Site Three would provide an attractive city center, and enhance job opportunities as the location is closer to a greater number of residents. Sites Three and Four may be considered better locations given these considerations.

Comment noted. Site three may not enhance job opportunities since the hotel would not be visible from highway 101 and therefore may not be economically viable. Much of the success of the hotel operation will depend on visibility from Highway 101 to attract clients and provide easy access. Similar attributes affect the viability of the office and retail uses, though perhaps to a lesser extent. If the project is not viable, it will not provide any of the benefits stated in the comments.

J-10. Site Three might not be suitable for the same *type* of hotel but this should not eliminate this site from consideration, since the "Reduced Scale" Alternative does not even have a hotel.

Comment noted. Refer to response to J-4.

J-12. For Site Three, under Traffic and Transportation (and also under Housing), as mentioned above, the analysis of this site fails to consider access via the Dumbarton Bridge. Does the Air Quality analysis include Dumbarton Bridge access?

The DSEIR states that the Dumbarton Bridge is a primary travel destination for residents commuting from the East Bay to the project and trips were assigned to the Dumbarton Bridge in the traffic analysis. The intersections studied for purposes of air quality impacts are listed in Table IV.F of the DSEIR. These intersections were selected for analysis because they were found to have the highest traffic volumes, worst congestion and greatest increases in project-generated traffic. To the extent this traffic travels over the Dumbarton Bridge, Dumbarton Bridge traffic to and from the Project area has been included in the air quality analysis in the DSEIR.

J-14. Site Four offers little improvement over the Preferred Alternative as it pushes the project's problems onto Menlo Park instead of Palo Alto.

Comment noted. Note that this statement contradicts the earlier comment J-13, which is responded to in Response to Comment J-9.

J-15. Alternative Site Five destroys relatively low income housing and would require traffic improvements.

Comment noted.

J-16. The statement that "none of the off-site locations would meet goals set by the City [of East Palo Alto] to remove blight documented in the Project Area" is an oxymoron. Undoubtedly, some project *will* redevelop this area, most likely through a redevelopment agency. The question really would be whether this is the appropriate plan. Clearly, this is not the only plan which would solve this area's problems. This may merely be the only option that *this* developer is willing to consider.

Comment noted.

J-17. The concluding remarks on off-site alternatives could use some improvement.

Comment noted. Since the commentator has made no specific criticism, it is not possible to provide a specific response.

J-18. On Page V-25 of the DSEIR, in the second paragraph, the DSEIR should indicate the economic opportunities may more closely resemble the "Reduced Scale Alternative."

Comment noted. The comment refers to a sentence that contains a confusing use of "removed" as a modifier. The sentence reads " . . . the redevelopment may not be feasible when the hotel is removed from visual corridors near the Bayshore Freeway." The word "removed" refers to distancing the hotel from the freeway corridor, not eliminating it from the Redevelopment Plan.

J-20. The DSEIR does not consider any "Specific Plan Alternatives" as is stated.

The DSEIR need not address an alternative to the Specific Plan, because, as stated in responses A-32 and B-1, the "project" analyzed for CEQA purposes is the Redevelopment Plan as implemented by the entire package of land use approvals defined as the "Implementing Actions." The analysis of alternatives is intended to address alternatives to the entire project as a whole, not specific alternatives for the individual components of the project.

J-21. Assuming the DSEIR intends to discuss off-site alternatives, the analysis of sites three and four has serious problems, as all off-site alternatives have the same impacts associated with employment except Site Three, which would correspond more closely to the "Reduced Scale" Alternative than the Preferred Alternative. Aren't these alternatives fairly comparable if "removal of blight" is not considered or "blight" is documented on the alternative site?

Comment noted. The DSEIR discusses the comparability of the sites under each environmental area.

J-22. In Section VIII, it is suggested that "... adverse impacts [of gentrification] are largely mitigated by redevelopment agency support for low and moderate income housing." But that mitigation is there only if the redevelopment agency is structured to provide that support.

Comment noted. Refer to responses to E-8, and V-4.

J-23. The short-term job-housing imbalance impact is dismissed as insignificant as "needed workers may be hired from within the City as compared to neighboring cities." This is only true if the employers which choose to locate in this project need the skills possessed by the unemployed (or under-employed) in East Palo Alto, or can acquire these skills in a reasonably short period of time.

The University Centre project is expected to provide employment opportunities for a full range of skilled and unskilled workers. The hotel and retail components of the project, for example, will offer employment opportunities for less skilled workers. As discussed on page VIII-4 of the DSEIR, construction jobs will also be available for qualified local residents. Businesses leasing commercial office space may require specially trained or highly educated workers, but it is expected that clerical and secretarial job opportunities will also be available. Table V-C-1 of the DSEIR shows that 33% of East Palo Alto employees work in industries such as construction, finance, insurance, real estate, transportation, communications and utilities. Therefore, the City is home to a skilled labor force which could be expected to perform many of the necessary jobs to be created.

J-24. "The jobs per housing ratio in East Palo Alto will increase from an estimated 0.14 in 1990 to 1.31 the completion of the projects listed for the City in Appendix G." Given that East Palo Alto is currently a net exporter of employees, these numbers are very disturbing. What is clear is that we are looking at a substantial increase in traffic, particularly in our major transportation corridors.

Comments noted. The DSEIR recognizes on page VIII-3 that the University Centre project, in conjunction with other area-wide development projects, will have significant long-term cumulative impacts on the regional jobs-housing balance and

cumulative traffic. Implementation of mitigation measures C-1 and C-2 would reduce the housing impacts. Traffic mitigation measures are discussed in Section IV.D of the DSEIR.

J-25. It is asserted as a mitigation that "the City [of East Palo Alto] should explore the possibility of using groundwater." This seems like a dubious proposition. It is also uncertain that the Hetch-Hetchy System will continue to be able to supply its own needs. So these mitigation measures may be inadequate and the impact not insignificant.

The potential drought conditions of the area have been taken into consideration in the DSEIR. Based on a telephone conversation with Mr. Bob Frame of the San Mateo County Utility Department there is no reason to believe that the Hetch Hetchy water system cannot provide water to the proposed project (Mr. Bob Frame May 1990).

J-26. Correction to Appendix G, p. G-2: Palo Alto Med. Foundation is listed as an increase of 60,000 sq. ft. This is a *net increase* in square footage. The amount of development for this project is more like 85,000 square feet.

The Future Base forecast is derived from information provided by the cities of East Palo Alto, Palo Alto and Menlo Park. The increment of cumulative growth in each of these cities was added to the existing traffic scenario separately. The increase in traffic due to approved projects in Palo Alto was based on actual roadway volume increases generated by the list of "committed" projects studied in the City-wide Land Use and Transportation Study. As such, the DSEIR relied on the travel forecasts provided by the cities of Palo Alto and Menlo Park. The list of projects provided in Appendix G is based on the cumulative list of projects applied by these cities in their city-wide travel models.

J-29. You should prepare a revised DEIR including these alternatives and analyses. Another Supplement will not provide the depth or analysis needed to judge a lower intensity use of this site.

The Redevelopment Agency has analyzed all required significant environmental impacts, mitigation measures and alternatives applicable to the "new information" revealed by the Implementing Actions. The Agency therefore is not required to prepare an additional EIR.

K-2. Business Relocation, Section IV.A, subsection 3, P. IV.A-4, last paragraph: this paragraph needs to reference the California Relocation Assistance Law. Also, this paragraph states that 30 days prior to approval of the Implementing Actions, the Agency will notify businesses of alternative sites. Which of the Implementing Actions is being referred to and what is the source of this statement?

The California Relocation Assistance Law is contained in sections 7260, et. seq., of the California Government Code and in the Relocation Assistance and Real Property Acquisition Guidelines, 25 Cal. Code of Reg's § 6000 et. seq. The sentence on page IV.A-4 of the DSEIR referring to notification of alternative business sites 30 days prior to the approval of the Implementing Actions is incorrect. A replacement housing plan must be approved by the Agency no less than 30 days prior to the adoption of the DDA, but alternative business sites will not be targeted until a later date, but in any event prior to the removal of buildings and actual displacement of residents or businesses.

K-3. The DSEIR states as the standard of significance that the Specific Plan will have a significant effect if it facilitates the generation of students beyond the current student population served, and then states that the University Center Project will have a significant impact because it will result in a net increase in students. The reasons given for this conclusion are that new jobs and the 20% housing set-aside will generate additional housing, which housing will generate additional students. Then, in the following paragraph, it is concluded that the University Center Development will not have a significant impact upon schools because the schools have existing available capacity, but no factual data is given to support this conclusion. The proper standard of significance is that the Implementing Actions will have a significant effect if they facilitate the generation of students beyond the existing (or already planned) capacity of schools to serve those students. Factual analysis concerning the potential generation of students "facilitated" by the Implementing Actions need not be provided. For this purpose, a student population "facilitated the by Implementing Actions" would mean an increase in students over and above or occurring significantly earlier than normal/anticipated growth rate.

As noted in the comment, the proper standard of significance for school impacts should be whether a project is likely to generate a new student enrollment increase beyond the existing or currently planned capacity of the schools. The FSEIR hereby adopts such a standard. Analysis that was provided in the Program EIR is updated here to reflect current student enrollment (see Tables IV-1 and IV-2). Table IV-2 shows that high schools and the Ravenswood 7-8 grade school have the capacity to absorb significant student growth. The Ravenswood 7-8 grade school can absorb approximately 200 new students, and the district high schools can absorb over a thousand new students. Grades K-6 of the grade schools in the district are all at or over capacity.

The number of new students that the proposed redevelopment project will generate in the school district is difficult to determine as it is not known how many of the new jobs generated by the redevelopment will encourage new population to reside within the school district. However, based on the cumulative housing analysis in Table VIII.4 of the DSEIR, the University Centre Project could have a cumulative job generation impact on the City of East Palo Alto that exceeds ABAG projections by 693 jobs. Based on 1.45 jobs per household, 693 jobs could form approximately 480

housing units. An additional 480 housing units beyond ABAG projections for the year 2000 would generate over 100 new students in the school district. Because grade schools in the district have reached their maximum capacity, this is a significant impact.

Mitigation of this significant impact is provided by developer fees that are collected in the school district. If the school district were to assess the maximum developer fees allowed by the State of California at this time, the district could collect \$1.56 per square foot of residential construction and \$0.26 per square foot of commercial and industrial construction. These fees could provide the school district with approximately \$182,000 dollars just from the construction of the proposed University Center project. Related housing construction would substantially increase the fees the school district would receive. These impact fees reduce the impact to a less than significant level. In addition, school districts often use "pass-through" agreements with the City which provide that the tax increment they would otherwise have received will be passed through to the schools. "Pass through" agreements between the school districts and the Agency have been reached, which would generate millions of dollars to the schools over the life of the University Centre Project. This will also reduce the school impacts to levels of insignificance.

CUMULATIVE INCREASE
IN THE NUMBER OF
DWELLING UNITS
ATTRIBUTABLE TO
THE UNIVERSITY CIRCLE
PROJECT (ASSUMING 1.45
AVAILABLE
EMPLOYEES PER HH)²

STUDENT
GENERATION
FACTORS PER

NUMBER OF
ADDITIONAL

DWELLING UNIT

STUDENTS

SLOTS

480 units approximately³

K-6

0.11¹

52.8

0

7-8

0.04¹

19.2

209

9-12

0.08¹

38.4

1,334

Sources: ¹ Development Fee Implementation Study, Ravenswood City Elementary District, 1987.

² ABAG Projections '90, 1990 Employees per Household.

³ Based on Table VIII-4 of the DSEIR.

TABLE IV-2. LOCATION, STUDENT ENROLLMENT, AND STUDENT CAPACITY LEVELS OF SCHOOLS IN THE RAVENSWOOD ELEMENTARY AND SEQUOIA UNION HIGH SCHOOL DISTRICTS

NAME	LOCATION	GRADE LEVELS	STUDENT ENROLLMENT 1989-1990	STUDENT CAPACITY
<u>Ravenswood Elementary School Districts</u>				
Belle Haven	Menlo Park	K-6	544	529 (b)
Brentwood Oaks	East Palo Alto	K-3	671	660 (b)
Costano	East Palo Alto	K-6	499	420 (b)
Ronald McNair	Palo Alto	4-6	443	384 (b)
Menlo Oaks	Menlo Park	4-7	383	374 (b)
Willow Oaks	Menlo Park	K-3	581	551 (b)
Ravenswood	East Palo Alto	7-8	<u>312</u>	<u>521 (a)</u>
TOTAL			3,433	3,439
<u>Sequoia Union High School District</u>				
Carlmont	Belmont	9-12	1,398	1,577 (a)
Menlo-Atherton	Atherton	9-12	1,161	1,766 (a)
Sequoia	Redwood City	9-12	1,606	1,954 (a)
Woodside	Woodside	9-12	<u>1,381</u>	<u>1,583 (a)</u>
TOTAL			5,546	6,880

- (a) This school has existing capacity for additional students.
 (b) This school is at capacity.

Source: Ms. Gina Pyles and Ms. Fiantino, Ravenswood Elementary School District, 1989-90; Ms. Susana Munzel, Sequoia Union High School District, 1989-90.

K-4. (K-5, K-6) The following typographical errors are noted:

Page III-1, Section III.B, refers to maximum height under the Specific Plan as 205 feet but Section IV.A on p. IV.A-3 says 225 feet.

Page IV.D-15: the Figure referred to in the third paragraph should be "IV.D-4" instead of "IV.D-1."

Page IV.D-28: the Table referred to in the paragraph labelled D-10 should be "IV.D-7" instead of "LD-6" and the Table referred to in the following paragraph should be "IV.D-8" instead of "IV.D-7."

The correct building height for the University Centre construction is 205 feet. The Specific Plan indicates that no building to be constructed on the site should exceed 220 feet in height (see Figure 6 of the Specific Plan).

The following typographical errors are to be corrected as noted:

Page IV.D-15: the Figure referred to in the third paragraph should be "IV.D-4" instead of "IV.D-1."

Page IV.D-28: the Table referred to in the paragraph labelled D-10 should be "IV.D-7" instead of "LD-6" and the Table referred to in the following paragraph should be "IV.D-8" instead of "IV.D-7."

K-8. Page IV.H-7: in the paragraph following the paragraph labelled H-4, "142,200 gallons" should be "147,794 gallons."

The correction noted above is correct and the DSEIR shall stand amended as follows:

Page IV.H-7: in the paragraph following the paragraph labelled H-4, "142,200 gallons" should be "147,794 gallons."

L-1. The DSEIR should consider ramp metering for the University Avenue/Highway 101 interchange.

Comment noted.

L-3. Project generated traffic was assigned based on the same procedures identified in the University Circle Redevelopment EIR. Under these assumptions, 32% of future office generated traffic is assigned to the zones within East Palo Alto, Palo Alto, and Menlo Park. The DSEIR recognizes that there would be potential housing shortages in East Palo Alto, Palo Alto and Menlo Park for new workers, and that the project would lead to significant cumulative short-term impacts on the housing

supply. The DSEIR should discuss the "worst case" traffic impacts that an insufficient local housing supply would have on the freeways.

The trip distribution also assumes that a portion of existing East Palo Alto, Menlo Park and Palo Alto residents will be employed by the Project. Therefore, it is reasonable to assume that 32% of the Project trips would travel from these areas, and would not be considered as commute traffic.

L-5. (X-4) The Metropolitan Transportation Commission ("MTC") and the Bay Area Air Quality Management District were not provided with a copy of the DSEIR when the Notice of Completion was issued. Please provide these agencies with environmental documents in a timely manner for any future development projects which would have impacts on regional transportation facilities.

Comment noted. MTC and the Bay Area Air Quality Management District were inadvertently left off the list of agencies which should have been delivered copies of the DSEIR as well as notified of the availability of the DSEIR in the Notice of Completion. These agencies have since been provided with copies of the DSEIR and the Redevelopment Agency's records have been revised.

L-6. To assist you in developing your TDM program, we have enclosed a copy of MTC's What We Do And Don't Know About Traffic Mitigation Measures.

The Redevelopment Agency and the preparers of the DSEIR have reviewed this manual in which TDM/TSM programs are discussed. Decision-makers within the City of East Palo Alto, as well as within surrounding jurisdictions, should consider the information in this document. The City may choose to require a TDM program as a condition of project approval. A TDM program is outlined and suggested on pages IV.D-35 through IV.D-36 of the DSEIR.

M-1. The University Circle Specific Plan does not address East Palo Alto's developmental needs. Its implications are racist and anti-diversification.

Comments M-1 through M-31 purport to refer to specific pages of the DSEIR. We have been unable to locate the specific references made. To the extent feasible, however, we have attempted to respond to these comments. The redevelopment of the University Circle Redevelopment Area is not intended to promote racist or segregated policies. The purposes is instead to promote economic and social revitalization of an underutilized portion of East Palo Alto. This comment does not address environmental issues and the response therefore need not address this issue in further detail.

M-3. The plan calls for the replacement of a human-scaled, community oriented commercial center. Whiskey Gulch gives the community color and distinctive quality. The area's local flavor, cultural diversity, intimate charm, and texture also make it special. These qualities, if advertised, intensified, and improved upon could

result in a significant increase in the economic and social benefit which Whiskey Gulch can bring to the City.

The Redevelopment Plan and associated documents have identified the areas as blighted and therefore not conducive to improvement and intensification without redevelopment assistance. The business relocation plan for the redevelopment area will encourage the continued commercial viability of existing businesses which provide the attributes described in the comment. East Palo Alto can promote its cultural heritage by using increased tax revenues resulting from increased development to further encourage local business expansion, and to provide viable environments for these businesses to carry on their business.

M-4. (M-32) The University Circle Plan, seeks to impose a development which is culturally sterile, signifying only big money. This development is socially , aesthetically and environmentally repugnant. More important, it would complete the historical process of annexation of west-of-freeway East Palo Alto into the Palo Alto/Menlo Park area.

Comments noted. The University Centre project will bring new sources of revenue to the City, as well as jobs and will stimulate viable development, but whether it is "aesthetically and environmentally repugnant" is an issue for the East Palo Alto City Council to decide. Traffic impacts are discussed in detail in the text of the DSEIR and in the responses to comments. The Cities of Menlo Park and Palo Alto have no intention of "annexing" the redevelopment area into their jurisdictions.

M-5. The following outline has been introduced to and applauded by several groups within East Palo Alto.

Comment noted. The outlined alternative development proposal is included below in Comment M-7.

M-6. In place of a developer with no regional connections and with values that are antithetical to maintaining regional character or building regional cooperation, a more appropriate "developer" could be found.

Comment noted. No development package has been proposed by Stanford, Palo Alto or Menlo Park. Palo Alto and Menlo Park have fiscal problems today to obtain sufficient funds to sustain their own budgets, so it is unlikely that they would contribute much to East Palo Alto's redevelopment efforts.

M-7. [Outline presented for alternative development].

- 1. University Circle should be developed in such a way as to preserve all its existing housing and the majority of its commercial structures.**

2. Some elements of the development might include second and third story additions to the row of existing buildings. These additions could include "moderate" income housing which could help to support the businesses which are there.
3. A four or five story commercial tower (including a restaurant) over Value Max would be a possibility.
4. Cinemas could be incorporated in the vicinity of the Arco Service station. These, and other businesses, could be built underground and the sealed highway underpass reopened for use as an emergency exit.
5. Some University Avenue parking should be eliminated and replaced by extended sidewalks to be used for "sidewalk cafe" types of activities.
6. Parking for cinemas could be accommodated by one or two stories of parking structure above, and not eliminating, the parking area presently available in the vicinity of Value Max. However, depending on its economic feasibility, additional underground parking could be built.
7. The roof of the parking area could double as a garden-recreational area and a University Avenue pedestrian overpass could connect the area with cinemas.
8. Southern access to Highway 101 could include the stoplight and other aspects of the DeMonet plan for adapting the highway overpass. But while through-traffic on University Avenue would be discouraged, the present access to the freeway would be maintained.
9. An aspect of preservation on the site would be to maintain existing trees, streets and alleyways and structures which have achieved the 50 year mark when it is customary to think of them in terms of historic preservation.
10. Care should be taken to preserve the cultural and visual texture of the entire redevelopment area.
11. Care should be taken to prevent damage to the wildlife and recreational potential of the adjoining San Francisquito Creek.

12. "Built into" the development should be a high level of social services dealing with some of the community identification, adult education and substance abuse. (These services should be financed by money which is generated by redevelopment for use in the redevelopment area).

Comment noted. This type of redevelopment was studied in the Program EIR as incremental redevelopment.

M-8. Unclear what is unique, since other development concepts could also satisfy the proposed goals.

It is unclear what is referred to in the comment.

M-9. Need to explain what are the blighted physical, social and economic conditions.

Blight and the characteristics of the Redevelopment Area that justify a finding of blight are discussed in the Program EIR.

M-10. On what criteria were these assertions made?

Refer to response M-9. It is unclear what portions of the DSEIR are referred to in this comment.

M-11. Why is there no discussion of alternative arguments which point to the positive overall quality (physically, socially and economically) of Whiskey Gulch?

The City held numerous public hearings on the Redevelopment ("Program") EIR in which interested persons commented on the physical, social and economic merits of the current uses of the Redevelopment Area as compared with the uses and benefits associated with redevelopment. The City and Redevelopment Agency have concluded that the criteria of "blight" has been documented on the site. This is documented further in the Katz Hollis feasibility study created for the Program EIR and in the Program EIR itself.

M-12. (M-13, M-14, M-19) Concerning Page IV-A-1, Paragraph two line 5, what is meant by modern land use and developable land, and why is the existing site not considered economically viable?

The proposed redevelopment as defined by the Specific Plan and other administrative actions allows for structures that would maximize open space by condensing the building foot print. The buildings are to be set-back and stepped-back to allow for the passage of light and air, and to minimize shadow effects and towering effects. The Specific Plan requires a circulation plan that is safe and efficient, and

parking facilities that will accommodate visitors to the area and minimize parking on the street. Development under the parameters of the Specific Plan will upgrade drainage and water infrastructure. These features are considered elements of modern land use planning and architecture, and the University Centre Project incorporates these requirements.

Developable Land is any land area that has the potential for further construction or improvements.

This DSEIR does not discuss the economic viability of the existing activities on the site. Per the CEQA Guidelines, Section 15131:

"Economic or social information may be included in an EIR or may be presented in whatever form the agency desires."

- (a) "Economic or social effects of a project shall not be treated as significant effects on the environment...."
- (b) "Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project."

Financial feasibility studies should be included in the findings of fact or other documentation that will accompany this FSEIR upon certification. The DDA should address these issues as well.

Whether the Project will cause the escalation of land prices is speculative and not an environmental issue.

M-15. (M-16) What is the definition of mixed use, and why does the definition not include residential units?

The term "mixed use" is applied to developments that incorporate more than one of the broad categories of land use types such as (office, industrial, residential, or commercial). The proposed redevelopment plan allows for commercial (retail, and hotel), and office use and can be considered mixed use. A mixed use development can include residential units if the developer or the lead agency chooses. However, including residential units in mixed use developments can limit the type of commercial and industrial activities that may take place within the development due to nonconforming land uses that may generate high noise levels or offending odors. See also, C-20 and F-13 responses.

M-17. What are "city services," and are services other than police protection adequately considered?

City services are those utilities, infrastructure, or services such as police and fire, that are provided by the local municipality. Section H of the DSEIR discusses a number of city services including fire protection, water, waste water, and drainage.

M-18. Has the city government assessed the economic, environmental and psychological benefits of undeveloped lands? Without such an analysis the present productiveness of so-called "developable land" cannot be assessed.

The City of East Palo Alto has considered the value of parks and open space in the General Plan. It is not clear how this comment applies to the proposed Redevelopment Plan since the site proposed for redevelopment is not undeveloped. The City of East Palo Alto has targeted this area for redevelopment as a result of blight, which inhibits the property from being used for the highest and best land use.

M-20. There are clearly development alternatives which do not require business or resident displacement. Since these could also be expected to increase resident income, why has this particular approach been favored?

Refer to response M-3, M-8, M-11.

M-21. University Circle fails to provide adequate access to local residents who live East of the Freeway.

This comment fails to identify the location of the residents who will not have access to the Project. The comment also fails to specify what access is not provided. Access from the east and the north by pedestrians and vehicles is provided.

M-23. Alleyways and roads which now represent public thoroughfares will be replaced by the project. What are the fiscal implications to the city of the loss of these thoroughfares?

No fiscal implications to the City are expected from loss of alleyways and roads as a result of the interchange improvement. The purpose of the interchange improvements and the removal of University Circle and the closure of O'Connor and Manhattan is to improve access to and from the freeway and Project area and to create a feasible area to develop.

M-24. (M-25, M-26, M-27, M-28) By what criteria are buildings in Whiskey Gulch considered obsolete? Are there structures on the site that are considered historically significant?

Historic and cultural resources were assessed in the Program EIR, which was certified in December, 1988. Section V-N on page V-N-1 of the Program EIR states that there are no properties in East Palo Alto listed in the National Register of Historic Places. The blight in the project area, including building obsolescence, is documented in the Program EIR and the Preliminary Report on the Proposed University Circle Redevelopment Plan by Katz and Hollis, 1988.

M-29. Referring to Whiskey Gulch as "blighted" is an inflammatory, unsubstantiated statement.

The term "blight" is used in its legal sense as defined under California Redevelopment Law. Further explanation of the legal term of act "blight" can be found in the Katz Hollis Report.

M-30. Many people consider these structures as violating the integrity of the peninsula landscape, and very intrusive on neighboring Baylands. Rather than being a credit to East Palo Alto, the planned development might well be interpreted as a sign of poor taste and environmental insensitivity.

Comment noted. An environmental impact report assembles pertinent environmental information to aid decision makers in the process of reviewing project applications. It is inappropriate for this FSEIR to make statements concerning taste or preference.

M-31 (M-12) The price-escalating effect of the development, rather than contributing to the social health of the community, will be devastating. Many of the people who live and work here, and who define the character of East Palo Alto, will be priced out of the city.

Comment noted. This comment does not relate to environmental issues.

M-32. (M-4) The project will force local citizens to relocate by escalating local land prices, and segregate minority people to the east side of the freeway.

Comment noted.

N-1. I have made a request that your office should be able to publish a list of redevelopment documents for the public to track the progress of all the development activities. These documents include the Redevelopment Plan, the Owner Participation rules, the Redevelopment Plan and the EIR.

Comment noted.

O-1. The DSEIR was directed to an incorrect address. Please send another copy to the correct address.

According to Ms. Lynda Rahi, Executive Director of the East Palo Alto Redevelopment Agency, a second copy of the DSEIR was sent to the correct address. Copies of the report were also made available to the public at the East Palo Alto City Hall and the East Palo Alto library.

P-1. The State Clearinghouse has circulated the DSEIR to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Comment noted.

R-1. We noted that there was no discussion or reference to discussion concerning the physical deterioration of the existing commercial downtown area of East Palo Alto which may result from the proposed University Centre Shopping Center.

Currently few downtown businesses are competing with the businesses operating in the Redevelopment Project Area. Under the proposed project retail uses are actually being decreased, which would lessen the competitive impacts to businesses downtown. Per the Specific Plan, the retail space in the University Circle project is intended to provide services complimentary to hotel and office uses. The retail services to be provided in the Project Area are not expected to compete with existing downtown services. In fact, competition for East Palo Alto some of these services may be reduced by removal of existing business in the Project Area.

R-2. The supplemental EIR states that 35,000 sq. ft. of retail space is envisioned for the project. The supplemental EIR acknowledges that the existing downtown commercial area in the City of East Palo Alto contains approximately 920 jobs.

Comment noted. Refer to response R-1.

R-3. In Citizen's Association for Sensible Development of the Bishop Area v. the County of Inyo, 172 Cal.App.3d 152, the court found that the board must consider whether the proposed shopping center would take business away from the downtown shopping area and thereby, cause business closures and eventual physical deterioration of the downtown.

The case of Citizen's Assoc. for Sensible Dev. of the Bishop Area v. County of Inyo, 172 Cal.App.3d 151, 217 Cal.Rptr. 893, is not applicable to the facts surrounding development of the University Centre project in East Palo Alto. The town of Bishop was a small, isolated community, which the court itself described as "a very small community." 217 Cal.Rptr at 898. The proposed project subject to CEQA in County

of Inyo consisted of nearly 100,000 square feet of new retail space. Id. at 896. In contrast, the University Centre project is located in an urban area surrounded by large cities containing millions of square feet of retail shopping areas. The University Centre project replaces approximately 200,000 square feet of retail space with only 35,000 square feet of retail space, which, when considered in the context of the total existing retail space for the area will have only a negligible effect on the shopping habits of area residents, the vast majority of whom currently travel outside the City for most of their shopping.

R-4. It is foreseeable that this project will rob the business and employees from the East Palo Alto business core.

Refer to responses R-1, R-3.

R-5. We request that the City of East Palo Alto focus its attention on the potential adverse environmental impact of a substantial commercial retail development outside of the City's central core.

Comment noted.

S-13. The criteria for defining low and moderate income housing needs is defined for the relocation plan in terms of HUD Guidelines for low and moderate income for San Mateo County as a whole, including communities like Atherton and Hillsborough. These definitions of low and moderate incomes are higher than what is characteristic of East Palo Alto itself.

Comment noted.

The Association of Bay Area Governments ("ABAG") generally defines "overpaying" for housing as those households paying more than 25 percent of the gross household income. Because the HUD guidelines applicable for the region will have the effect of defining "low and moderate income housing needs" as relatively higher than is characteristic of the City of East Palo Alto, more local residents will be classified as low or moderate income persons. As a consequence, more East Palo Alto residents will be eligible for housing assistance benefits than might otherwise be eligible if only East Palo Alto average incomes were used. However, if the definition of low and moderate income is over-expansive rather than under-expansive, the analysis in the DSEIR regarding mitigation measures for persons forced to relocate from the site is still accurate.

T-1. The changes proposed to the University Avenue-Bayshore Freeway interchange would result in an immediate, severe worsening of traffic congestion on and around the overcrossing, even without any added traffic from the University Circle project.

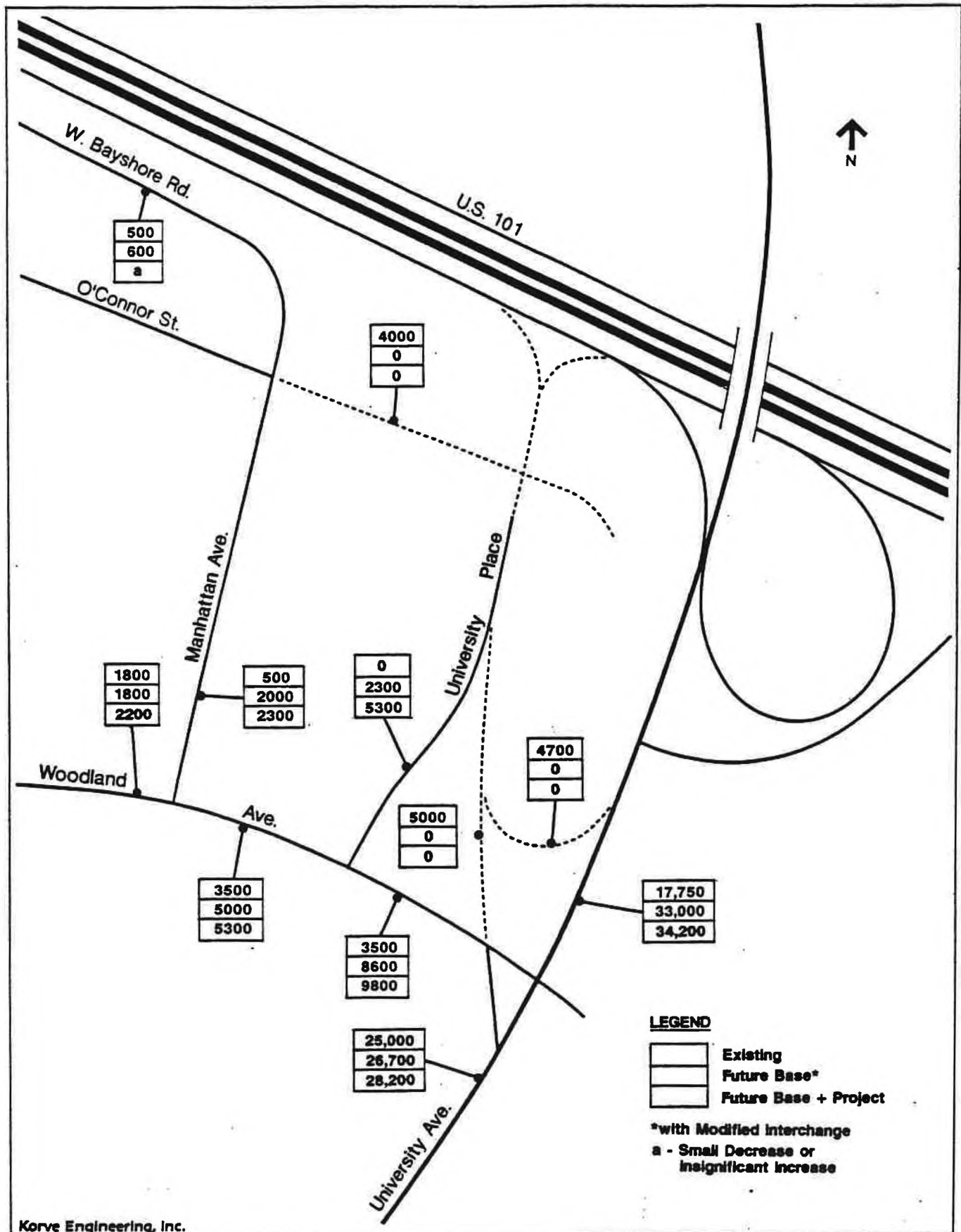
The interchange improvements would relieve traffic congestion around the overcrossing. Currently, vehicles are backed up along University Avenue and University Circle. The improvements would provide immediate access to the freeway from University Avenue with adequately timed signals and additional lanes. The DSEIR discusses the impact of the interchange. See also response to Comment A-5.

T-2. Worsened congestion is contrary to the East Palo Alto General plan (p. 6-19, as quoted on p. 6 of the Specific Plan; Appendix C of the referenced EIR).

The General Plan is a policy document which guides development in the City of East Palo Alto. Traffic impacts are studied in the DSEIR, and with traffic mitigations in place, the project does not have a significant traffic impact.

T-3. The referenced EIR is deficient in that it does not provide traffic flow numbers for the realigned freeway entrance from University Avenue to eastbound Bayshore.

Figure IV.D-9 is corrected to show Project traffic along University Place. (See attached figure IV.D-9)



T-4. The report does not offer any other options for eastbound access for present users, from southbound University Avenue or from the East Palo Alto and Menlo Park neighborhoods to the immediate west.

Eastbound freeway access for present users traveling southbound University Avenue or from the East Palo Alto and Menlo Park areas west of the project site would be provided along University Avenue at the southeast on-ramp with the proposed interchange improvement.

T-5. Other Highway 101 interchanges in the immediate area are being upgraded to full 8-way cloverleafs. It is a retrogressive step to downgrade an interchange to 7-way from 8-way. The proper course is to construct a modern 8-way cloverleaf, avoiding left turns against heavy traffic, and providing access for traffic from the Westerly neighborhoods to the Eastbound freeway without entering or crossing University Ave.

Refer to response to Comment A-23.

T-6. The changes proposed in the supplemental EIR would cause a serious traffic bottleneck in East Palo Alto.

This comment fails to address which changes would cause a serious bottleneck in East Palo Alto and the anticipated location of the bottleneck.

V-1. Mitigation measures for housing impacts of the proposed project do not include a discussion of how many housing units East Palo Alto and surrounding communities may be expected to provide, nor is the timing of housing to be developed through tax increment funds discussed.

Housing that is to be developed with 20 percent of tax increment funds will be provided as funds accumulate over the life of the project. Redevelopment law mandates replacement of units removed from the project area within four (4) years.

The number of housing units that each community may be expected to provide cannot be determined exactly. The number of housing units that a community intends to construct over a period of time is a policy decision to be made by that community. The DSEIR does outline the cumulative jobs and housing impacts in section VIII. Note that tables VIII-1 through VIII-4 trace the cumulative jobs and housing impacts to the extent that data is available and reliable.

V-2. The local hiring/training program is a timely measure to promote jobs/housing balance. The Redevelopment Agency should ensure such a program is in place before completion of the project.

Comment noted.

V-3. The tax increment funds for low-moderate income housing may mitigate certain long term impacts of the project but will fall short of meeting housing needs generated by the proposed project in the short term.

Short-term housing imbalances may occur if local housing production does not keep pace with employment growth attributable to the Project. Additional mitigation measures to compensate for short-term housing shortages are discussed below in response V-4.

V-4. The City should consider additional measures to mitigate the housing impact. These other measures would be those identified in the City's housing element revision to meet existing and future housing needs.

The following mitigation measures to reduce short-term housing shortages should be considered by the Redevelopment Agency:

(1) Seek bonds on the 20 percent tax increment dedicated to housing so that low income housing construction may begin prior to the accumulation of funds.

(2) In cooperation with the City Planning Department, land owners considering residential development may be encouraged to develop at a faster pace given administrative aid with permitting requirements and density bonuses.

(3) Density bonuses should be tied to timely development of residential units and the provision of a diverse range of housing opportunities for varied household incomes.

V-5. Each community in the region is required by State law to address its ABAG Housing Needs Determination in the housing element of the general plan. East Palo Alto is expected to do its best to meet its 1988-1995 projected need of 956 units.

Comment noted.

X-1. Table IV.F-2 of the DSEIR indicates that the project will cause a net increase in hydrocarbons and nitrogen oxides of 0.23 and 0.20 tons/day respectively. Under this test the proposed Project would be considered to have a significant adverse impact on air quality.

The commentator is correct. The proposed project would result in an additional 0.23 ton/day of hydrocarbons and 0.20 ton/day of nitrogen oxides, exceeding the Best Available Control Technology (BACT) requirements for stationary sources. Although the pollution sources described in the DSEIR are not stationary sources and no permit is therefore required, the proposed redevelopment project would have a significant impact on regional air quality under the BACT test.

A 68 percent reduction in emissions would be required to reduce this impact to a less than significant level. The Transportation Demand Management (TDM) plan discussed in the DSEIR would reduce the impact by reducing vehicle trip generation and thus automobile emissions; however, it is unlikely that a reduction of this magnitude could be achieved even under the most aggressive TDM plan. Therefore, this impact must be considered as significant and unavoidable.

X-2. A project may be considered to have a significant impact if associated population or employment growth exceeds Association of Bay Area Government (ABAG) growth projections for the subregion. Because the Bay Area Air Quality Plan (BAAQP) is based on the ABAG projections, such an excess would suggest an inconsistency with the BAAQMD.

Table VIII-3 of the DSEIR indicates that ABAG forecasts 5,160 new jobs through the year 2000 in the City of East Palo Alto. This project alone would not exceed ABAG projections, nor would it create a significant regional air quality impact based on this criteria.

Y-1. (B-29) The DSEIR fails to discuss the impacts upon the Palo Alto Airport.

Based on information provided by Mr. John C. Hau, in a letter from the Airport Land Use Commission (ALUC) dated September 16, 1988, the Specific Plan and other components of the Implementing Actions will not have any significant impacts on the Palo Alto Airport. The Specific Plan, in Figure 6 limits building heights to 220 feet above ground (this is below the 230 feet above ground height limitation cited by the ALUC). The CEQA Guidelines require an EIR to discuss only significant impacts on the environment, and it was determined that there was no need to discuss impacts in relation to the Palo Alto Airport as they were not considered significant adverse environmental impacts. The FAA has approved buildings of heights up to 310 feet above ground on this site, which suggests that the buildings proposed for University Centre pose no hazard to aircraft.

Z-1. O'Connor Street is not included in the traffic surveys. Without a barrier on O'Connor at Euclid Avenue, project traffic would spill over from Willow Road into the project via O'Connor. A barrier should be installed before construction begins.

A barrier on the O'Connor near the Willows area is not a required mitigation for the Project. See response to Comment B-24.

Z-2. (A-49, C-79) Bicycle racks are not mentioned, nor are they located on site maps. I trust a suitable number of racks will be installed.

The DSEIR's proposed Project level of detail is such that bicycle racks are not mentioned. However, racks should be provided to promote bicycle use.

Z-4. Ramps should be installed at all curbs on the overpass. This will also provide wheelchair access.

Comment noted.

Z-5. Rather than providing more parking spaces and attempting to accommodate increased traffic from the project, why not reduce the available parking and require a certain percentage of people working at the project to use public transportation.

A reduction of parking spaces would not necessarily encourage employees to use public transit, but will, in fact, encourage drivers to park in neighboring areas, which would have a significant parking impact on nearby residential areas. Moreover, the number of on-site parking spaces provided for new development is enforced by the City of East Palo Alto, not the developer.

AA-4. The draft SEIR uses 1800 as the existing average daily traffic on Woodland Avenue, yet the City of Menlo Park's latest traffic counts show no more than 1500 cars per day. Woodland Avenue will be forced to absorb 400 additional cars per day. This is a 27% increase in daily traffic on a street that is hardly a typical "residential collector" street. Allowing more traffic onto this street, with the possibility of an increase in the speed limit, will further aggravate an already unsafe situation. Any increase in traffic would detract from its rural nature and increase the possibility of accidents. The draft SEIR fails to consider any of these environmental factors. The draft SEIR fails to consider the effects on pedestrian traffic on Woodland Avenue.

The existing traffic volumes along Woodland Avenue are based on recent traffic counts. Although Woodland Avenue may experience some increases in traffic, no evidence suggests that the increased traffic will pose increased risks to pedestrians, cyclists or other persons using this street. See Response to Comments H-11 and H-12.

BB-1. The detail and analysis are in the conceptual stage and are not sufficiently specific to allow judgment of traffic conditions through completion of the project. Traffic conditions and levels of service estimates cannot be considered valid for EIR purposes.

Comment noted. The analysis in the DSEIR describes adequately all environmental impacts to the extent feasible given available technology and methodology.

BB-2. The amount of traffic moving directly into Menlo Park from University Ave. appears to be understated.

A portion of the project trips would travel toward Menlo Park along University Avenue. The DSEIR illustrates the Project impacts along University in Menlo Park in Figures IV D-9-12.

BB-3. Existing and future traffic conditions are explained in terms of volume/capacity which does not describe the delay or the related reduction in speed of movement. Level of Service is not described.

Table IV.D-1 describes the Level of Service definitions which include the amount of delay anticipated for each service level designation.

BB-4. The V/C comparisons do not describe the delays now occurring or the changes resulting from the project. The network is not diagrammed to show traffic demand requirements for intersection signalization control.

See Response to Comment BB-3. Signal time is beyond the scope of this DSEIR.

City of Palo Alto

P. O. BOX 10250
PALO ALTO, CA 94303

OFFICE OF CITY MANAGER
415/329-2563

April 10, 1990

Mr. Stanley H. Hall
City Manager/Executive Director
City of East Palo Alto Redevelopment Agency
2415 University Avenue
East Palo Alto, CA 94303

RE: University Circle Redevelopment Plan

Dear Mr. Hall:

The Draft Supplement to the University Circle Redevelopment Plan Environmental Impact Report dated March, 1990, ("DSEIR") makes reference to certain documents that are not included within the DSEIR itself but are necessary in the context of reviewing the DSEIR and in understanding the specific project for which the DSEIR has been prepared. Please consider this a request, pursuant to Government Code Section 6256 (the Public Records Act) for a copy of the following public documents:

A1

1) The PUD Permit application referenced on pages II-2, III-1 and IV H-I, and elsewhere in the DSEIR. Page II-2 indicates that the "application by De Monet Industries, Inc., was received by the City and Agency on January 16, 1990."

2) The PUD ordinance described on pages IV A-I, and IV A-3 and elsewhere in the DSEIR. Page IV A-3 states that the PUD ordinance is contained in Appendix B; however, Appendix B does not contain this ordinance.

3) The Disposition and Development Agreement (DDA) referenced on page II-4 of the DSEIR.

4) The Statutory Development Agreement (SDA) referenced on page II-4 of the DSEIR.

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Page Two

5) The proposed General Plan amendments as described on pages II-4, IV A-3 and IV A-4 of the DSEIR.

6) University Centre Public Improvement Analysis, prepared by Hawk Engineers, Inc., in October, 1989, revised November 15, 1989, described on pages IV H-I, IV H-6 and IV H-7, Appendix D-7 and elsewhere in the DSEIR.

7) The "property tax pass-through agreement (reviewed by the City of East Palo Alto on November 28, 1988) between the Menlo Park Fire Protection District and the East Palo Alto Redevelopment Agency" referenced on pages III-13 and IV H-9 of the DSEIR.

8) The "Minority Incubation Program" referenced on page IV C-4 and elsewhere in the DSEIR.

9) A more recent version of the Draft Specific Plan dated August 8, 1989, if a more recent version exists.

Finally, I would like to take this opportunity to renew the City's request for copies of the following documents relating to the City's/Agency's earlier actions with respect to the project:

A2

a) Resolution No. 31 of the Agency, certifying the EIR, making environmental findings, and adopting a statement of overriding considerations.

b) Resolution No. 531 of the City Council, overruling objections to adoption of the Redevelopment Plan.

c) Resolution No. 532 of the City Council, making environmental findings and adopting a statement of overriding considerations.

d) Ordinance No. 102 of the City Council, adopting the University Circle Redevelopment Plan.


In accordance with Government Code Section 6257, the City of Palo Alto will pay the applicable fee for copying the requested documents.

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Page Three

Please let me know when and by what means I can obtain the documents requested in this letter.

Thank you in advance for your cooperation.

Very truly yours,



WILLIAM ZANER
City Manager

WZ:SWC:bdc

cc: Tony Bennetti
Ken Schreiber

SPECIFIC COMMENTS ON TRANSPORTATION SECTION OF DRAFT SUPPLEMENT
TO THE UNIVERSITY CIRCLE REDEVELOPMENT PLAN EIR, MARCH 1990

Note: The directional conventions of this EIR are used in these comments (e.g., Bayshore Freeway runs east-west). References to the "Program EIR" are to the University Circle Redevelopment Plan EIR (Draft, August 1988; Final, November 1988).

- Page III-5, item D-1: Refer to comment for page IV-D-10, item D-1. A3
- Page III-6, item D-2: Refer to comment for page IV-D-10, item D-2. A4
- Page III-7, items D-4,5: Refer to comments for page IV-D-16, items D-4,5. A5
- Page III-7, item D-6: Refer to comments for pages IV-D-16, 19, item D-6. A6
- Page III-8, item D-9: Refer to comments for pages IV-D-8 and IV-D-21, 24 and 28. A7
- Page III-9, item D-11: The data in the text shows that the project by itself does create significant negative impacts at three intersections in 2010--Embarcadero/Middlefield, University/O'Brien, and Willow/Middlefield (refer to comments for page IV-D-28, item D-11). Thus, mitigation measures are required to mitigate project impacts. A8
- Page III-9, item D-12: The data in the text shows that the project does create a significant negative impact on the Bayshore Freeway mainline, which requires mitigation. Refer to comment for page IV-D-30, item D-2. A9
- Page III-10, item D-14: Benefits to cyclists on the University Avenue overcrossing would be easily negated by the multiple sets of double turn lanes and heavier traffic volumes, unless bicycle lanes, wide curb lanes, or a separate bicycle overcrossing were provided. Refer to comments for page IV-D-33, item D-14. A10
- Page III-11, item D-15: Refer to comments for page IV-D-33, item D-15. A11
- Page IV-D-3, bottom: Refer to comments for pages IV-D-15, 16. A12
- Page IV-D-5, middle: The text states that counts were taken in the vicinity of the University/Bayfront Expressway intersection before and after the earthquake. Yet, the existing ADTs presented in Figure IV-D-4 are the same as those presented in the Program EIR. A13
- Page IV-D-5, bottom: The recent Caltrans PSR for Route 109 did not include "a widened Willow Road" as an alternative. A14

Page IV-D-8, bottom: East Palo Alto continues to use a change in v/c ratio of .05 as one of the standards of significance. As a comparison, Palo Alto has utilized a more conservative standard of .01. Palo Alto's standard recognizes the small amount of capacity left once LOS E is reached and the necessity to obtain mitigation from even small development projects which incrementally use up this remaining capacity. East Palo Alto has chosen a very liberal standard which allows a project to use up 50 percent or more of remaining intersection capacity before being considered a significant impact. A15

This EIR has not included a standard of significance for Caltrans facilities. East Palo Alto's response to comment H-29 in the Program EIR stated that Caltrans' standard of significance was a volume increase of 5 percent once at least 90 percent of capacity had been reached. This standard, if still appropriate, should be included in this EIR. A16

Page IV-D-10: References have been made in other documents to East Palo Alto's "Gateway Redevelopment Project" (e.g., in the Draft EIR for the Ravenswood Industrial Area); however, it appears not to have been accounted for in this analysis. If this project is "reasonably anticipated", CEQA requires that it be part of the cumulative analysis. A17

The list of Stanford projects in Appendix G should include an additional major project which is reasonably anticipated but has not yet been approved: the Stanford West housing development. A18

Page IV-D-10, item D-1: According to Figure IV-D-4, the volumes on University Avenue south of Woodland Avenue range up to 27,000, not 30,000, vehicles per day. In its comment H-27 on the Program EIR, Palo Alto had requested that at least two other potential neighborhood shortcut routes be included in the analysis--Hamilton Avenue and Woodland Avenue/Newell Road. Palo Alto still believes that these should be included. A19

Page IV-D-10, item D-2: Table IV-D-2 shows that the freeway mainline would experience level of service E, not D, or better. The table also shows that the additional lanes would lead to an improvement of about .05 to .10, not .10, in the volume/capacity ratios. A20

Page IV-D-15, middle: The Caltrans Route 109 PSR did not include "upgrading Willow" as an alternative. A21

Pages IV-D-15,16: There are several items related to the University/Highway 101 interchange that require further evaluation and discussion. These are:

- (a) No analysis or discussion of project impacts was provided for any of the interchange movements (the collector-distribution roadways, merge points and on-off ramps) for the existing or proposed interchange configurations. A22

- (b) No improvements have been proposed or discussed for the north half of the interchange even though the University Centre project will impact movements on the north side of the interchange nearly as much as on the south side. The Program EIR had identified some potential capacity problems with the north(west)bound off-ramp and the north(west)bound collector-distribution roadway. Even if the future configuration of the north side of the interchange is not yet known, an analysis of project impacts on the current configuration would serve as an indicator of future impacts. A23
- (c) The importance of the existence of a fifth eastbound auxiliary lane on the freeway mainline between the University Avenue and Embarcadero Road interchanges to the proper functioning of the two-lane eastbound on-ramp should be discussed. This lane and one in the westbound direction are proposed to be funded by Measure A and Caltrans. Measure A funding is in place, but the Measure A timetable does not call for construction of the lanes until 2001 at the earliest. The State's share of the funding is not certain at this time. If it is important that the eastbound auxiliary lane be part of the proposed improvement to the south half of the interchange, it is essential that this EIR confirm the timetable and funding source. A24
- (d) It is important that this EIR confirm the timetables and funding sources for all the elements of the reconstruction, so that University Centre and all interchange improvements are completed together. A25
- (e) There are two potential weaving problems in the interchange design shown in Figure IV-D-7: (1) the short weaving distance between the end of the eastbound off-ramp and the back of the queue for the southbound University Avenue through movement at the Woodland traffic signal; and (2) southbound University traffic turning right onto westbound Woodland may be trapped into turning right into University Place, whereas some traffic may need to proceed west on Woodland. A26
- (f) Further design work for the University Avenue/Woodland Avenue intersection should consider modifications that would eliminate the traffic channelization island and short right-turn ramp in the southwest quadrant (where Woodland traffic turns right onto University towards Palo Alto). This would correct an existing as well as a future problem of inadequate merging distance in the same area where two through lanes transition to one through lane. A27
- (g) No discussion or accommodation has been provided for bicycle traffic on the University Avenue overpass. With (i) the University Centre development located south of A28

the freeway and East Palo Alto residential areas located mostly east of the freeway and (ii) the large traffic volumes projected for the overcrossing and its complex cross section including multiple sets of double right- and double left-turn lanes, a separate overcrossing for bicyclists should be constructed along with the new interchange. Pedestrians could also use the separate overcrossing, but pedestrians appear to be accommodated by sidewalks (refer to comment for page IV-D-33, item D-15).

- (h) There are at least two inconsistencies between Figure IV-D-7 in the EIR and the traffic circulation plan in the University Centre drawing package (Drawing Number CSD-4.1, 1/11/90). First, the drawing shows an eastbound collector-distribution road segment that is proposed to be eliminated in the revised interchange configuration. Second, the drawing shows a westbound shared through/right lane at the Woodland Avenue/University Place intersection that is not shown in Figure IV-D-7. This through movement is needed.

A29

Page IV-D-16, items D-4,5: It is misleading to state that these improvements will be beneficial. By themselves, they would be. However, they are being undertaken at this time because the proposed project necessitates them. The benefits are lost once project traffic is added to the improvements. Refer to Tables IV-D-4 (without project) and IV-D-8 (with project) to see this. Furthermore, the changes in bicycle flows would not be beneficial unless certain other provisions were made (refer to comments for page IV-D-33, item D-14).

A30

Pages IV-D-16,19, item D-6: The text states that the ultimate interchange configuration will include pedestrian facilities on both sides of the freeway overcrossing. Yet, facilities on the east side of the overcrossing are not shown in Exhibit A of the Caltrans PSR, in Figures IV-D-7 and IV-D-8 of the EIR, nor on page IV-D-35 of the EIR in the "University Avenue" paragraph. The text states that a pedestrian overcrossing of the eastbound off-ramp would be provided and is shown in Figure IV-D-7. However, Figure IV-D-8 shows a pedestrian undercrossing at this location. Exhibit A of the Caltrans PSR also shows an undercrossing instead of an overcrossing.

A31

Page IV-D-20, "project trip generation": The terms "project" and "specific plan" are used on this page, generating confusion as to which project is being analyzed in this section. Furthermore, two projects were described on page III-1, one totaling 604,000 net square feet and the other 700,000 net square feet, and it is not clear which project was used for trip generation analysis. Trip generation is normally based on trip rates per gross square foot, not net square foot. If trip generation was based on net square feet, it will have to be recalculated with gross square feet, thus increasing the trip generation of the project. The "specific plan" calls for a 185,000 square-foot hotel with 266 suites (page IV-A-

A32

A33

1), while the "PUD Application" calls for a 181,000 square-foot hotel with 266 suites (page III-1). All these inconsistencies should be clarified. Tables should be provided showing all details of the calculations, enabling the reader to know which and what size uses comprise the project and what trip generation rates were used.

A34

Page IV-D-21 top: The text states that the primary access to the project would be via University Place. However, the garage access is at the end of a long plaza with visitor parking and pick up/drop off functions. Drivers may, instead, prefer the more direct garage access reachable via Manhattan Avenue, only one-half block further west. Manhattan Avenue, a two-lane road with residences on one side, could, in fact, become a major project access.

A35

Page IV-D-23: University Place is supposed to be the main entry to the proposed project, yet it shows zero future volume. Furthermore, the sum of all daily traffic volumes entering and exiting the specific plan area is 1200 (Woodland east) plus 400 (Woodland west) equalling only 1600 daily trips. The volume on O'Conner is not shown but, presumably, is not large. How these 1600 daily trips relate to the 3140 daily net new trips in Table IV-D-5 needs to be explained. The 1200 daily project trips on Woodland between University Place and University Avenue is less than the 1500 daily project trips on University Avenue south of Woodland, which cannot be correct. These inconsistencies need to be corrected or explained.

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Page IV-D-26: According to this figure, the approximate sum of average daily project traffic, external to the project site, is the sum of the following: 300 (Route 109), 2800 (Route 101 east), 1200 (Route 101 north), 400 (Woodland west), 1500 (University south), totalling 6200 daily external trips. The fact that this is double the 3140 daily trips shown in Table IV-D-5 should be explained. Also, 300 trips are shown on Route 109 south of Bayfront Expressway, while less than 100 are shown on University Avenue south of Bay Road.

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A41

Pages IV-D-28, 29, 31: Using the trip information provided in the report, we are unable to verify the validity of the level of service calculations. The assignment of peak hour project trips on the network needs to be provided.

A42

Page IV-D-28, item D-11: The underlined sentence is incorrect, according to the definition of significant impact given on page IV-D-8. Table IV-D-8 shows that the project will cause significant impacts in 2010 at Embarcadero/Middlefield (LOS D to E), University/O'Brien (LOS E to F), and Willow/Middlefield (LOS E to F).

A43

Page IV-D-30, item D-12: The text states that the project will not have significant impacts on the Bayshore Freeway. However, Table IV-D-9 shows that, in 2010, PM peak hour, east of University Avenue, the project will cause a shift from LOS D to E (v/c from .90 to .91).

A44

Page IV-D-31. There are inconsistencies between this table and Table 4.5.12 on page 4.5-20 of the Ravenswood Industrial Area Redevelopment Plan EIR (February 14, 1990). Both EIRs were prepared at approximately the same time, with the same cumulative project assumptions, and both with, presumably, the same long-term scenarios (the Ravenswood EIR doesn't actually give the year for its long-term scenario). There are differences of up to two levels of service between the PM peak hour "future base + project" column of Table IV-D-8 in the Supplemental EIR and the PM peak hour "long-term with project" column of Table 4.5.12 in the Ravenswood Redevelopment EIR. These inconsistencies should be explained or corrected.

A45

Pages IV-D-30, 35, 36 (items D-13, D-3, D-11): The project should be responsible for instituting and partially funding a peak period commuter shuttle service between the Palo Alto Caltrain station and the project site. The shuttle could also serve the Menlo Park business park near O'Brien and University and the proposed Ravenswood redevelopment area. The TDM program should be considered as a mandatory mitigation measure, given the significant impacts mentioned under comments for pages IV-D-28 and 30, and considering the upcoming regional mandatory transportation control measures. Access design elements should be spelled out in terms of specific proposals.

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Page IV-D-33, item D-14: Bicycle parking should be provided for the project (secure facilities for employees, racks for customers). All roadway improvements should accommodate bicycles by providing Caltrans-standard bicycle lanes, including through bicycle lanes to the left of right-turn lanes. Wide curb or through lanes of at least 14-foot width would also serve this purpose. The text states that bicyclists will be benefitted by reconfiguration of the on- and off-ramps. However, these benefits would be easily negated by the multiple double right- and left-turn lanes and heavier traffic volumes, unless bicycle lanes, wide curb lanes, or a separate bicycle overcrossing were provided.

A49

Page IV-D-33, item D-15: The project seems to improve pedestrian circulation, especially if the pedestrian under/overcrossing of the eastbound off-ramp and facilities on the east side of the University Avenue overcrossing are provided. Sidewalks along Woodland Avenue, University Place, Manhattan Avenue and the at-grade portion of University Avenue should be separated from traffic lanes by a landscaped buffer strip. Refer to other comments on pedestrian facilities under comments for pages IV-D-16, 19, item D-6.

A50

Page IV-D-34, "beneficial impacts": Refer to comments for page IV-D-16, items D-4, 5.

A51

Page IV-D-34, "impacts not significant": Refer to comments for page IV-D-30, item D-12.

A52

Page IV-D-34, bottom: The five improvements listed beginning at the bottom of the page are integral with the project and should

A53

definitely be included as conditions of approval of the project, contrary to what the immediately preceding paragraph states. Were the project to be approved without any one of the five improvements, severe traffic impacts would be likely to result. Furthermore, construction of a sidewalk on the east side of the University Avenue overcrossing, as stated on page IV-D-19 of the EIR, should be added. The EIR should state how all these improvements will be funded. A54

Page IV-D-37, bottom: The proposed improvement for the Embarcadero/East Bayshore intersection in Palo Alto should address if and how a second northbound through lane would be provided once the shared through/left lane were eliminated. A55

Page IV-D-38, middle: The improvement at University/Middlefield may be implemented by Palo Alto within the next year, but by restriping rather than by widening. The paragraphs immediately following those describing the University/Middlefield and the Embarcadero/Middlefield improvements apply to the University/Guinda and Embarcadero/East Bayshore improvements as well. A56

Page IV-D-38, bottom: The improvement described for Embarcadero/Middlefield was considered by Palo Alto during its Citywide Land Use and Transportation Study, and was rejected. This should be noted in the text. A57

4/12/90
CS:SWC:bdc

City of Palo Alto

P. O. BOX 10250
PALO ALTO, CALIFORNIA 94303

April 13, 1990

PLANNING COMMISSION
Palo Alto, California

Responses to the City of East Palo Alto's Draft Supplemental EIR
Related to the University Circle Redevelopment Project

Members of the Commission:

On March 23, 1990 the City received a Draft Supplemental Environmental Impact Report (DSEIR) for the City of East Palo Alto's revised University Circle Redevelopment Project. The proposed project is located near the University Avenue interchange with Highway 101 and proposes the development of approximately 700,000 net square feet of commercial, hotel and office space.

The City of Palo Alto previously considered the following documents in connection with the project:

1. University Circle Redevelopment Plan Notice of Preparation for a Draft Environmental Impact Report was received March 27, 1988, and a response delivered on April 27, 1988.
2. University Circle Redevelopment Plan Draft Environmental Impact Report was received August 23, 1988, and the response delivered September 22, 1988.
3. University Circle Redevelopment Plan Final Environmental Impact Report dated November, 1988, was received by City of Palo Alto December 15, 1988.
4. University Circle Redevelopment Project and Specific Plan Notice of Preparation for a Draft Environmental Impact Report was received May 17, 1989. The document was subsequently identified as a Draft Supplement to the University Circle redevelopment Plan Environmental Impact Report (DSEIR). The City of Palo Alto response was delivered June 15, 1989.

March 23, 1990 Draft Supplemental Environmental Impact Report

This DSEIR has been proposed in response to comments received on a previous DEIR on the same University Circle proposed project area, which was reviewed by the City of Palo Alto Planning Commission and City Council in August and September of 1988. The previous DEIR was prepared on a maximum project of 1.75 million square feet with building heights of 18 stories or 275 feet, and parking for 3,500 cars. A level two development proposal of approximately one million square feet was also evaluated. The present DSEIR and Specific Plan envision a reduced project of 700,000 net square feet with building heights of 12 stories or 220 to 230 feet, and parking for 1,800 cars.

While the reduced height and scale of the project will clearly reduce visual and aesthetic impacts to the City of Palo Alto, the Planning Commission should be cautioned that a number of the flaws noted in the previous DEIR on the maximum 1.75 million square foot University Circle proposal are repeated in this document. In general, they are as follows:

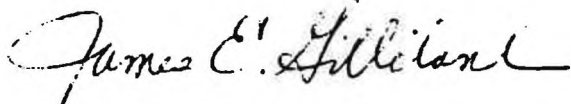
- o The project is not well defined. Throughout the document, the project being analyzed is referred to as the "University Circle Redevelopment Plan," the "University Center Project," the "Specific Plan" of 700,000 net square feet, and or the "PUD Permit Application" of 604,000 net square feet. The distinction is significant since each of these terms has a separate meaning. Using them interchangeably makes it difficult to determine what the real project is. Finally, the PUD permit application has not been made available to the City of Palo Alto, even though it is consistently referred to throughout the DSEIR and the City has requested said application. B1
- o The proposed University Avenue/101 Interchange improvements are limited to one-half of the interchange only, which does not include the area east of Bayshore. Cumulative traffic impacts of the future Gateway project (automobile mall) are not incorporated into this document. B2 B3
- o The DSEIR does not specifically identify funding sources to accomplish public improvements for the proposed project, responsible parties to execute said improvements, or the sequencing of actions necessary for completion of identified improvements. B4

- o Proposed phasing does not require the hotel to be constructed in Phase I, or at any date certain. In the financial analysis on the redevelopment plan, prepared by Katz-Hollis and Associates, the primary long-term revenue source to East Palo Alto to be generated in the proposed project is the hotel. B5
- o The reduced project analyzes a net square footage proposal of 700,000 square feet. This could substantially understate impacts on traffic, parking, utilities, etc., which are normally evaluated on a gross-square-footage basis. The previous document seemed to be analyzing gross square footage, "Translating" this document into gross square footage may increase the project size up to 1,000,000 square feet. B6
- o The reduction in visual and aesthetic impacts anticipated with the proposed project may not fully materialize, given that the mass and scale of the project could increase up to 25 percent with gross square footage projections. In particular, while the number of proposed floors has been reduced from 17 to 12, building heights are shown to be approximately 200 feet for an average floor height of 16.5 feet. This compares to a normal commercial floor height of 10 to 11 feet. B7
- o Specific development parameters normally identified in the specific plan process are not included in the proposed Specific Plan and are, therefore, not analyzed in the DSEIR. These include maximum building heights (not number of stories), minimum parking requirements, set back requirements, etc. The Specific Plan reference to a 12 story maximum would be easily achievable in commercial buildings within a 150 foot height; however, 200+ foot heights are referred throughout the DSEIR. The only building step back requirement is imposed above a 150 foot building height. The Specific Plan and, thus, the DSEIR, defer substantial discussion and decision making on parking, transportation system management, wastewater disposal, storm drainage and emergency response to the PUD application, which is not part of the DSEIR and has not been made available to the public. However, the DSEIR purports to be the medium for CEQA review of the project proposed by the PUD application. Therefore, the DSEIR needs to be revised to incorporate an analysis of the PUD application. B8
B9

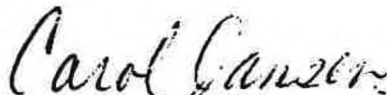
Recommendation

The proposed staff comments are contained in two attachments. Attachment A contains general comments regarding the DSEIR, and Attachment B contains detailed comments on the traffic portion of the DSEIR. Staff recommends that the Planning Commission review the DSEIR and staff comments, and forward to the City Council any additional comments as appropriate.

Respectfully submitted,



JAMES E. GILLILAND
Planning Administrator



CAROL JANSEN
Chief Planning Official

SWC:bdc

Attachments: Attachment A (with attached letter to Stanley Hall)
Attachment B

cc: City Council
University and Crescent Park Association (Judy Maxwell)
City of Menlo Park (Jan Dolan)
West Bayshore Residents Association (Maureen Moravick)
City of East Palo Alto (Stanley Hall)

**COMMENTS OF THE CITY OF PALO ALTO ON THE MARCH 1990
DRAFT SUPPLEMENT TO THE UNIVERSITY CIRCLE REDEVELOPMENT PLAN
ENVIRONMENTAL IMPACT REPORT ISSUED BY THE REDEVELOPMENT AGENCY OF
THE CITY OF EAST PALO ALTO**

SUMMARY COMMENTS

The City of Palo Alto has not been able to obtain certain documents that would allow for a complete analysis of the Draft Supplement Environmental Impact Report (DSEIR). In particular, a review of the planned unit development (PUD) application which was stated in the DSEIR to have been received by the City of East Palo Alto and the Redevelopment Agency on January 16, 1990, has been denied to the City of Palo Alto. Other documents are required as enumerated in the letter dated April 10, 1990 from William Zaner to Stanley Hall and attached to this document.

B10

One of Palo Alto's principal concerns regarding this DSEIR is the uncertainty about the scope and size of the Project. For example, as discussed in detail below, both the DSEIR and the Specific Plan use net square footage figures for the Project, without providing any basis for determining what the gross square footage will be for the overall project or its individual components. Since many of the impact analyses in the DSEIR will be affected by the amount of gross square footage, the use of the net square footage figures would appear to have the effect of substantially understating the Project's impacts. Also, the use of the net square footage figure makes it impossible for reviewers to relate the size of this project to Level 2 in the "Program EIR" or to the reduced density alternative which Palo Alto has previously urged be considered.

B11

Similar uncertainties are created by the indefinite descriptions in the DSEIR of the heights of the structures proposed for the Project. The figure for the maximum height of the building varies and is not defined as to what is included in height. The maximum height should be inclusive of flagpoles, antennas, mechanical penthouses, etc. Moreover, the drawings included in the EIR indicate a 12-story building of approximately 200 feet in height. This would allow an average floor to floor height of more than 16.5 feet, which is excessive and contributes significantly to the visual impacts of the proposed project.

B12

The stated mitigation measures do not give enough information on funding sources, responsible parties, timing and expectation for completion to allow for a complete analysis of the projects long range and cumulative impacts and the effectiveness of the mitigation measures.

B13

Palo Alto has also previously urged that East Palo Alto consider alternative locations for the Project, and that the Redevelopment Plan's adoption be reconsidered in the light of those alternatives.

B14

The DSEIR does present a variety of alternative locations. But it does not purport to be a basis for the reconsideration of the Redevelopment Plan and the DSEIR in effect concedes that this is a meaningless exercise once a Redevelopment Plan has already been adopted and the development proposed is that which should take place within an area slated for redevelopment. Accordingly, Palo Alto believes that this presentation of alternatives in a context in which they cannot be meaningfully considered by the decision-maker does not comply with CEQA.

B15

SPECIFIC COMMENTS

A. DEFINING THE PROJECT

There is considerable confusion as to what project is being analyzed. The "University Circle Redevelopment Plan" (defined as "the project" on page II-4; the "University Center Project" (page II-4); the "Specific Plan" of 700,000 net square feet (pages II-4, III-1 and IV-A-1); and/or the "PUD Permit Application" of 604,000 net square feet (page III-1). The terms "project" and "plans" are used interchangeably to apply to different proposals. It is essential that the EIR clarify what project is being considered and establish a consistent terminology that can readily be understood by the lay reader.

B16

B. BASIS FOR PROJECT MEASUREMENTS

Square Footage: Square footage figures should be done on the basis of gross square footage and not net square footage. The traffic, parking and utility figures all appear to have been based on the assumption of gross square footage and, therefore, are not accurate for a net square footage project. In addition, utilizing net square footage does not allow for a specific project size to be determined. Generally, hallways, stairways, elevator shafts, mechanical rooms, etc., add another 20 to 25 percent to the building area. Since the Specific Plan definition also excludes basements, attics, and arcades, the square footage allowed by the Specific Plan would more accurately be stated as at 1,000,000± square feet. This additional square footage will have a substantial impact on parking, traffic and the visual aesthetics of the project.

B17

Parking: The amount of parking for the project does not appear to be adequate to prevent spill over parking to adjacent streets. The criteria for parking requirements of 4 per 1,000 square feet for office, 5 per 1,000 square feet for retail, and 1 per room plus 1 per 50 square feet of meeting space are acceptable, however, the analysis of parking impacts should be based on gross square footage of all facilities and not net leasable areas. Assuming that gross square footage is 20 percent over net, the analysis should be based on a requirement for 2,100 parking spaces for the proposed project

B18

and over 2,600 for the allowed square footage of the Specific Plan. Allowance for shared use of parking facilities would only decrease the parking by a limited allowance for hotel rooms, as the banquet, conference and restaurant facilities would be considered as a concurrent use with the office and commercial spaces.

C. TRANSPORTATION AND CIRCULATION

Intersection Capacity Ratio: The determination of significant traffic impacts is made on the basis of a change in the volume/capacity ratio of .05 at level of service (LOS) E intersections. This is a very liberal standard which allows the project to use 50 percent or more of remaining intersection capacity before causing a significant impact. Palo Alto, by comparison, uses a more conservative value of .01.

B19

University Avenue/Highway 101 Interchange: The DSEIR and EIR contain no detailed analysis of the University Avenue/Highway 101 interchange movements, and does not propose nor analyze needed improvements to the north half of the interchange. It is important that this EIR deal comprehensively with this interchange, as it is of major importance to all three of East Palo Alto's redevelopment projects, as well as to the cities of East Palo Alto, Palo Alto and Menlo Park.

B20

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Additional Comments: Additional comments on traffic and circulation are included in the attached specific comments from the City of Palo Alto Transportation Division.

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B28

B29

DSEIR and Specific Plan.

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B30

B31

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B32

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B33

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B34

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City of Palo Alto

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PALO ALTO, CALIFORNIA

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Department of Planning and
Community Environment
(415) 329-2354

250 Hamilton Avenue
Post Office Box 10250
Palo Alto, CA 94303-0862

April 30, 1990

Karl Shepherd
Assistant Redevelopment Coordinator
Redevelopment Agency of the City of East Palo Alto
2415 University Avenue
East Palo Alto, CA 94303

Dear Mr. Shepherd:

Subject: Response to the University Circle Redevelopment Plan
Draft Supplemental Environmental Impact Report (DSEIR)

The City of Palo Alto appreciates the opportunity to review and comment on the Draft Supplemental Environmental Impact Report (DSEIR) for the University Circle Redevelopment Plan of the City of East Palo Alto.

The DSEIR was reviewed by the Palo Alto City Council at its regular meeting on April 23, 1990, when public testimony was also received from seven neighborhood residents. The DSEIR was also reviewed by the Palo Alto Planning Commission on April 18, 1990 and by City of Palo Alto staff. Comments from City Council, Planning Commission and staff are attached to this letter and are to be considered as the City's formal response to the DSEIR.

Again, thank you for the opportunity to respond to the Draft Supplement to the University Circle Redevelopment Plan Environmental Impact Report. We look forward to working with East Palo Alto to ensure equitable development that will be of benefit to both cities and the mid-peninsula area.

Sincerely,



KENNETH R. SCHREIBER
Director of Planning and
Community Environment

ltepauc:jg

Mr. Karl Shepherd
April 30, 1990
Page Two

Attachments: A. Comments of the Palo Alto City Council
 B. Comments of the Palo Alto Planning Commission
 C. Staff comments, including specific comments
 on Transportation Section

cc: City Council
 Planning Commission
 Mayor William Vines, City of East Palo Alto
 City of East Palo Alto (Stanley Hall)
 University and Crescent Park Association (Judy Maxwell)
 City of Menlo Park (Jan Dolan)
 West Bayshore Residents Association (Maureen Moravick)
 Speakers at Council meeting

ltepauc:jg

ATTACHMENT A

COMMENTS OF THE CITY COUNCIL OF THE CITY OF PALO ALTO
THE MARCH 1990 DRAFT SUPPLEMENT TO THE UNIVERSITY CIRCLE REDEVELOPMENT PLAN
ENVIRONMENTAL IMPACT REPORT ISSUED BY THE REDEVELOPMENT AGENCY OF
THE CITY OF EAST PALO ALTO

The Council Members emphasized that the City of Palo Alto recognizes that additional development is needed for the economic vitality of the City of East Palo Alto and a strong hope that Palo Alto and East Palo Alto can work together to resolve differences and facilitate completion of a suitable development for this redevelopment area.

As emphasized by the Planning Commission and staff comments, the Council was concerned about the following aspects of the Draft Supplemental Environmental Impact Report (DSEIR):

1. The economics of the proposed project and the financing of, not only the project, but also the required public improvements are not fully analyzed and timetables are not provided. This is of concern to Palo Alto because the DSEIR does not specifically identify funding sources to accomplish public improvements needed for mitigation of the impacts of the proposed project, responsible parties to execute the improvements, or the sequencing of actions necessary for completion of identified improvements. Also of importance is the hope that East Palo Alto ensures construction of the hotel as early as possible in the project in order to obtain the long-term municipal revenues from the hotel. C1
2. The inconsistencies of the DSEIR in defining the "plan" or the maximum parameters for construction do not allow for a complete analysis of the proposal. Utilizing net square footage could substantially understate project and cumulative impacts, including traffic, parking and utilities impacts which are normally evaluated on a gross-square-footage basis. C2
3. The project will still have significant visual impacts due to the excessive bulk of the buildings and the unnecessary excess of floor to floor heights. C3
4. Traffic impacts, including cumulative traffic projections, are inadequately analyzed. The proposed Gateway project should be included in all projections and analyses, including assessment of long-term impacts on the University Avenue interchange. Recalculation of the transportation analysis based on gross square C4

footage may identify an even greater project and cumulative impact on traffic and parking.

5. The effect of the groundwater table on project design and possible flooding should be analyzed. C5
6. Pedestrian access in general, and especially the existing situation of young school children having to cross the project site and overpass, should be analyzed to identify impacts and mitigation measures both during construction and after the redevelopment project is completed. C6
7. Recycling and other conservation efforts are not adequately analyzed in the DSEIR. C7

ltepauc:jg

ATTACHMENT B

COMMENTS OF THE PLANNING COMMISSION OF THE CITY OF PALO ALTO
ON THE MARCH 1990 DRAFT SUPPLEMENT TO THE UNIVERSITY CIRCLE
REDEVELOPMENT PLAN ENVIRONMENTAL IMPACT REPORT ISSUED BY THE REDEVELOPMENT
AGENCY OF THE CITY OF EAST PALO ALTO

The Planning Commission unanimously adopted the recommended comments of the staff in response to the Draft Supplement to the University Circle Redevelopment Plan Environmental Impact Report of the City of East Palo Alto and added the following comments:

1. Page III-4, item A-2 -- The identified mitigation measure bears no clear relationship with the identified cumulative impact. Further, the Draft EIR should address the timing of housing developed through the use of the 20% tax increment funding. C8
2. Page III-4, item B-1 -- The Draft EIR should provide more detail demonstrating how the number of East Palo Alto residents employed on the University Circle site will be maximized. C9
3. Page III-4 and -5, items C-1, C-2 and C-3 -- The Draft EIR should address the issue of regional jobs-housing impacts as well as the cumulative impacts for jobs generated by all proposed projects within East Palo Alto. C10
4. Page III-5, item C-2b -- The Draft EIR should identify which existing businesses will stay. C11
5. Page III-13, item H-10 -- The Draft EIR should evaluate the impacts of the project on downstream flooding from storm water generated by the 100 year flood. C12
6. Page III-15, item L-2 -- The visual impacts of the proposed project are significant, and the Draft EIR should evaluate the mitigation measure of reducing the building heights. C13
7. Page III-15, item L-5 -- The Draft EIR should analyze in greater detail the effectiveness of vegetative screens, including the impact of the underground parking structure on existing and future vegetation. C14
8. Page IV.D-8 -- The Draft EIR should evaluate the validity of the +.05 standard for determining significant traffic impacts, given the context of a highly congested urban area. C15
9. Page IV.H-1 -- In the fifth paragraph, the reference to homicides should be to the City of East Palo Alto. C16
10. Page IV-H-11 -- The wording of the first paragraph should be clarified regarding the inconsistency between "unlimited" and a "two year" solid waste capacity. Also, the Draft EIR should analyze the status of the Aponolio Canyon landfill facility and project impacts if this facility is C17
C18

not permitted. The Draft EIR should also evaluate recycling requirements that could be a mitigation attached to the project. C19

11. Page V-1 -- The Alternatives section should analyze a reduced scale alternative consisting of the hotel and reduced amounts of office development. C20

12. Page VIII-5 -- The cumulative job growth for Palo Alto and Stanford appears not to recognize that numerous approved and potential developments involve the replacement of existing non-residential buildings and thus a substantially lower net growth in jobs. C21

The Planning Commission's discussion highlighted the importance of the comment on page B-3 of the staff comments [Attachment C - Specific Comments on Transportation Section] regarding the need for the Draft EIR to confirm the timing and funding sources for all infrastructure elements of the University Avenue reconstruction. Failure to implement some of these elements in a timely and coordinated manner will increase significant traffic impacts associated with the project. C22

**COMMENTS OF THE CITY OF PALO ALTO STAFF ON THE MARCH 1990
DRAFT SUPPLEMENT TO THE UNIVERSITY CIRCLE REDEVELOPMENT PLAN
ENVIRONMENTAL IMPACT REPORT ISSUED BY THE REDEVELOPMENT AGENCY OF
THE CITY OF EAST PALO ALTO**

SUMMARY COMMENTS

The City of Palo Alto has not been able to obtain certain documents that would allow for a complete analysis of the Draft Supplement Environmental Impact Report (DSEIR). In particular, a review of the planned unit development (PUD) application which was stated in the DSEIR to have been received by the City of East Palo Alto and the Redevelopment Agency on January 16, 1990, has been denied to the City of Palo Alto. Other documents are required as enumerated in the letter dated April 10, 1990 from William Zaner to Stanley Hall and attached to this document.

C23

One of Palo Alto's principal concerns regarding this DSEIR is the uncertainty about the scope and size of the Project. For example, as discussed in detail below, both the DSEIR and the Specific Plan use net square footage figures for the Project, without providing any basis for determining what the gross square footage will be for the overall project or its individual components. Since many of the impact analyses in the DSEIR will be affected by the amount of gross square footage, the use of the net square footage figures would appear to have the effect of substantially understating the Project's impacts. Also, the use of the net square footage figure makes it impossible for reviewers to relate the size of this project to Level 2 in the "Program EIR" or to the reduced density alternative which Palo Alto has previously urged be considered.

C24

Similar uncertainties are created by the indefinite descriptions in the DSEIR of the heights of the structures proposed for the Project. The figure for the maximum height of the building varies and is not defined as to what is included in height. The maximum height should be inclusive of flagpoles, antennas, mechanical penthouses, etc. Moreover, the drawings included in the EIR indicate a 12-story building of approximately 200 feet in height. This would allow an average floor to floor height of more than 16.5 feet, which is excessive and contributes significantly to the visual impacts of the proposed project.

C25

The stated mitigation measures do not give enough information on funding sources, responsible parties, timing and expectation for completion to allow for a complete analysis of the projects long range and cumulative impacts and the effectiveness of the mitigation measures.

C26

Palo Alto has also previously urged that East Palo Alto consider alternative locations for the Project, and that the Redevelopment Plan's adoption be reconsidered in the light of those alternatives.

C27

The DSEIR does present a variety of alternative locations. But it does not purport to be a basis for the reconsideration of the Redevelopment Plan and the DSEIR in effect concedes that this is a meaningless exercise once a Redevelopment Plan has already been adopted and the development proposed is that which should take place within an area slated for redevelopment. Accordingly, Palo Alto believes that this presentation of alternatives in a context in which they cannot be meaningfully considered by the decision-maker does not comply with CEQA.

SPECIFIC COMMENTS

A. DEFINING THE PROJECT

There is considerable confusion as to what project is being analyzed. The "University Circle Redevelopment Plan" (defined as "the project" on page II-4; the "University Center Project" (page II-4); the "Specific Plan" of 700,000 net square feet (pages II-4, III-1 and IV-A-1); and/or the "PUD Permit Application" of 604,000 net square feet (page III-1). The terms "project" and "plans" are used interchangeably to apply to different proposals. It is essential that the EIR clarify what project is being considered and establish a consistent terminology that can readily be understood by the lay reader.

C28

B. BASIS FOR PROJECT MEASUREMENTS

Square Footage: Square footage figures should be done on the basis of gross square footage and not net square footage. The traffic, parking and utility figures all appear to have been based on the assumption of gross square footage and, therefore, are not accurate for a net square footage project. In addition, utilizing net square footage does not allow for a specific project size to be determined. Generally, hallways, stairways, elevator shafts, mechanical rooms, etc., add another 20 to 25 percent to the building area. Since the Specific Plan definition also excludes basements, attics, and arcades, the square footage allowed by the Specific Plan would more accurately be stated as at 1,000,000± square feet. This additional square footage will have a substantial impact on parking, traffic and the visual aesthetics of the project.

C29

Parking: The amount of parking for the project does not appear to be adequate to prevent spill over parking to adjacent streets. The criteria for parking requirements of 4 per 1,000 square feet for office, 5 per 1,000 square feet for retail, and 1 per room plus 1 per 50 square feet of meeting space are acceptable, however, the analysis of parking impacts should be based on gross square footage of all facilities and not net leasable areas. Assuming that gross square footage is 20 percent over net, the analysis should be based on a requirement for 2,100 parking spaces for the

C30

proposed project and over 2,600 for the allowed square footage of the Specific Plan. Allowance for shared use of parking facilities would only decrease the parking by a limited allowance for hotel rooms, as the banquet, conference and restaurant facilities would be considered as a concurrent use with the office and commercial spaces.

C. TRANSPORTATION AND CIRCULATION

Intersection Capacity Ratio: The determination of significant traffic impacts is made on the basis of a change in the volume/capacity ratio of .05 at level of service (LOS) E intersections. This is a very liberal standard which allows the project to use 50 percent or more of remaining intersection capacity before causing a significant impact. Palo Alto, by comparison, uses a more conservative value of .01.

C31

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C41

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C43

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C44

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C46

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**SPECIFIC COMMENTS ON TRANSPORTATION SECTION OF DRAFT SUPPLEMENT
TO THE UNIVERSITY CIRCLE REDEVELOPMENT PLAN EIR, MARCH 1990**

Note: The directional conventions of this EIR are used in these comments (e.g., Bayshore Freeway runs east-west). References to the "Program EIR" are to the University Circle Redevelopment Plan EIR (Draft, August 1988; Final, November 1988).

- Page III-5, item D-1: Refer to comment for page IV-D-10, item D-1. C47
- Page III-6, item D-2: Refer to comment for page IV-D-10, item D-2. C48
- Page III-7, items D-4,5: Refer to comments for page IV-D-16, items D-4,5. C49
- Page III-7, item D-6: Refer to comments for pages IV-D-16, 19, item D-6. C50
- Page III-8, item D-9: Refer to comments for pages IV-D-8 and IV-D-21, 24 and 28. C51
- Page III-9, item D-11: The data in the text shows that the project by itself does create significant negative impacts at three intersections in 2010--Embarcadero/Middlefield, University/O'Brien, and Willow/Middlefield (refer to comments for page IV-D-28, item D-11). Thus, mitigation measures are required to mitigate project impacts. C52
- Page III-9, item D-12: The data in the text shows that the project does create a significant negative impact on the Bayshore Freeway mainline, which requires mitigation. Refer to comment for page IV-D-30, item D-2. C53
- Page III-10, item D-14: Benefits to cyclists on the University Avenue overcrossing would be easily negated by the multiple sets of double turn lanes and heavier traffic volumes, unless bicycle lanes, wide curb lanes, or a separate bicycle overcrossing were provided. Refer to comments for page IV-D-33, item D-14. C54
- Page III-11, item D-15: Refer to comments for page IV-D-33, item D-15. C55
- Page IV-D-3, bottom: Refer to comments for pages IV-D-15, 16. C56
- Page IV-D-5, middle: The text states that counts were taken in the vicinity of the University/Bayfront Expressway intersection before and after the earthquake. Yet, the existing ADTs presented in Figure IV-D-4 are the same as those presented in the Program EIR. C57
- Page IV-D-5, bottom: The recent Caltrans PSR for Route 109 did not include "a widened Willow Road" as an alternative. C58

Page IV-D-8, bottom: East Palo Alto continues to use a change in v/c ratio of .05 as one of the standards of significance. As a comparison, Palo Alto has utilized a more conservative standard of .01. Palo Alto's standard recognizes the small amount of capacity left once LOS E is reached and the necessity to obtain mitigation from even small development projects which incrementally use up this remaining capacity. East Palo Alto has chosen a very liberal standard which allows a project to use up 50 percent or more of remaining intersection capacity before being considered a significant impact.

C59

This EIR has not included a standard of significance for Caltrans facilities. East Palo Alto's response to comment H-29 in the Program EIR stated that Caltrans' standard of significance was a volume increase of 5 percent once at least 90 percent of capacity had been reached. This standard, if still appropriate, should be included in this EIR.

C60

Page IV-D-10: References have been made in other documents to East Palo Alto's "Gateway Redevelopment Project" (e.g., in the Draft EIR for the Ravenswood Industrial Area); however, it appears not to have been accounted for in this analysis. If this project is "reasonably anticipated", CEQA requires that it be part of the cumulative analysis.

C61

The list of Stanford projects in Appendix G should include an additional major project which is reasonably anticipated but has not yet been approved: the Stanford West housing development.

C62

Page IV-D-10, item D-1: According to Figure IV-D-4, the volumes on University Avenue south of Woodland Avenue range up to 27,000, not 30,000, vehicles per day. In its comment H-27 on the Program EIR, Palo Alto had requested that at least two other potential neighborhood shortcut routes be included in the analysis--Hamilton Avenue and Woodland Avenue/Newell Road. Palo Alto still believes that these should be included.

C63

Page IV-D-10, item D-2: Table IV-D-2 shows that the freeway mainline would experience level of service E, not D, or better. The table also shows that the additional lanes would lead to an improvement of about .05 to .10, not .10, in the volume/capacity ratios.

C64

Page IV-D-15, middle: The Caltrans Route 109 PSR did not include "upgrading Willow" as an alternative.

C65

Pages IV-D-15,16: There are several items related to the University/Highway 101 interchange that require further evaluation and discussion. These are:

C66

- (a) No analysis or discussion of project impacts was provided for any of the interchange movements (the collector-distribution roadways, merge points and on-off ramps) for the existing or proposed interchange configurations.

C66(a)

- (b) No improvements have been proposed or discussed for the north half of the interchange even though the University Centre project will impact movements on the north side of the interchange nearly as much as on the south side. The Program EIR had identified some potential capacity problems with the north(west)bound off-ramp and the north(west)bound collector-distribution roadway. Even if the future configuration of the north side of the interchange is not yet known, an analysis of project impacts on the current configuration would serve as an indicator of future impacts. C66(b)
- (c) The importance of the existence of a fifth eastbound auxiliary lane on the freeway mainline between the University Avenue and Embarcadero Road interchanges to the proper functioning of the two-lane eastbound on-ramp should be discussed. This lane and one in the westbound direction are proposed to be funded by Measure A and Caltrans. Measure A funding is in place, but the Measure A timetable does not call for construction of the lanes until 2001 at the earliest. The State's share of the funding is not certain at this time. If it is important that the eastbound auxiliary lane be part of the proposed improvement to the south half of the interchange, it is essential that this EIR confirm the timetable and funding source. C66(c)
- (d) It is important that this EIR confirm the timetables and funding sources for all the elements of the reconstruction, so that University Centre and all interchange improvements are completed together. C66(d)
- (e) There are two potential weaving problems in the interchange design shown in Figure IV-D-7: (1) the short weaving distance between the end of the eastbound off-ramp and the back of the queue for the southbound University Avenue through movement at the Woodland traffic signal; and (2) southbound University traffic turning right onto westbound Woodland may be trapped into turning right into University Place, whereas some traffic may need to proceed west on Woodland. C66(e)
- (f) Further design work for the University Avenue/Woodland Avenue intersection should consider modifications that would eliminate the traffic channelization island and short right-turn ramp in the southwest quadrant (where Woodland traffic turns right onto University towards Palo Alto). This would correct an existing as well as a future problem of inadequate merging distance in the same area where two through lanes transition to one through lane. C66(f)
- (g) No discussion or accommodation has been provided for bicycle traffic on the University Avenue overpass. With (i) the University Centre development located south of C66(g)

the freeway and East Palo Alto residential areas located mostly east of the freeway and (ii) the large traffic volumes projected for the overcrossing and its complex cross section including multiple sets of double right- and double left-turn lanes, a separate overcrossing for bicyclists should be constructed along with the new interchange. Pedestrians could also use the separate overcrossing, but pedestrians appear to be accommodated by sidewalks (refer to comment for page IV-D-33, item D-15).

- (h) There are at least two inconsistencies between Figure IV-D-7 in the EIR and the traffic circulation plan in the University Centre drawing package (Drawing Number CSD-4.1, 1/11/90). First, the drawing shows an eastbound collector-distribution road segment that is proposed to be eliminated in the revised interchange configuration. Second, the drawing shows a westbound shared through/right lane at the Woodland Avenue/University Place intersection that is not shown in Figure IV-D-7. This through movement is needed.

C66(h)

Page IV-D-16, items D-4,5: It is misleading to state that these improvements will be beneficial. By themselves, they would be. However, they are being undertaken at this time because the proposed project necessitates them. The benefits are lost once project traffic is added to the improvements. Refer to Tables IV-D-4 (without project) and IV-D-8 (with project) to see this. Furthermore, the changes in bicycle flows would not be beneficial unless certain other provisions were made (refer to comments for page IV-D-33, item D-14).

C67

Pages IV-D-16,19, item D-6: The text states that the ultimate interchange configuration will include pedestrian facilities on both sides of the freeway overcrossing. Yet, facilities on the east side of the overcrossing are not shown in Exhibit A of the Caltrans PSR, in Figures IV-D-7 and IV-D-8 of the EIR, nor on page IV-D-35 of the EIR in the "University Avenue" paragraph. The text states that a pedestrian overcrossing of the eastbound off-ramp would be provided and is shown in Figure IV-D-7. However, Figure IV-D-8 shows a pedestrian undercrossing at this location. Exhibit A of the Caltrans PSR also shows an undercrossing instead of an overcrossing.

C68

Page IV-D-20, "project trip generation": The terms "project" and "specific plan" are used on this page, generating confusion as to which project is being analyzed in this section. Furthermore, two projects were described on page III-1, one totaling 604,000 net square feet and the other 700,000 net square feet, and it is not clear which project was used for trip generation analysis. Trip generation is normally based on trip rates per gross square foot, not net square foot. If trip generation was based on net square feet, it will have to be recalculated with gross square feet, thus increasing the trip generation of the project. The "specific plan" calls for a 185,000 square-foot hotel with 266 suites (page IV-A-

C69

1), while the "PUD Application" calls for a 181,000 square-foot hotel with 266 suites (page III-1). All these inconsistencies should be clarified. Tables should be provided showing all details of the calculations, enabling the reader to know which and what size uses comprise the project and what trip generation rates were used.

Page IV-D-21 top: The text states that the primary access to the project would be via University Place. However, the garage access is at the end of a long plaza with visitor parking and pick up/drop off functions. Drivers may, instead, prefer the more direct garage access reachable via Manhattan Avenue, only one-half block further west. Manhattan Avenue, a two-lane road with residences on one side, could, in fact, become a major project access.

C70

Page IV-D-23: University Place is supposed to be the main entry to the proposed project, yet it shows zero future volume. Furthermore, the sum of all daily traffic volumes entering and exiting the specific plan area is 1200 (Woodland east) plus 400 (Woodland west) equalling only 1600 daily trips. The volume on O'Conner is not shown but, presumably, is not large. How these 1600 daily trips relate to the 3140 daily net new trips in Table IV-D-5 needs to be explained. The 1200 daily project trips on Woodland between University Place and University Avenue is less than the 1500 daily project trips on University Avenue south of Woodland, which cannot be correct. These inconsistencies need to be corrected or explained.

C71

Page IV-D-26: According to this figure, the approximate sum of average daily project traffic, external to the project site, is the sum of the following: 300 (Route 109), 2800 (Route 101 east), 1200 (Route 101 north), 400 (Woodland west), 1500 (University south), totalling 6200 daily external trips. The fact that this is double the 3140 daily trips shown in Table IV-D-5 should be explained. Also, 300 trips are shown on Route 109 south of Bayfront Expressway, while less than 100 are shown on University Avenue south of Bay Road.

C72

Pages IV-D-28, 29, 31: Using the trip information provided in the report, we are unable to verify the validity of the level of service calculations. The assignment of peak hour project trips on the network needs to be provided.

C73

Page IV-D-28, item D-11: The underlined sentence is incorrect, according to the definition of significant impact given on page IV-D-8. Table IV-D-8 shows that the project will cause significant impacts in 2010 at Embarcadero/Middlefield (LOS D to E), University/O'Brien (LOS E to F), and Willow/Middlefield (LOS E to F).

C74

Page IV-D-30, item D-12: The text states that the project will not have significant impacts on the Bayshore Freeway. However, Table IV-D-9 shows that, in 2010, PM peak hour, east of University Avenue, the project will cause a shift from LOS D to E (v/c from .90 to .91).

C75

Page IV-D-31. There are inconsistencies between this table and Table 4.5.12 on page 4.5-20 of the Ravenswood Industrial Area Redevelopment Plan EIR (February 14, 1990). Both EIRs were prepared at approximately the same time, with the same cumulative project assumptions, and both with, presumably, the same long-term scenarios (the Ravenswood EIR doesn't actually give the year for its long-term scenario). There are differences of up to two levels of service between the PM peak hour "future base + project" column of Table IV-D-8 in the Supplemental EIR and the PM peak hour "long-term with project" column of Table 4.5.12 in the Ravenswood Redevelopment EIR. These inconsistencies should be explained or corrected.

C76

Pages IV-D-30, 35, 36 (items D-13, D-3, D-11): The project should be responsible for instituting and partially funding a peak period commuter shuttle service between the Palo Alto Caltrain station and the project site. The shuttle could also serve the Menlo Park business park near O'Brien and University and the proposed Ravenswood redevelopment area. The TDM program should be considered as a mandatory mitigation measure, given the significant impacts mentioned under comments for pages IV-D-28 and 30, and considering the upcoming regional mandatory transportation control measures. Access design elements should be spelled out in terms of specific proposals.

C77

C78

Page IV-D-33, item D-14: Bicycle parking should be provided for the project (secure facilities for employees, racks for customers). All roadway improvements should accommodate bicycles by providing Caltrans-standard bicycle lanes, including through bicycle lanes to the left of right-turn lanes. Wide curb or through lanes of at least 14-foot width would also serve this purpose. The text states that bicyclists will be benefitted by reconfiguration of the on- and off-ramps. However, these benefits would be easily negated by the multiple double right- and left-turn lanes and heavier traffic volumes, unless bicycle lanes, wide curb lanes, or a separate bicycle overcrossing were provided.

C79

Page IV-D-33, item D-15: The project seems to improve pedestrian circulation, especially if the pedestrian under/overcrossing of the eastbound off-ramp and facilities on the east side of the University Avenue overcrossing are provided. Sidewalks along Woodland Avenue, University Place, Manhattan Avenue and the at-grade portion of University Avenue should be separated from traffic lanes by a landscaped buffer strip. Refer to other comments on pedestrian facilities under comments for pages IV-D-16, 19, item D-6.

C80

Page IV-D-34, "beneficial impacts": Refer to comments for page IV-D-16, items D-4, 5.

C81

Page IV-D-34, "impacts not significant": Refer to comments for page IV-D-30, item D-12.

C82

Page IV-D-34, bottom: The five improvements listed beginning at the bottom of the page are integral with the project and should

C83

definitely be included as conditions of approval of the project, contrary to what the immediately preceding paragraph states. Were the project to be approved without any one of the five improvements, severe traffic impacts would be likely to result. Furthermore, construction of a sidewalk on the east side of the University Avenue overcrossing, as stated on page IV-D-19 of the EIR, should be added. The EIR should state how all these improvements will be funded.

Page IV-D-37, bottom: The proposed improvement for the Embarcadero/East Bayshore intersection in Palo Alto should address if and how a second northbound through lane would be provided once the shared through/left lane were eliminated.

C84

Page IV-D-38, middle: The improvement at University/Middlefield may be implemented by Palo Alto within the next year, but by restriping rather than by widening. The paragraphs immediately following those describing the University/Middlefield and the Embarcadero/Middlefield improvements apply to the University/Guinda and Embarcadero/East Bayshore improvements as well.

C85

Page IV-D-38, bottom: The improvement described for Embarcadero/Middlefield was considered by Palo Alto during its Citywide Land Use and Transportation Study, and was rejected. This should be noted in the text.

C86

4/12/90
CS:SWC:bdc

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April 11, 1990

E0242-900200

Ms. Lynda Rahi
Deputy City Manager
City of East Palo Alto
2415 University Avenue
East Palo Alto, California 94303

Re: Transcript of Public Hearing - Draft Supplemental
Environmental Impact Report

Dear Lynda:

I have enclosed a copy of the reporter's transcript of the proceedings at the Agency meeting on March 20, 1990 reflecting public comment on the Draft Supplemental Environmental Impact Report. Please let me know whether you want me to submit the invoice to you directly for payment, or if we should bill the amount to the Agency as an expense.

Ms. Lynda Rahi
Deputy City Manager
City of East Palo Alto
April 11, 1990
Page Two

Please feel free to give me a call with any comments or questions you might have.

Very truly yours,

WARE & FREIDENRICH
A Professional Corporation

By 
Deborah A. Churton

DAC:pcj
Enclosure

cc: Bob Booth, Esq. (w/enclosures)
Julie Baigent, Esq. (w/enclosures)
Douglas B. Aikins, Esq.

1 CITY OF EAST PALO ALTO

2 PUBLIC HEARING

3
4 IN RE OF:

5 UNIVERSITY CIRCLE

6 DRAFT SUPPLEMENTAL ENVIRONMENTAL *Impact* /REPORT

7 ITEM NO. 7.1

8
9
10 HELD AT:

11 2415 UNIVERSITY AVENUE

12 EAST PALO ALTO, CALIFORNIA

13 TUESDAY, MARCH 20TH, 1990

14
15
16 REPORTER'S TRANSCRIPT OF PROCEEDINGS

17
18
19 REPORTED BY JOANN LAURITZEN

CLARK REPORTING

20 2124 KITTREDGE #156

21 BERKELEY, CA 94704

22 (415) 233-4304

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24
25
CLARK REPORTING

I N D E X

PAGE

Hearing Commencement:

By Mayor Vines

3

PRESENTATIONS

By Mr. Hall

4

By Mr. Aikins

5

PUBLIC COMMENTS:

By Doctor Streets

7

A P P E A R A N C E S / P R E S E N TCITY COUNCIL:

WILLIAM VINES, Mayor, Acting Chair

JOHN BOSTIC, Vice-Mayor

WARNELL COATS, Councilmember

BARBARA MOUTON, Councilmember

STAFF:

STANLEY H. HALL, City Manager

VIRGUS STREETS, Ph.D. and Redevelopment Administrator

DOUGLAS B. AIKINS, Special Redevelopment Counsel

1 TUESDAY, MARCH 20, 1990

7:05 P.M.

2 P R O C E E D I N G S

3 MAYOR VINES: We'll move to Item No. 7 of the
4 regular agenda, Item No. 7.1, public hearing.

5 MR. HALL: Yes. Mr. Chairman, this is a public
6 hearing that has been scheduled to receive any statements
7 that the public would like to make with respect to the
8 University Circle Draft Supplemental Environmental Impact
9 Report. It is not designed that questions may be
10 formulated and answers be provided by staff and/or the
11 Agency. It is the first of what, in fact, may be
12 additional hearings on the Supplemental Environmental
13 Impact Report.

14 There is a 45-day comment period that is provided
15 for, and that comment period will end on April the 30th,
16 1990, at which time a public hearing will be held to have
17 a review of the comments. That public hearing has been
18 scheduled for the 17th of April, when we will hear
19 comments from the general public, both in written form and
20 in oral form, with respect to the Supplemental
21 Environmental Impact Report. Additional comments will be
22 received until the end of the comment period that has been
23 provided for by law.

24 We would recommend at this time that you would open
25 up the public hearing.

1 COUNCILMEMBER MOUTON: Mr. Chairman, I would
2 like to raise the question of the proper notices being
3 sent out, et cetera.

4 MAYOR VINES: Can we have a legal comment on the
5 noticings for the public hearing?

6 MR. AIKINS My understanding as to exactly what ✓
7 notices have gone out may be incomplete, and I will ask
8 Ms. Rahi to comment on any additional information.

9 The EIR was received from the consultant on -- Brian,
10 do you have that date?

11 Brian ^{Mc Elroy} UNIDENTIFIED: The exact date, no. I was on ✓
12 vacation at that time.

13 MR. AIKINS Roughly the 14th of this month. And ✓
14 on that date, we distributed the document to the Office of
15 Planning Research in Sacramento. Since that time, we have
16 received copies that are available for review by the
17 public from the consultant, and those copies are available
18 for sale at \$45 each to members of the public. They are
19 here at City Hall, and we are preparing a list to the
20 responsible agencies and those members of the public who
21 have requested receipt of notice that will advise them of
22 the availability of the documents here at City Hall. That
23 letter will go out to, among other agencies, members of
24 the public, the City of Palo Alto, the City of Menlo Park,
25 and the relevant tax districts, and the County agencies.

1 The State of California has received ten extra copies for
2 distribution to affected State agencies.

3 I'll answer any questions you have with regard to
4 this.

5 MS. RAHI: Let me add, in addition to that, we
6 have also advertised in the Times Tribune at least three
7 times as far as the notification of that -- of the
8 availability of the draft, and the publication came out.

9 MR. AIKIN: In addition, we have posted notices ✓
10 of availability in the walls here at -- the walls here at
11 City Hall.

12 MAYOR VINES: Mayor Vines. Any other --

13 COUNCILMEMBER MOUTON: No. Thank you.

14 MAYOR VINES: At this point, I'd like to open
15 the public hearing on the University Circle Draft
16 Supplemental Environmental Report.

17 MR. HALL: We have had no requests to --

18 UNIDENTIFIED: Excuse me. Is it possible to
19 either get a copy of the EIR so that somebody could
20 possibly review it?

21 MR. HALL: As we have reported, Mr. Chairman, to
22 the question that has been raised, copies of the
23 Environmental Impact Report, the Supplemental
24 Environmental Impact Report, are available to the public
25 at a cost of \$45 per copy. In addition, a copy will be

1 placed in the library for -- will be placed in the library
2 for availability to the public in order that they might be
3 able to check it out and review it.

4 MAYOR VINES: Is that "will be" or "has been"?

5 MR. HALL: I've been notified that it has been,
6 but -- they said it has been.

7 MAYOR VINES: So there's one available at the
8 library. Okay.

9 Mr. Virgus Streets, would you like to speak on the
10 Supplemental EIR?

11 MR. STREETS: I'm Virgus Streets, and I'm
12 representing the Industrial Property Owners Association of
13 East Palo Alto. And my comments are preliminary in that
14 they will be followed in the subsequent hearings with
15 further comments and written statements on --

16 MAYOR VINES: Turn it up one more notch.

17 MR. STREETS: Can you hear me now?

18 MAYOR VINES: Come up near the mike.

19 MR. STREETS: This one here? I can speak
20 loudly, if that will help. I'll wait.

21 Okay. I haven't had a chance to review the
22 Supplemental Environmental Impact Report.

23 Notwithstanding, I am certainly happy to see that it is
24 finally out. This is, I understand -- as I know, it has
25 been a long period of trying to formulate a program for

D1

1 implementing the East Palo Alto General Plan.

2 To the extent that the Supplemental EIR is consistent D2
3 with the original Redevelopment Plan which was -- which
4 was on the University Circle area, I support it
5 enthusiastically. To the extent that it is not, I support
6 it with commitment to making comments that would be
7 designed to make sure that it does, in fact, implement
8 your general plan, particularly in the areas of economic
9 development, the economic development of the City.

10 I will be making comments, therefore, regarding
11 the -- indeed, the -- whether the statement of overriding
12 considerations which was originally -- which you adopted
13 when you adopted the original Redevelopment Plan are still
14 overriding in terms of the benefits that this project
15 portends for the community and for implementing the
16 East Palo Alto General Plan. Thank you.

17 MAYOR VINES: Thank you.

18 Are there any other citizens that would like to
19 address the Agency during the public hearing?

20 Hearing that, I will --

21 MR. HALL: Mr. Chairman, we would like to
22 respectfully request that you continue your public hearing
23 to the 17th of April, at which time numerous affected
24 agencies and interested parties would presumably have had
25 an opportunity to have reviewed the Supplemental EIR and

1 prepare appropriate comments that would be entered into
2 the administrative record of the Agency in order that we
3 might proceed with the ultimate certification of the EIR
4 after the close of the comment period.

5 MAYOR VINES: All right. At this time, I will
6 close this.

7 MR. HALL: You will continue it.

8 MAYOR VINES: Continue.

9 COUNCILMEMBER MOUTON: I would move that we
10 continue this. May I just ask, why the 17th of April?

11 MR. AIKINS: Surely. What we have tried to do,
12 Ms. Mouton, through the Chair, is to schedule the public
13 comment period toward the end, when all members of the
14 public will have formulated their comments. In addition,
15 that's the last regular scheduled Agency meeting before
16 the close of the public review period. It's been a very
17 crowded schedule.

18 COUNCILMEMBER MOUTON: Thank you. I would move
19 continuance of this public hearing until the 17th of
20 April.

21 COUNCILMEMBER COATS: I would second it.

22 Doug, when is that -- if I may question on the
23 motion, when is the closing date for the hearing -- when
24 is that date?

25 MR. AIKINS: That's April 30th. The

1 significance of that date really is more technical. We
2 may very well get community and other public comments
3 after that date. Our obligation, legally, is to respond
4 to those comments. The Final EIR is what closes on the
5 30th. Undoubtedly, there would be a lot of input going
6 into the EIR. Thank you.

7 MAYOR VINES: The public hearing on the
8 University Circle Draft, the Environmental Report, the
9 EIR, has been moved for continuance and moved and
10 seconded. All in favor?

11 COUNCILMEMBER MOUTON: Aye.

12 COUNCILMEMBER COATS: Aye.

13 MAYOR VINES: Opposed?

14 Okay. It has been moved for continuance through
15 April 17th.

16 MR. HALL: Mr. Chairman, we would respectfully
17 request that this meeting be adjourned to a closed
18 session.

19 MAYOR VINES: At this time, we would like to
20 move our Redevelopment Agency to a closed session. There
21 are two items that will just about close the agenda.
22 One is the potential acquisition and disposition of the
23 real property bounded by University Avenue, the Bayshore
24 Freeway, Manhattan Avenue and Woodland Avenue.
25 Negotiations will involve University Circle Limited, a

1 California Limited Partnership.

2 Item 2 that will be discussed in the closed session
3 is the potential future acquisition and the disposition of
4 the real property commonly known as the Gateway
5 Redevelopment Survey Area bounded by the 101 Freeway,
6 University Avenue, Bell Street, Green Street and Pulgas
7 Street in the City of East Palo Alto. Negotiations will
8 involve the Mozart Development Company, a California
9 Corporation.

10 At this time, we will report out of our closed
11 session. Our time line is what, 45 minutes?

12 MR. HALL: We will be in closed session from
13 45 minutes to an hour.

14 MAYOR VINES: At this time, we would like to
15 have our citizens allow us to close this session and
16 report on that.

17 (Meeting adjourned.)

18

19 ***

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21

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23

24

25

1 STATE OF CALIFORNIA)
2 COUNTY OF ALAMEDA) SS
3

4 I, JoAnn Lauritzen, do hereby certify:
5

6 That the foregoing proceeding was taken before me at
7 the time and place therein named; and
8

9 That the same was taken in shorthand by myself, and
10 was thereafter transcribed into typewritten
11 transcription.
12

13 I further certify that I am a disinterested person
14 to said action and am in no way interested in the outcome
15 thereof nor connected or related to any of the parties
16 thereto.
17

18  4-4-90

19 JOANN LAURITZEN
20
21
22
23
24
25

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April 27, 1990

E0242-900200

Ms. Lynda Rahi
Deputy City Manager
City of East Palo Alto
2415 University Avenue
East Palo Alto, CA 94303

Re: Transcript of April 17, 1990 Public Hearing on DSEIR

Dear Lynda:

I have enclosed the original transcript of proceedings regarding public comment taken in connection with the DSEIR at the Agency meeting on Tuesday, April 17, 1990. I also have enclosed invoices for the attached transcript, as well as the transcript prepared for the public hearing held at the beginning of April.

Please feel free to give me a call with any comments or questions you might have.

Very truly yours,

WARE & FREIDENRICH
A Professional Corporation

By 
Deborah A. Churton

DAC:bcl

Enclosure

cc: Julie Baigent, Esq.
Bob Booth, Esq.
Douglas B. Aikins, Esq.

1 CITY OF EAST PALO ALTO

2 PUBLIC HEARING

3
4 IN RE OF:

5 UNIVERSITY CIRCLE PROJECT

6 DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

7 ITEM NO. 8.1

8
9 ORIGINAL

10 HELD AT:

11 2415 UNIVERSITY AVENUE

12 EAST PALO ALTO, CALIFORNIA

13 TUESDAY, APRIL 17TH, 1990

14
15
16 REPORTER'S TRANSCRIPT OF PROCEEDINGS

17
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19 REPORTED BY JOANN LAURITZEN

CLARK REPORTING

20 2124 KITTREDGE #156

21 BERKELEY, CA 94704

22 (415) 233-4304

23 BUS. LIC. C3268

24
25
CLARK REPORTING

I N D E X**PAGE**

Hearing Commencement:

By Chairperson Bostic

4

PRESENTATIONS

By Mr. Aikins

5

PUBLIC COMMENTS:

By Ken Harris

8

By Floyd Gardiner

9

By William Webster

10

By Bruce Nash

13

By Julie Baigent

15

By Bomani Sowatu

17

A P P E A R A N C E S / P R E S E N T

CITY COUNCIL:

JOHN BOSTIC, Chairperson

WILLIAM VINES, Vice-Chairperson

WARNELL COATS, Councilmember

PAT JOHNSON, Councilmember

STAFF:

STANLEY H. HALL, City Manager

DOUGLAS B. AIKINS, Special Redevelopment Counsel

1 TUESDAY, APRIL 17, 1990

7:10 P.M.

2 P R O C E E D I N G S

3 CHAIRPERSON BOSTIC: Item 8.1.

4 MR. HALL: Mr. Chairman, might I make a
5 recommendation, in view of the fact that we have some
6 consultants here on some items that I believe would take a
7 little less time than would the discussion regarding
8 University Circle, that we might want to consider Items
9 8.3 and 8.4 before you go to the public hearing.

10 CHAIRPERSON BOSTIC: Well, no. I would like to
11 continue with the 8.1. I think the public hearing --
12 there are a lot of citizens and folks who want to use up a
13 certain amount of time to take advantage of that. I think
14 that we should just stick with the public hearing first.

15 COUNCILMEMBER COATS: Yes.

16 CHAIRPERSON BOSTIC: Okay. We do have a court
17 reporter, Ms. JoAnn Lauritzen, who is going to take the
18 court reporting for us for the public hearing on these
19 items.

20 I am also glad to see that many of the business
21 owners and business folks and owners of property in that
22 area have come out tonight to participate in this and to
23 share their ideas, hopefully, and to listen.

24 I'd like to see us go right into Item 8.1 of the
25 public hearing and accept public comments on the

1 University Circle Project Draft SEIR. I need to at this
2 time -- at this time, I'd like to officially open the
3 public hearing.

4 We have a number of people that have already asked to
5 be heard. I would suggest that if you want to make
6 comments in this public hearing, that you fill out a form,
7 and that way we can kind of keep some kind of time line on
8 what we're doing. We do want to implement about a
9 two-minute -- or a 20-minute period for this.

10 Mr. Ken Harris?

11 MR. HALL: Mr. Chairman, before you proceed, we
12 would like to have legal counsel briefly set the stage for
13 the base under which this public hearing will be
14 proceeding.

15 CHAIRPERSON BOSTIC: Okay.

16 MR. AIKINS: Thank you, Mr. Chairman.

17 Through the Chair, I'd like to provide a procedural
18 note and recommendation from the Staff's perspective. As
19 you're aware, the California Environmental Quality Act
20 provides for a 45-day public comment period for the
21 purpose of improving the comprehensiveness and accuracy of
22 the Supplemental EIR that's now being drafted for the
23 University Circle project. This is a Supplemental EIR and
24 has been circulated for close to a month. The public
25 review period will close on April 30th.

1 Tonight's public hearing is not required by the
2 California Environmental Quality Act but is provided at
3 the Agency's direction for the purpose of receiving public
4 comments and soliciting written comments on the EIR
5 document itself. I want to remind the members of the
6 public that all written comments are encouraged and should
7 be directed to the City Clerk. All written comments will
8 be addressed in the final Supplemental EIR to be prepared
9 and brought back to the Agency for its consideration.

10 The Staff is here to encourage comments and
11 information and questions about the EIR document, but our
12 request is that the Agency limit the Staff's involvement
13 in responding tonight to questions and comments about the
14 EIR. We prefer to do that in an organized way in the
15 final EIR simply for purposes of comprehensiveness and
16 accuracy, rather than enter into dialogue on particular
17 comments. Our recommendation is that the Agency receive
18 comments tonight, questions and information about the EIR
19 document, and then close the public hearing.

20 If Agency members have questions of the Staff or the
21 consultants, the primary EIR consultants, Earth Metrics
22 and Kolve Engineers, are represented tonight as well as
23 Staff and Special Redevelopment Counsel, and we can assist
24 the Agency with any questions that you have. Thank you.

25 CHAIRPERSON BOSTIC: Thank you.

1 MR. HALL: Mr. Chairman, I'd simply further add
2 that if there are individual groups or organizations that
3 do have comments in writing and they do have -- and they
4 are either going to present those comments for the record,
5 it would be desirous to have the written comments that we
6 might be able to add to the record. And if there are
7 those who have written comments and who would not like to
8 address the body, that, in fact, they present the written
9 comments to us and we'll record them for you at this
10 time -- make note of receipt of those comments.

11 CHAIRPERSON BOSTIC: At this time, we do have
12 one written response?

13 MR. HALL: That is correct. We have one written
14 letter from Mr. William Byron Webster to the Redevelopment
15 Agency on the subject of mitigating measures for the
16 Supplemental University Circle Environmental Impact
17 Report. And he addressed approximately six areas ranging
18 from job set-asides to the role of the University Circle
19 Project Area Committee.

20 CHAIRPERSON BOSTIC: Thank you. And as I
21 announced, we do have a reporter to take notes, official
22 notes of your comments.

23 At this time, Mr. Ken Harris, Century 21 office of
24 Pacific Realty, wanted to make a comment on the EIR.

25 MR. HARRIS: For the Chair, I'm Ken Harris,

1 1926 University Avenue, Century 21 office of Pacific
2 Realty.

3 In my review of the entire Environmental Impact
4 Report, I came up with four issues that aren't really
5 addressed and that I think should be considered. Address
6 the issue of impact on the community -- loss of community
7 access and community-oriented businesses, businesses that
8 have been servicing the community on a personal level that
9 could possibly be eradicated from the community. I think
10 this is something that shouldn't happen. I think this is
11 something that the Council should definitely take under
12 consideration and attempt to work something out where this
13 personal multicultural loss of business does not occur.

14 Number two, address the issue of articulated policies
15 to support and nurture the small businesses within the
16 community. There is really no in-depth relocation plan,
17 from what I can see, that has been mentioned here wherein
18 the businesses that are thriving currently in the
19 University Center area have been considered as far as
20 adequate relocation policies have been established. In
21 our meeting last Thursday, it was said that none had been
22 thus far.

23 Number three, there is no financial analysis of the
24 project, comparing it with the financial return of other
25 kinds of projects. There could potentially be other

1 projects that could be created that could be a little more
2 conducive and a little more accessible to the community.
3 I don't know if this has been done or not. It doesn't
4 seem to have been done, but this is something that I think
5 should be considered.

6 Also, an issue that was addressed was the
7 participation of business tenant preference -- owner --
8 I'm sorry, participation of tenant preference or owner
9 preference within the University Circle Project. And
10 there's been a lot of dialogue about that happening, but
11 again, nothing concrete has been addressed on that
12 subject.

13 CHAIRPERSON BOSTIC: Thank you. We won't be
14 answering at this time, but we take these issues. Thank
15 you.

16 Floyd Gardiner wanted to speak on this.

17 MR. GARDINER: My name is Floyd Gardiner. I
18 live at 1755 University, about a block from University
19 Circle.

20 I was looking through the EIR and discovered the
21 plans for the University freeway overcrossing included
22 lopping off one leaf of the cloverleaf. That stretch of
23 University Avenue is a fairly serious traffic mess today.
24 If one leaf of the cloverleaf gets lopped off, we're going
25 to have an even bigger mess. And this will happen even if

1 the University Circle Project itself is never built. It
2 will just simply divert traffic that is not crossing
3 University into crossing University. It will be a
4 perpetual tie-up during both rush hours.

5 I strongly urge you to reconsider those plans and
6 make a full eight-way cloverleaf so that we don't have to
7 have crossing traffic to tie us up for years to come.
8 Thank you.

9 CHAIRPERSON BOSTIC: Thank you, Mr. Gardiner.
10 We'll take note of your comment.

11 William Webster. He's listed Affordable Housing as
12 the organization of representation.

13 MR. WEBSTER: William Webster, 1640 Bay Road.

14 Have you received copies of the letter that I
15 prepared?

16 MR. HALL: They've all received copies,
17 Mr. Webster.

18 MR. WEBSTER: Oh, they have. Okay. My letter
19 is obviously too long to read, I presume, and certainly it
20 would take more than two minutes to read it, but the
21 points are summarized in this cover sheet -- oh, you
22 haven't received it. The points are summarized in the
23 cover sheet. But the most important point of my letter is
24 that the issues raised in my letter need to be addressed
25 before the EIR is certified, because after it's certified,

E6

1 the public has no further input. So we are a dead letter
2 at that point. We have no more say. Basically, the
3 community has no more to say.

4 And there's some very serious concerns that were
5 raised last week at the meeting of the University Circle
6 pact and the Redevelopment Agency. There is the point,
7 for instance, that there are no provisions for a job
8 set-aside for East Palo Alto residents in the
9 post-construction phase of the project.

10 I spent -- we had the day off on Good Friday, so I
11 spent time in the library going through the draft EIR. I
12 have also reviewed the replacement housing plan and the
13 replacement housing policies which were distributed last
14 week. And there are many statements that have been made
15 during the course of the past year about how people were
16 going to be provided for in a relocation process. The
17 bottom line was that it was said repeatedly that there are
18 not simply units which are destroyed in housing units.
19 The 96 apartment units, they would not simply be replaced,
20 but the individuals who are affected would be provided
21 for. That is treated in detail in my letter.

22 And of course, there is no provision that makes any
23 sense for the business people in the University Circle
24 area. They're basically left out in the cold on the basis
25 of what I read in those three documents.

1 CHAIRPERSON BOSTIC: Mr. Webster, because of
2 time, if you would just highlight again for us the six
3 items by either just reading them or --

4 MR. WEBSTER: I'll just read them.

5 CHAIRPERSON BOSTIC: Mr. Hall has already
6 indicated, for the record, that we have received them in
7 writing and will take time to respond to it.

8 MR. WEBSTER: Okay. The six items are, a job
9 set-aside for East Palo Alto residents in the completed
10 projects of 20 percent of all jobs and 50 percent of the
11 entry level positions. There are approximately 500 entry
12 level positions that would be coming from -- in that
13 project. There's no reason why a good percentage of those
14 could not be allocated to East Palo residents.

15 There should be a detailed business relocation plan
16 which details where University Circle businesses are going
17 to be relocated to. There's nothing currently.

18 There should be a detailed residential relocation
19 plan rather than the provision that in four years, we're
20 going to replace the units that are open. Many other
21 communities in the Bay Area have not replaced their
22 housing years after the redevelopment took place.

23 Also, there is the business -- there is no current
24 financial feasibility study which proves that this project
25 makes sense in terms of the scaled-down version. They're

1 working on it, but unless something has happened since
2 last Wednesday, there is no such financial feasibility
3 study.

4 Also, there's the issue of mitigation monitoring
5 involving a grass-roots organization to see that the
6 D.D.A. is complied with. And I recommend EPA Can Do,
7 which has over a hundred members at their community
8 development corporation.

9 Then there's this business of total confusion with
10 respect to the University Circle pact. California
11 redevelopment law mandates that the pact should be working
12 with you on an ongoing basis and improving different
13 stages of the redevelopment process. From what people
14 tell me, there's been total confusion. They haven't even
15 been able to have quorums at many of their meetings, let
16 alone meet with you people. And the law does say that
17 they do have a role in approving the EIR before it is
18 approved and our fates -- their fates are decided.

19 CHAIRPERSON BOSTIC: Mr. Webster, thank you for
20 your six points. And you're thoughtful and kind enough to
21 lay out these comments, and we'll be working on them.

22 MR. WEBSTER: Thank you very much.

23 CHAIRPERSON BOSTIC: Mr. Mike Seerey (phonetic)
24 would like to make a comment on -- I'm sorry, that's 8.5.
25 I'm sorry.

1 On Item 8.1, Mr. Bruce Nash, is it?

2 MR. NASH: Nash, yes.

3 CHAIRPERSON BOSTIC: Okay.

4 MR. NASH: Bruce Nash, 1944 University Avenue.

5 Mr. Chair, there are additional issues that need to
6 be addressed in the Supplemental Environmental Impact
7 Report concerning employment. And I have eight thus
8 listed, and these eight issues come from myself at
9 Bayshore Employment Service as well as Sharon Williams,
10 the executive director at Y.C.W.

11 Number one, a specific analysis needs to be made on
12 the profile of the unemployed and underemployed in the
13 city in order to truly determine whether or not available
14 jobs for city residents will or will not increase and what
15 type of training, if any, will prepare the residents to be
16 employed.

E16

17 Number two, the projected jobs need to be more fully
18 analyzed in terms of the wage scale in order to more fully
19 evaluate the impact on the community, for example, in the
20 area of affordable housing.

E17

21 Number three, no time line is included as to the
22 length of time between when the project will start and
23 end, which prevents a complete evaluation of the impact on
24 those individuals who will need to be displaced from their
25 jobs, or in the case of construction, how long their jobs

E18

1 will last.

2 Number four, the business income data is referred to
3 in the report, but it is completely vague on how that
4 program will, in fact, relate to employment in any way.

5 Number five, I believe it is, no analysis is made on
6 what will happen to those individuals working in the
7 business area that will be replaced.

8 Number six, in the mitigation measures, no mention is
9 made of the need for a mechanism to be in place for notice
10 to the trainer and employment agency in sufficient time to
11 prepare for employment opportunities, or for the need to
12 set up a new training program or programs.

13 And last of all, number seven, there is no
14 mention made of a first choice type of agreement for a
15 city requirement that East Palo Alto residents be hired
16 first, which will apply to tenants of the building as well
17 as the developer, to be included under these agreements.
18 Thank you.

19 CHAIRPERSON BOSTIC: Thank you, Mr. Nash. If
20 you would leave a copy with them, it would be helpful,
21 too.

22 Okay. Julie Baigent would like to speak from DeMonet
23 Industries.

24 MS. BAIGENT: Chairman Bostic, members of the
25 Agency, my name is Julie Baigent of Aufmuth, Fox and

1 Baigent in Palo Alto, general counsel to DeMonet
2 Industries.

3 I'm really here to just provide you with a little bit
4 of background information that might be helpful in the
5 context of some of the comments that I've heard come up,
6 not tonight, but in other meetings and discussions.

7 One of the issues that I've heard Menlo Park and
8 Palo Alto representatives bring up is the issue of floor
9 area ratio, or what we call FAR. The University Center
10 project is a 1.4-to-1 FAR, and I've heard comments made to E23
11 the effect that this is a very high FAR and that East
12 Palo Alto should consider the propriety of considering a
13 proposal of that level. So I went and did a little bit of
14 homework in Palo Alto to just bring to light the kinds of
15 things that these neighboring communities are doing.

16 One of the projects they recently approved on
17 University Avenue is almost a 2-to-1 FAR. One of them is E24
18 actually more than 2-to-1 FAR. And these projects were
19 actually -- even though the area is zoned for 1-to-1 FAR,
20 the City of Palo Alto saw fit to allow a much higher
21 density to the developer, because it perceived that
22 certain benefits were brought to its community from those
23 projects. And those benefits were 62 public parking
24 spaces and a plaza.

25 And I only bring this to your attention from the E25

1 standpoint that when these comments are made, I think it's
2 appropriate to consider the fact that this project is
3 actually much less dense than these projects that
4 Palo Alto has been approving and will provide a
5 substantially greater amount of benefits to the City of
6 East Palo Alto than those projects have provided to
7 Palo Alto. So I thought the double standard was something
8 that deserved some note.

9 That's all I have to say at the moment. Thank you.

10 CHAIRPERSON BOSTIC: Thank you for your
11 comments.

12 The last comment is from Mr. Bomani Sowatu.

13 MR. SOWATU: Good evening. Bomani Sowatu,
14 243 Wisteria.

15 I have a few comments. One to begin with is, I have
16 no concern at all about how Menlo Park or Palo Alto feels
17 about anything that happens in East Palo Alto, but I am
18 very concerned about how we proceed. I am very concerned
19 about seeing some really detailed business relocation
20 plans, because I think that we have such unique businesses
21 in East Palo Alto that are on University Circle, I'd like
22 to say them retained.

23 I would like to see some very detailed plans in terms
24 of housing relocation. But I have an overall question, I
25 think, that I still haven't been able to figure out

E26

E27

1 exactly, and that is, exactly why are we doing this?

2 We are embarking on removing the largest, the only
3 growing -- really, the major growing business industry
4 that we have in that circle and -- without doing any type
5 of effort in supporting those businesses. We haven't
6 embarked on a "Buy East Palo Alto" campaign. The City
7 should be doing that. We haven't told people -- we've had
8 people say, "We don't have a grocery store." We have one
9 in East Palo Alto, Valu-Max, and we can go over there.
10 And those are -- and, you know, it's something that people
11 don't think about when they take their money out. And we
12 haven't done anything to accept responsibility if it's not
13 being done.

14 I think, also, you need some detailed plans on
15 guaranteeing employment.

16 The other thing about the cost factor, my
17 understanding is that redevelopment money stays in the
18 project area for some long period of time, 20 years or
19 something like that. If we are -- if we need the money
20 now, and that's the reason we're proceeding like this,
21 then this is not the process. Thank you.

22 CHAIRPERSON BOSTIC: Thank you.

23 Okay. At this time, Mr. Sowatu, Ms. Baigent,
24 Mr. Nash, Mr. Webster, Mr. Gardiner and Mr. Harris, I
25 thank you for your comments. We have taken notes of

1 those.

2 I have no other requests to speak at the public
3 hearing. And if the Agency chooses so, I would at this
4 time close the public hearing.

5 COUNCILMEMBER COATS: I would so move that we
6 close the public hearing.

7 COUNCILMEMBER JOHNSON: I second it.

8 CHAIRPERSON BOSTIC: It's been moved and
9 properly seconded that we close the public hearing. All
10 in favor?

11 COUNCILMEMBER COATS: Aye.

12 COUNCILMEMBER JOHNSON: Aye.

13 VICE-CHAIRPERSON VINES: Aye.

14 CHAIRPERSON BOSTIC: The public hearing is
15 closed.

16 (Meeting adjourned.)

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1 STATE OF CALIFORNIA)
2 COUNTY OF ALAMEDA) SS
3)

4 I, JoAnn Lauritzen, do hereby certify:
5

6 That the foregoing proceeding was taken before me at
7 the time and place therein named; and
8

9 That the same was taken in shorthand by myself, and
10 was thereafter transcribed into typewritten
11 transcription.
12

13 I further certify that I am a disinterested person
14 to said action and am in no way interested in the outcome
15 thereof nor connected or related to any of the parties
16 thereto.
17

18 
19

20 JOANN LAURITZEN
21
22
23
24
25

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ENVIRONMENTAL FELLOWS

April 25, 1990

HAND DELIVERED

Stanley H. Hall
City Manager/Executive Director
East Palo Alto Redevelopment Agency
2415 University Avenue
East Palo Alto, CA 94303

Re: Comments on Draft Supplement to the University
Circle Redevelopment Plan EIR (March, 1990)

Dear Mr. Hall:

We represent the Crescent Park Neighborhood Association ("Association") with regard to the University Circle Project ("project"). The Association is composed of residents of the neighborhood bordering the proposed University Circle Redevelopment Area. Having reviewed the Draft Supplement to the University Circle Redevelopment Plan Environmental Impact Report (March, 1990) ("draft SEIR"), it is our conclusion that the proposed Specific Plan does not cure the defects in the General Plan or in the adoption of the Redevelopment Plan, and that the draft SEIR fails to comply with the California Environmental Quality Act ("CEQA"). This letter incorporates our prior comments regarding the original University Circle Redevelopment Plan Environmental Impact Report (November, 1988) ("EIR").¹

F1

The Association is not opposed to development in Whiskey Gulch. On the contrary, we support the efforts of the City of East Palo Alto to raise municipal revenues and encourage commercial improvement. However, the planning process for Whiskey Gulch should respond to community needs rather than the needs of a particular development.

F2

¹ This letter incorporates previous comment letters by the Association and our firm dated September 22, 1988 and November 18, 1988 respectively, in addition to the allegations in our complaint filed December 21, 1988 in the validation proceeding Crescent Park Neighborhood Assoc. v. City of East Palo Alto et al. (since transferred to Monterey Superior Court, Dkt. No. 88387).

Stanley H. Hall
April 25, 1990
Page 2

Development in Whiskey Gulch should not proceed at the risk of destroying surrounding neighborhoods.

We urge the Redevelopment Agency and City Council to amend the General Plan and reconsider the Redevelopment Plan on the basis of a sound environmental document prior to considering the proposed project. The law requires this approach by mandating consistency of inferior enactments (such as development plans, specific plans, zoning, and project approvals) with a legally adequate general plan. Neighborhood Action Group v. County of Calaveras, 156 Cal. App. 3d 1176, 1184, 203 Cal. Rptr. 401 (1984) (lacking a valid general plan, city or county may not approve specific projects). For reasons discussed below, the General Plan and proposed Specific Plan are inadequate, and the Redevelopment Plan and Specific Plan are inconsistent with the General Plan. Thus, the City may not approve the project until it has amended the General Plan and subsequently adopted a Redevelopment Plan and an adequate Specific Plan that conform to the General Plan.

F3

Moreover, the draft SEIR is deficient in numerous respects. Some of these defects, described in more detail below, include an inadequate project description, an inadequate discussion of alternatives, mitigation measures that are deferred to future studies, failure to propose mitigation measures for significant impacts, and inadequate analyses of impacts related to traffic, schools, housing, cumulative and growth-inducing impacts. Therefore, we request the SEIR to address these and other issues discussed below. We further request that the SEIR be recirculated for additional public comment as the responses to comments will undoubtedly contain important new information. See Pub. Res. Code ("PRC") § 21166; CEQA Guidelines § 15162. We also request that the proposed mitigation monitoring program be circulated for public comment.

F4

I. The General Plan is Inadequate, And The Redevelopment Plan and Specific Plan Are Inconsistent with the General Plan.

A. The General Plan and Specific Plan Are Vague and Lacking in Standards.

F5

As we explained in our comments on the original EIR, the land use element of the General Plan lacks sufficient standards to guide commercial development as required under section 65302(a) of the Government Code;

hence, it is legally inadequate. The City has taken no steps to cure these defects, and the General Plan therefore remains legally inadequate.

The University Circle Specific Plan, found in Appendix C of the draft SEIR, is seriously deficient in its own right. For instance, the Specific Plan sets no maximum limits on either gross square footage of building area or actual height of buildings. Most of the development standards mentioned in the Specific Plan, such as parking ratios, mixture of land uses, setbacks, energy conservation requirements, and other "performance standards," are either stated in extremely general terms that provide no real constraints on development or are deferred to the PUD approval process.

F6

Given the inadequacy of both the General Plan and Specific Plan, the project may not be approved at this time. Camp v. Mendocino County Board of Supervisors, 123 Cal. App. 3d 334, 352-53, 176 Cal. Rptr. 620 (1981).

F7

B. The Specific Plan and Redevelopment Plan are Inconsistent With the General Plan.

F8

Sections 65402(a) and 65454 of the Government Code and sections 33331 and 33367(d)(4) of the Health and Safety Code require conformity of specific plans and redevelopment plans with the City's General Plan. To the extent that the East Palo Alto General Plan provides standards for commercial development, it recommends small scale retail and multiple family uses in the project area, whereas the proposed project as described in both the Specific Plan and Redevelopment Plan is a large scale, high-rise office and commercial development.

Although the draft SEIR alludes to the need for General Plan amendments, none are proposed. Furthermore, it is impermissible to cure inconsistencies by amending the General Plan to conform to lesser ordinances and plans. Hence, the Redevelopment Plan must be considered for adoption again following elimination of all inconsistencies and inadequacies in the General Plan, and until this has occurred, the City may not enact the Specific Plan.

F9

II. The EIR and Draft SEIR Do Not Comply With CEQA Requirements.

A. The EIR and Draft SEIR Fail to Adequately Describe the Project.

F10

CEQA requires that the project description describe the whole of a project including "[a] general description of the project's technical, economic and environmental characteristics, considering the principal engineering proposals if any and supporting public services." CEQA Guidelines § 15124. According to the California Supreme Court, the EIR must address all "reasonably foreseeable consequence[s]" of the project. Laurel Heights Improvement Ass'n of San Francisco, Inc. v. Regents of the University of California, 47 Cal. 3d 376, 396, 253 Cal.Rptr. 426 (as modified, 1989) ("Laurel Heights"). Although the draft SEIR acknowledges the existence of a specific proposed development requiring General Plan amendments and PUD zoning, the project description does not provide the language of the proposed amendments or PUD ordinance, making analysis of potential impacts impossible. Nor does the SEIR contain the PUD application, engineering study, other pertinent documents submitted by the applicant, or development-related agreements, which may contain specifics of the project that are essential to a thorough environmental analysis.

The project description is confusing and misleading in other respects. The draft SEIR claims that the proposed project has been scaled down; however, this statement is impossible to verify. For instance, the proposed building heights are variously stated to be "just under" 205 feet (SEIR at III-1), 225 feet (SEIR at IV.A-3), and twelve stories (SEIR, Appendix C at 13), excluding mechanical and other facilities. Thus, the actual building height may not have been reduced even though fewer stories are proposed. Furthermore, the project examined in the prior EIR was described in terms of gross square footage and the current project is described in net square feet. Hence, the project may not have been reduced in size as claimed. In addition, the net square footage figures vary throughout the draft SEIR. Thus, we are not told precisely how large the proposed project will be, which means that the draft SEIR does not reveal the full extent of the project's impacts. Finally, the project description fails to include the readoption of the Redevelopment Plan based on the SEIR and amended General Plan.

F11

B. The EIR and Draft SEIR Fail to Adequately Describe
a Reasonable Range of Alternatives to the Project.

F12

The alternatives reviewed in the draft SEIR do not represent a reasonable range of alternatives as required by CEQA. PRC § 21100(d); CEQA Guidelines § 15126(d). The draft SEIR fails to include feasible alternatives that will both accomplish City goals and address environmental concerns. For example, the draft SEIR does not examine a reduced size alternative of any sort that includes a hotel component which would contribute transient occupancy tax revenues to the City. Nor does the draft SEIR examine other alternative land uses such as housing.

F13

The analysis of alternative locations does not provide meaningful comparisons among alternatives, but instead relies on conclusory statements about relative levels of impacts. The draft SEIR also improperly rejects all alternative locations on the self-serving grounds that they would not remove "documented blight in the Project Area." This blanket statement precludes analysis of alternatives that may remedy blight in other areas of the City. Finally, the reasons for rejecting the Environmentally Superior Alternative are not sufficiently explained. In short, the draft SEIR merely pays lip service to the legal requirement that an EIR analyze alternative locations in "meaningful detail" and not reject alternatives based on post hoc rationalizations of actions already taken. Laurel Heights, 47 Cal. 3d at 406, 425.

F14

C. The EIR and Draft SEIR Improperly Rely on Future
Studies to Disclose Impacts and Adopt Mitigation
Measures.

F15

In a number of instances, the draft SEIR recommends that studies be conducted following certification of the EIR to identify public facilities needed to accommodate the project. This approach runs counter to the requirement that an EIR provide an opportunity for full public scrutiny of the environmental effects of both the project and its mitigation measures prior to approval. Sundstrom v. County of Mendocino, 202 Cal. App. 3d 296, 306-08, 248 Cal.Rptr. 352 (1988). Thus, it is insufficient for purposes of CEQA to defer study of the need for off-site water system improvements, fire protection system improvements, and responsibility for increased police protection, other public facilities, and underground tank

removal and remediation until after the project is approved.

Reliance on future actions is particularly misleading with regard to the draft SEIR's traffic analysis. For instance, the draft SEIR provides no indication that recommended traffic improvements will ever be implemented. Therefore, the draft SEIR does not disclose the potential impacts on traffic if the recommended traffic projects are not implemented or only partially implemented. Given that no further environmental review of the project will be required, traffic impacts under all scenarios must be analyzed at this time.

F16

The draft SEIR does not document the feasibility of implementing these improvements, nor does it disclose the status of funding. Furthermore, proposed traffic improvements have regional impact, and there is no indication that Palo Alto and Menlo Park will provide the necessary commitment to participate in the improvements.

F17

In addition, the analysis assumes the reconstruction of the University Avenue Interchange even though Caltrans considers the interchange a low priority. The draft SEIR suggests that development of the project will allow for funding of "certain costs" of the interchange, yet there is no assurance that the remainder of the funding will be available. The draft SEIR should have analyzed two scenarios -- one which assumes the interchange and one that does not -- since the interchange will require the approval of Caltrans. In sum, without conducting all studies of impacts and mitigation measures in the SEIR, the public and decision-makers will have had no opportunity to review the feasibility or impacts of these mitigation measures, which is a violation of CEQA.

F18

D. The EIR and Draft SEIR Fail to Propose Adequate Mitigation of Significant Environmental Impacts.

F19

No project may be approved unless it incorporates feasible mitigation measures or feasible alternatives that would substantially lessen the project's impacts. PRC § 21002; CEQA Guidelines § 15021. The EIR must identify mitigation measures for each significant environmental impact identified. CEQA Guidelines § 15126(c). In this case, the draft SEIR has identified a number of significant impacts -- visual, shadows, and cumulative air quality impacts -- but proposes no mitigation measures. However, the SEIR could have discussed lowering building heights and

other site design changes to mitigate significant visual and shadow effects.

The draft SEIR also proposes undesirable or ineffective mitigation measures for other significant impacts, such as encouraging neighbors to plant trees to screen the project. Certain mitigation measures propose vague future actions -- such as attempting to hire locally or encouraging water conservation -- without imposing any direct requirements for action or any specific project conditions.

F20

E. The EIR and Draft SEIR Fail to Adequately Analyze the Impacts of the Project and Proposed Mitigation Measures.

F21

The analysis in the draft SEIR is so deficient in many areas as to mislead the public and decision-makers about the extent of impacts and the adequacy of mitigation measures. For example, impacts on schools are not quantified, and no calculations of storm water runoff are provided. The draft SEIR contains no analysis at all of potential wind and glare impacts of the highrise buildings, impacts on parks, need for new electrical facilities, or impacts of increased demand for sewer capacity on the undeveloped portions of East Palo Alto.

The traffic analysis in particular is inadequate to determine traffic impacts in the vicinity of the project and on neighboring jurisdictions. For example, the traffic analysis does not provide supporting data to verify the conclusion that the project will result in less traffic than originally anticipated in the EIR. Neither the EIR nor the draft SEIR provide trip generation rates for the proposed levels of development and thus do not allow for an adequate comparison of project impacts under the EIR and the draft SEIR. The draft SEIR's conclusion that the project will not result in any significant traffic impacts cannot be substantiated without the disclosure of further information.

F22

The proposed project calls for approximately 600,000 net square feet of development, yet no increase in volume to capacity ("V/C") ratios at intersections is acknowledged. Further, the existing average daily traffic levels in the draft SEIR are inconsistent with existing average daily traffic levels in the EIR. A comparison of the two documents leads the reader to believe that existing

F23

traffic levels on University and Middlefield have changed significantly.

<u>Location</u>	<u>EIR</u>	<u>SEIR</u>
University West of Middlefield	11000	18700
University East of Middlefield	9600	20100
Middlefield North of University	10700	20000

Since the EIR is incorporated in the draft SEIR by reference, it is not possible to determine which traffic figures are accurate. The draft SEIR further confuses the issue by stating that the level of service ("LOS") would remain the same despite this tremendous variation in traffic volumes.

In other areas, findings of no significant impacts, before or after mitigation, are based on highly questionable assumptions, such as "an almost unlimited supply of water available from the Hetch Hetchy aqueduct" and the availability of the proposed Apanolio Canyon landfill for solid waste disposal. By relying on unsupportable assumptions, the SEIR violates CEQA's requirement that all significant effects of the project and its mitigation measures be identified. CEQA Guidelines § 15126(a) and (c).

F24

F. The EIR and Draft SEIR Fail to Adequately Describe Growth-Inducing Impacts of the Project.

F25

The description of growth-inducing impacts in the draft SEIR does not expand at all on the discussion in the EIR despite the additional information in the draft SEIR concerning infrastructure improvements, road improvements, and housing. Further, the discussion in the previous EIR, which is incorporated in the draft SEIR by reference, provides no quantification of anticipated growth. This lack of information is exacerbated by deferring analysis of infrastructure needs to future studies. The analysis of growth-inducing impacts is inadequate and violates section 15126(g) of the CEQA Guidelines.

G. The EIR and Draft SEIR Fail to Adequately Analyze Cumulative Impacts.

F26

The draft SEIR has not adequately assessed the impacts of the proposed project in conjunction with other reasonably foreseeable projects. Cumulative impacts on water supply, sanitary sewer capacity, and solid waste disposal, for example, are ignored. The cumulative traffic impacts analysis also is deficient. The SEIR implies that significant cumulative traffic impacts would be generated not by the proposed project but rather by projects proposed by Menlo Park and Palo Alto and by regional traffic growth. The meaning of the term "cumulative impact" has apparently been misinterpreted. CEQA states that to determine cumulative impacts, an EIR must analyze a list of past, present, and reasonably anticipated future projects producing related or cumulative impacts, including projects outside the control of the agency. CEQA Guidelines § 15130. Failure to adequately evaluate a project's cumulative impacts constitutes a violation of CEQA and could result in invalidation of project approval. San Franciscans for Reasonable Growth v. City and County of San Francisco, 151 Cal. App. 3d 61, 81, 198 Cal.Rptr. 634 (1984).

The proposed project, in conjunction with regional traffic growth as well as projects proposed in Palo Alto and Menlo Park, will all result in significant cumulative impacts. Therefore, the draft SEIR is required to analyze feasible mitigation measures. The draft SEIR, however, denies its responsibility for mitigation claiming that the necessary traffic improvements lie outside East Palo Alto's jurisdiction. Although some of the intersections which could drop into the LOS E-F range with future traffic are wholly or partly outside of the jurisdiction of the City of East Palo Alto, the proposed project will also contribute to this LOS deterioration. CEQA requires a full analysis of feasible mitigation measures whether or not the lead agency has the authority to implement the measure.

F27

The EIR states that cumulative traffic levels due to areawide projects and regional flow increases would result in considerably degraded service levels. But the draft SEIR concludes that there will be no significant cumulative impacts due to the project by itself unless the V/C increases by 0.5. This assumption is questionable since the other jurisdictions that will be directly affected by the project consider a V/C change of 0.1 to 0.2 to be significant. Since the majority of the intersections will

F28

operate at LOS F in the year 2010, any decrease in LOS must be considered significant.

The draft SEIR does not analyze cumulative traffic impacts for an interim year. The cumulative impact analysis recognizes severe traffic conditions upon build-out of East Palo Alto, Menlo Park and Palo Alto in the year 2010. In fact, 10 out of 14 intersections affected by the project have the potential to operate at LOS F if traffic improvements are not made, and the other four intersections would operate at LOS E. Since many of the proposed traffic improvements are outside East Palo Alto's jurisdiction and may not be completed according to schedule, the draft SEIR should have conducted an interim analysis that assumes a limited number of traffic improvements by the year 2000.

F29

The draft SEIR also fails to identify reasonable and feasible mitigation measures for the significant cumulative air quality impacts identified in the draft SEIR. The SEIR must identify mitigation measures capable of offsetting significant impacts. Although the draft SEIR makes casual mention of a traffic demand management ("TDM") program, the program is not made a condition of approval of this project. A recent U.S. district court decision, Citizens For a Better Environment v. Deukmejian, No. C89-2064 TEH (N.D. Cal., Mar. 5, 1990), reinforces the fact that air quality measures that attempt to reduce reliance on the automobile are critical for attainment and maintenance of air quality standards. Unless the project sponsor can demonstrate why the TDM program mentioned in the draft SEIR is not feasible, it should be made a mitigation measure and thus a condition of approval to the project.

F30

III. The Proposed Mitigation Monitoring Program Has Not
Been Circulated For Public Review

F31

The draft SEIR acknowledges the need for a mitigation monitoring program pursuant to Public Resources Code section 21081.6, but does not attach the proposed program for public review and comment. Although circulation of a mitigation monitoring program is not mandatory, we request that the proposed program be circulated for public review and comment prior to certification of the SEIR in order to fully inform the public and decision-makers of its contents and consequences.

Stanley H. Hall
April 25, 1990
Page 11

CONCLUSION

For the foregoing reasons, we request that the City take the following actions:

F32

1. Correct the deficiencies in the draft SEIR and recirculate;
2. Circulate the mitigation monitoring program for review; and
3. Amend the General Plan and reconsider the Redevelopment Plan.

Thank you for consideration of the points raised in this letter.

Very truly yours,

SHUTE, MIHALY & WEINBERGER



ELLEN J. GARBER

CALTRANS
DISTRICT 4

FACSIMILE ROUTE SLIP

DATE 4/30

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Dist. _____
Other _____

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OFFICE: Redev. East Palo Alto
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COPIES TO: _____

FROM:

NAME: Martha Roberts
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PHONE #: 557-9431

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TOTAL PAGES
TO FOLLOW 2

IF TRANSMITTAL IS INCOMPLETE CALL: (415) 557-3191 OR
ATSS 8-597-3191

DEPARTMENT OF TRANSPORTATION

BOX 7310
SAN FRANCISCO, CA 94120
(415) 923-4444



April 30, 1990

Ms. Linda Rahi
Redevelopment Agency
City of East Palo Alto
2415 University Avenue
East Palo Alto, CA 94303

SM-101-0.89
SCH#88032905
SM101128

Re: University Circle Redevelopment Plan - Draft
Supplemental EIR.

Dear Ms. Rahi:

The California Department of Transportation (Caltrans) has reviewed the above-referenced Draft Environmental Impact Report and has the following comments:

As stated on Page III-2 of the document, possible impacts of the proposed Specific Plan that are known to be controversial include traffic related to uses on the Project Site.

G1

On Page IV.D-5, it is stated regarding the Bayfront Expressway (State Route 84), "As a result of the emergency measures, the Bayfront Expressway projects may be downgraded to improve the shoulder, since much of the widening already has been accomplished." This statement should be deleted or modified since it is not correct. The restriping on Route 84 after the 1989 earthquake is just a temporary congestion relief measure. The Bayfront Expressway projects in Regional Measure 1 will propose long term solutions to the actual congestion problem.

G2

Regarding Route 109 (page IV.D-5), the San Mateo County Transportation Authority has asked MTC to include this study in the Regional Transportation Improvement Program (RTIP). Caltrans will not be requesting action, and the study would be called a route determination study, rather than a route adoption study as stated. The Project Study Report (PSR) for Route 109 in no way limits the number of alternatives to be studied in the route determination study. This statement is consistent with the one we have previously made for the DEIR for the Ravenswood Industrial Redevelopment.

G3

90 17:13 415 557 2579 CALTRANS PLNG #4 003

SM101128

April 30, 1990

Page 2

On Page IV.D-16, the section in the first paragraph states: "This Draft PSR indicates that the eastbound hook ramps to the collector-distributor roads are of substandard design and there is insufficient room for traffic entering and existing the freeway to safely merge and cross on the collector distributor road..." These ramps are not "hook" ramps. The University Interchange is a clover loop interchange with existing businesses provided for in the northwest quadrant. The changing traffic conditions have exceeded the standards for which this interchange was designed. However, it was originally designed to standard.

G4

On page IV.D-30, it is stated that "Public transit ridership by Peninsula commuters is extremely limited. It is therefore estimated that two percent of the employees would commute by bus to the site..." Public transit ridership should be encouraged to relieve traffic congestion. A Traffic Demand Management (TDM) program should be put in place for the project, with financial and other incentives provided by employers to support use of public transit and ridesharing.

G5

We appreciate the opportunity to work with you on this project and wish to continue correspondence on it. Should you have any questions regarding these comments please contact Mariko Roberts of my staff at (415) 557-9431.

Sincerely yours,

BURCH C. BACHTOLD
District Director

by 

WADE GREENE
District CEQA Coordinator

cc: Nancy Mitchell, State Clearinghouse
Susan Pulz, MTC . Susan Germain, ABAG
Gary Adams, District ATSD Coordinator

COMMENT H



FACSIMILE TRANSMITTAL SHEET

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April 30, 1990

Mr. Karl Shepherd
Assistant Redevelopment Coordinator
2415 University Ave.
East Palo Alto, CA 94303

RE: Supplemental Draft E.I.R. (SDEIR) for the
University Centre Project

Dear Mr. Shepherd:

Attached are Menlo Park's comments on the SDEIR prepared for the University
Centre Project.

We look forward to the review of the Supplemental Final E.I.R.

Sincerely,

Al Morales
Principal Planner

attachment

(2007D)

**RESPONSE TO SUPPLEMENTAL DRAFT EIR (SDEIR) FOR
THE UNIVERSITY CENTRE PROJECT**

GENERAL COMMENTS

The SDEIR generally understates the significant impacts, and it does not adequately discuss specific mitigation measures. H1

The Report should discuss in detail the Mitigation Measures as well as any potential impacts resulting from the implementation of the Mitigation Measures. It should assign responsibility for the implementation of the Mitigation Measures, and discuss the funding sources and whether such funding is available and has been committed for this purpose. It should also provide a timeline for the implementation of the Mitigation Measures. The Report should also include a Monitoring and Reporting Program to ensure that the Mitigation Measures are complied with and implemented as required. H2
H3
H4
H5
~

SPECIFIC COMMENTS

The following comments relate to specific sections and/or issues contained and/or discussed in the Report.

Project Description

The description of the project under consideration is not clear. On pg. II-4, the "Project" is described as the adoption and implementation of the University Circle Redevelopment Plan, but the Redevelopment Plan has already been adopted (Specific Plan, Appendix C), and the SDEIR has been written to address the impacts of the specific policies of the "Specific Plan" and the "proposed features of the University Centre Project". In the Summary section of the SDEIR on pg. III-1, the project is described as either the "Specific Plan" of 700,000 net sq. ft. or the PUD Permit application of 604,000 net sq. ft. H6

Project Description (cont'd)

Adding to the ambiguity of the "Project" description are other variables. The Specific Plan defines the "Project" as a "relatively high-density, mixed-use complex comprising a total of approximately 700,000 square feet of net floor area", and it also includes provisions whereby the upper limits of the intensities of the component uses on the project site "could be exceeded in accordance with the terms of a Use Permit approved by the Planning Commission".

H7

Another variable not accounted for in the description of the "Project" is the square footage differential between gross and net square footage. Generally, the ratio of gross to net area is approximately 20%. Therefore, a project of 700,000 sq. ft. of net area would reflect a project of about 840,000 gross sq. ft. Add to this amount any additional square footage allowed above the upper limits of the "Specific Plan as per the provisions of the Specific Plan, and that would result in yet a higher figure.

H8

It is essential that the scope of the "Project" be clearly described to fully evaluate the impacts. The square footage of the project is used to generate traffic data and required parking. The impacts resulting from a project described as the PUD application (604,000 net sq. ft.) and the one that might ultimately be approved reflecting the provisions of the Specific Plan could be quite different and have significant impacts. Using lesser figures could lead to the underestimating of the potential traffic generation and the required parking. If not enough on-site parking is provided, it will over flow into the adjacent residential areas. It is not clear from the Report whether net figures or gross figures were used to generate the data.

H9

Traffic/Circulation

Menlo Park is greatly concerned with the effects the "Project" will have on Menlo Park's single family residential district immediately adjacent to the "Project Site", specifically "The Willows". The cumulative impact of the Project traffic together with other future projects and future regional growth will contribute to the degradation in the LOS (Level of Service) at various intersections along University Avenue between the Project Site and the Dumbarton Bridge.

H10

Traffic/Circulation (cont'd.)

Most of these intersections will operate at LOS of E and F, causing substantial delays to traffic moving in the northerly direction. This condition would force northbound traffic to seek alternate routes to the Dumbarton Bridge. Alternate routes would be the residential street network of The Willows neighborhood to Willow Road and then north to the Dumbarton Bridge causing significant negative impacts to the neighborhood.

Moreover, the "Specific Plan" on pg. 16 (Appendix C) states "To facilitate access to the project and the neighborhood to the west (The Willows) modifications to the Woodland Avenue and University Avenue intersection probably will be necessary". Preliminary plans have been prepared and are shown in the SDEIR. The improvements on Woodland Avenue at Manhattan Avenue as proposed will induce traffic to proceed into The Willows, yet the Report does not fully and specifically address the implied effects of these improvements on The Willows neighborhood.

H11

Additional through traffic would adversely affect the single family residential qualities of the neighborhood. Increased through traffic on the local residential streets will result in an increase in the ambient noise levels, degradation of the local air quality and increased traffic hazards to pedestrians and bicycle riders, particularly children going to and from school.

H12

The Report does not provide specific enough information relative to the effects that the increased traffic volume resulting from the Project will have on the local residential streets.

H13

We request that the traffic analysis be expanded to include the entire street network of the Willows to examine the potential effects of the increased through traffic volumes generated by the Project on the Willows. We further recommend that based on the findings of the analysis, feasible and appropriate short term and long term mitigation measures be developed and implemented to divert through traffic generated by the project from The Willows residential streets and directed it toward the freeway and major arterials to reduce the potential neighborhood impacts to acceptable levels.

H14

Standards of Significance, pg. IV D-8

The standards of significance used in this Report are generally more liberal than standards used in other communities. According to the Report, a significant negative impact at a signalized intersection would be when the LOS (Level of Service) drops from the A-D range into E-F range. This suggests that there could be a drop in three LOS from A-D at a signalized intersection with no significant adverse impacts. The 3,000 average daily vehicles used as the threshold to determine significant adverse impacts on local residential streets is high. Under this standard, a 200% increase in ADV on a local street carrying 1,000 vehicles per day would still be considered an insignificant impact. Several of the streets within the Willows neighborhood are presently carrying between 1,000 and 1,500 vehicles per day, and the residents of the area have complained that the existing traffic conditions are getting to be intolerable.

H15

Environmental standards to define what constitutes a significant impact are not absolute. The degree of the impact is relative. Impacts are measured against the existing conditions because the significance of an activity may vary with the setting. The Standards of Significance used in the Report need to be re-examined.

H16

Figure IV D-4

Figure IV D-4 shows Durham Street as incurring a 2,000 ADT or a 333.3% increase by the year 2010 as a result of "future base" growth without the project. This implies that future traffic would travel along Durham Street. However, both Table IV D-6 and Figure IV D-11 show zero (0) increase in ADT on Durham Street from the project traffic; this seems inconsistent. We request that this inconsistency be further analyzed and addressed.

H17

Woodland Avenue

Table IV D-6 and Figure IV D-11 show that Woodland Avenue will incur a 400 ADT or 22.2% increase as a result of the project. Woodland Avenue is a narrow, meandering road contiguous to the San Francisquito Creek. The additional traffic volume will greatly increase the potential traffic hazards and degrade the environmental qualities of this quiet residential street. The SDEIR should evaluate and recommend mitigation measures and a specific implementation and Monitoring and Reporting Plan to minimize these potential impacts. The SDEIR should also discuss the effects of this additional traffic on the San Francisquito Creek's natural environment.

H18

Table IV D-6

The directional convention used for the purposes of the traffic analysis in the SDEIR considers the San Francisco Bay to the north and the Peninsula hills to the south; points further up the Peninsula toward San Francisco are considered to be west, while points further down the Peninsula toward San Jose are considered to be east.

H19

According with this convention, Middlefield Road lies in an east-west orientation and Willow Road in north-south orientation. Items 7, 16 and 17 in Table IV D-6 on pg. IV D-24 regarding Middlefield and Willow Roads are inconsistent with this convention.

Visual/Aesthetic

The reduction in height from the original proposal has ameliorated the visual impact of the project on the nearby residential areas to some extent. However, the visual impacts are still significant and will not be reduced to insignificant levels. Further mitigation may be accomplished by reducing the typical floor to floor height of the buildings. A height between 13 ft. 6 in. and 14 ft. between floors should provide sufficient plenum space to accommodate air conditioning and mechanical equipment and still provide adequate ceiling height.

H20

Visual/Aesthetic (cont'd.)

A definitive building height should be set for the buildings in terms of a maximum number of feet rather than the number of stories. An effort should also be made to reduce the visual impact of the building by using appropriate building materials and exterior finishes. Appropriate landscaping should also be used to screen the buildings from the residential areas. The Report states that the shadows of the buildings will not extend beyond Manhattan Avenue, but the shadow study showing the extent of the impact on the westerly side of the project site was not included in the Report. H21 H21-1

Project Area vs. Study Area

On page III-1 the project area is described as a 22 acre commercial and residential area. On page IV-L-1 the Study area is described as being 11.93 acres. Please explain the difference. H22

Water Supply

The statement that "there is currently a almost unlimited supply of water available in the Hetch Hetchy Aqueduct to be purchased from the City of San Francisco" seems contrary to policies presently being adopted by San Francisco. San Francisco is in the process of instituting a rationing program which will affect all Hetch Hetchy water users, including Peninsula communities that purchase water from San Francisco. We recommend that the analysis on water usage be expanded to include a discussion of the effects of the drought on the available resources and the project impacts in light of the present conditions. H23

Groundwater

The section on groundwater does not discuss the effects of the Project will have on the groundwater. The water table in the general area of the Project Site is relatively high. Excavation for foundations and any other underground facilities, such as underground parking, will require pumping underground water into the drainage system. This could adversely affect the existing drainage system. H24

Groundwater (cont'd.)

The discussion of the potential impacts on the groundwater should be expanded to include both short-term impacts resulting from the construction activities, such as siltation, as well as long-term impacts resulting from sump drainage for the underground facilities.

H25

University Avenue Interchange, pg. IV D-3

The Report states that construction of the University Avenue Interchange improvements are programmed for the year 2003/2004. The University Centre Project proposes to fund certain costs of the modifications, including the widening of the eastbound off-ramp on-ramp and the construction of a new eastbound off-ramp, to the University Avenue Overpass. These improvements will occur on the south side of the interchange, and no mitigation is proposed at this time for the north side of the interchange. It is necessary that the Report provide a broad analysis fo the interchange as it is an element of extreme importance for the movement of subregional traffic.

H26

We recommend that the construction of the Project and the mitigation measures be coordinated and phased accordingly so that the mitigation measures are in place prior to the project becoming fully occupied and operational.

H27

Bayshore Freeway Widening, pg. IV-D3

Construction of these improvements commenced March 1990. We suggest that this section be updated to reflect the present status of this project.

H28

Route 109, pg. D-5

Route 109 would divert Dumbarton Bridge bound traffic from the Bayshore Freeway within the general area of the project site. However, extensive environmental studies will be necessary to determine an alignment that would be least disruptive to the environment. It will also require the cooperation of the communities that will be affected by the new road.

H29

We recommend that East Palo Alto actively pursue the realization of this southerly connection as a long term mitigation measure.

H30

Willow Road-Middlefield Road, pg. IV D-30

The Report indicates that the project will add 600 ADT to Middlefield Road that would contribute to the degradation of the LOS at this intersection, and it recognizes that the cumulative impacts at this intersection are significant warranting mitigation.

H31

The Report should specifically detail the mitigation measure and how the project will participate in the implementation of the Mitigation Measures.

H32

Willow Road-Newbridge Street, pg. IV D-38

The Ravenswood Industrial Area Redevelopment Plan Draft EIR indicates that the Newbridge Street will experience an increase of 3,440 ADT as a result of the implementation of the Redevelopment Plan. We request that this intersection be analyzed to address the impacts of cumulative effects of both the Ravenswood Industrial Area Redevelopment Plan and the University Centre Project.

H33

Transportation Demand Management, pg. IV D-35

The TDM Program appears to be only a paper mitigation measure. There is no commitment for its implementation from the project proponent, and the Report says that it will not be a requirement of project approval. The Report should explain who will be responsible for its implementation. TDM should be a required mitigation measure to be implemented by the developer and tenants within the project site.

H34

Landscaping

The Landscaping Plan for the Project Site should address the visual and aesthetic impacts and the prevalent drought conditions. Periphery planting should be installed to screen the Project from the surrounding single family residential areas, and the landscaping scheme for the Project Site should incorporate drought resistant plants to reduce water usage.

H35

Alternatives

There are two issues that warrant further discussion in the Report. They are the intensity of the Project as it relates to its residential neighbors and housing within the Project Site as a mitigation measure.

H36

The Bayshore Freeway provides substantial buffer between the Project Site and East Palo Alto's residential areas. However, the single family residential areas in Palo Alto and Menlo Park are immediately adjacent to the Project Site. There is little buffer provided between the Project and the single family residential areas. An alternative that provides residential uses at the periphery of the Project Site should be considered. These residential areas within the Project Site would mitigate housing impacts generated by the Project and serve as transitional elements between the Project and the existing residential areas that would help buffer the impacts of the Project on the existing single family residential areas.

H37

Mitigation Measures Implementation

The City recognizes that to implement some of the Mitigation Measures, multi-jurisdictional cooperation will be required. Menlo Park is prepared to cooperate with East Palo Alto in any effort that would lead to the implementation of both short-term and long-term Mitigation Measures to minimize the impacts generated by the Project. This includes working with Caltrans and other agencies to develop and implement desired solutions.

H38

COMMENT I

Comments on University Centre DSEIR

John Mock

Section I (Definitions) has several problems, particularly in omitting abbreviations. PUD Permit has a self-referential abbreviation¹ and it does not become clear what is meant until it is finally defined in SIVA 1.² DDA is also not even defined in SI. It is expanded as being a 'Disposition Development Agreement' on p. II-4 and p. IV H-5,³ but not defined in either place, and it isn't at all clear what it is.

11

This Supplemental EIR is to be used by the Redevelopment Agency, the City Council, city staff and the citizens of East Palo Alto in assessing the merits of the Implementing Actions [for the Redevelopment Plan for 'University Centre'].⁴

12

This seems to almost implicitly state that it was not intended for use by citizens of other communities, yet, they will be the people most affected by the project, not those across the freeway from it. At \$40 each, this information seems unlikely to ^{be} very accessible to most citizens of a community such as East Palo Alto. The cost of obtaining the DSEIR is quite steep even for a citizen of the more affluent neighboring communities. It should be noted that the U.S. Forest Service, the National Fish and Wildlife Service, the City of Palo Alto and others have all supplied EIR/EIS materials upon request to interested parties.

Granted that the City of East Palo Alto may not be in the best of financial shape, but then shouldn't the developer bear the cost of duplication, rather than expecting those impacted by the development to subsidize its evaluation? After all, while there may be social benefits and some tax revenues resulting redevelopment, by necessity, the developer will receive the largest economic benefit from the project.

13

Approximately 40% of the DSEIR is raw traffic analysis data, which is useless to nearly all readers of this document. Shouldn't that have been in

14

¹DSEIR, p. I-1, ¶14.

²DSEIR, p. IV A1

³DSEIR, p. IV H-5, ¶1.

⁴DSEIR, p. II-1, ¶1.

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a separate document, or at least separate volume (as was done in the Sierra Ski Ranch Expansion DEIR/DEIS⁵)? It should also be noted that the data here been reduced by at least 50% with a trivial programming change. Only about 35% of the DSEIR isn't appendices. Doesn't its sheer volume discourage citizen participation, particularly in an area less accustomed to public participation, such as East Palo Alto?

"This Supplemental EIR will not repeat information, impacts or mitigation measures previously described in the Program EIR."⁶ This makes it difficult for those not involved in the DEIR to comment on the DSEIR. But this is, unfortunately, part of the normal process for both CEQA and NEPA. 15

The principal allegations of the lawsuits [against the City of East Palo Alto regarding the Program EIR] pertained to the failure of the Program EIR to analyze the impacts of a conceptual development study for the Project Area that had been undertaken by DeMonet Industries, Inc.⁷ 16

This language was particularly difficult to comprehend. Please restate in a more intelligible way for in the FSEIR.

Doesn't this make it difficult for someone not familiar with the case to determine whether the DSEIR satisfied the legal objections raised?

At the time when the Redevelopment Plan was considered and adopted, no specific application for a development proposal had been received by the Agency or the City [of East Palo Alto]. ... Accordingly, the Program EIR focused on the legislative and economic issues inherent in adoption of the Redevelopment Plan. The Program EIR did not include a detailed analysis of physical design aspects of ... development alternatives...⁸ 17

⁵Sierra Ski Ranch Expansion Project Draft Environmental Impact Report, El Dorado National Forest, 1989.

⁶DSEIR, p. II-1.

⁷DSEIR, p. II-2.

⁸DSEIR, p. II-2.

In a very circuitous way, this indicates that the EIR didn't really study the actual impacts of such project but rather "focused on the legislative and economic issues". So, why are we looking at such a restricted DSEIR where only a limited set of impacts can be commented upon, and not a new EIR? By taking this approach, those commenting are expected not to examine issues discussed in the DEIR, how public good would be best served as a consequence of considering all the relevant issues at the same time, nor whether the mitigations described in the DEIR would compensate for the impacts of this project.

On page II-2, there's an obvious question: What's a PUD?⁹ This should really have been defined in SI. Even if so, shouldn't it be spelled out here? Even from context later in the DSEIR,¹⁰ it is still not clear what these regulations involve.

I18

The DEIR discussed several options "...including two levels of intensity which would be substantially greater than the currently proposed University Centre Project..."¹¹ What about levels of intensity significantly less than the preferred alternative? Otherwise, those greater only serve to make the proposed project seem more palatable without examining the issue of whether a smaller project might better serve the public good.

I19

Was tiering done correctly? The Program EIR focused on the legislative and economic issues, but the DSEIR does not permit full discussion of the impacts of the actual proposal or reasonable alternatives, as these were supposedly covered in the Program DEIR. Is this EIR studying the correct issues?

I110

Page II-3, ¶4 again indirectly brings up the question of whether the Program EIR properly identified "those general, long-term environmental effects of the redevelopment plan which can be known or projected with some degree of assurance". The next step "could either be a subsequent or supplemental EIR or a negative declaration". But, a supplemental EIR was

I11

⁹DSEIR, p. II-2, ¶3

¹⁰DSEIR, p. IV.A1.

¹¹DSEIR, p. II-3.

chosen, and its limited scope precludes one from responding to issues on which the *preparers* (and/or the City of East Palo Alto) *have decided* there is no new information. This is most unfortunate, and may raise doubts about the adequacy of the DSEIR in responding to the impacts of the project. Selecting only one other development alternative for this site may inherently not produce any new information, and be contrary to the legislative intent of having alternatives which result in examination of such issues. So, in areas where the City of East Palo Alto considers there is no significant differences between alternatives, respondents cannot comment effectively on either.

I12

On page III-1, it is stated: "The Specific Plan and Implementing Actions present only refinements of the development concepts analyzed in the Program EIR."¹² Yet, only larger developments were considered in the Program EIS. Smaller scale developments should have been explored in the same level of detail as in the Program EIR. Shouldn't we be looking at something other than a Supplement EIR here?

I13

Section III gives the height as about 205 feet tall plus mechanical structures. In the following section (SIVA 1), actual maximum height is described as up to 225 feet.¹³ Isn't that a little misleading?

I14

Section III describe the Preferred Alternative in terms of net square feet. Is net square feet a measurement in common usage, or even acceptable measurement? Is this a measurement something comprehensible to a reasonably diligent concerned citizen, or even to elected officials? Obviously, this does not include parking, corridors, and other substantial use of space. Can one even meaningfully convert these measurements, or compare them against developments in other areas?

I15

The map entitled "REGIONAL SETTING" (Figure III-1)¹⁴ is completely inadequate for the purposes of judging regional impact. Clearly, Solano County is not affected by this project, so why should it be included?? Yet,

I16

¹²DSEIR, p III-1.

¹³DSEIR, p. IV.A-3 ¶6

¹⁴DSEIR, p. III-3.

the affected communities are crammed into a 1/2 inch square area. How could one possibly understand their relationship with a map at this scale? In fact, the only maps which are of a meaningful scale and detail are for soil types, and for earthquake intensity ratings.¹⁵

Section IIIA describes the project location only in textual form.¹⁶

There is no map included or referenced in this section which shows the location of the development, and in particular, at a scale comparable to the size of the project.

I17

In Section IIIF,¹⁷ from reading the text, it would appear that the "Reduced Scale" Alternative involves approximately 350,000 square feet of office space. That's about 92% as much space as the Preferred Alternative. How could this plausibly be considered to be a significant reduction in size? Doesn't this alternative largely only consider affects from height, while ignoring other impacts on the surrounding areas? Shouldn't an Alternative involving about 50% as much space have been considered? Also, is this *net* square feet, as described in SIIIB, and if not, how are the two related?

I18

From reading other sections, the "Reduced Scale" aspect of this alternative is really derived from eliminating the hotel aspect of the project. Shouldn't this therefore have been termed the "No Hotel" alternative, since, as noted above, the impacts are likely to be rather similar. This all boils down to mean that there really hasn't been consideration of alternatives which are meaningfully smaller in size or scale. This is particularly the case if the building which dominates the project is largely unchanged in either size or scale. Shouldn't a project which was physically smaller been examined? In particular, shouldn't have been specific consideration of an alternative designs which do not have abnormally distances from floor to floor? These questions relate to physical size, not impact. In terms of impact, shouldn't a building with substantially less square-footage have been considered as an alternative? It might be worth noting that one

I19

¹⁵DSEIR, Figure IV.J-1, p. IV.J-2

¹⁶DSEIR, p. III-1.

¹⁷DSEIR, p. III-2.

alternative might have sufficed to consider both of these issues.

Not only should the DSEIR have examined a range alternatives in terms of total space, it should have also examined the question of whether most retail or more office space would be more beneficial. The DSEIR should have included an alternative which included residential, and in particular, which mitigated the long term jobs-housing imbalance on site.

I20

Section IVA1,¹⁸ indicates that services provided by existing businesses at the redevelopment site will be "more difficult to access by a large part of the City [of East Palo Alto]'s population". Are the new services to be provided really intended for local consumption? Or, are we looking at increased traffic as the result of people from other areas coming in to use these new services. Obviously, most office uses would not be providing many services of interest to the residents of East Palo Alto. By the virtue of the costs of leasing such space, wouldn't retail businesses tend to be more "upscale" in nature? Would the retail services provided be of interest to the majority of the population of East Palo Alto?

I21

These questions are amplified by the following in Section IVA2,¹⁹ where it is noted that "... removal of retail outlets, like the hardware store and full service grocery, will likely cause East Palo Alto residents to seek services elsewhere..." and suggests other services will be provided instead, and that other retail sites exist which may be more convenient. What the DSEIR fails to address is the needs of those who do not drive, and will have to travel, to those residents, substantial distances until economic conditions are able to produce new businesses to serve them.

I22

In Section IVB1,²⁰ While East Palo Alto is currently a net provider of housing for the area, and could certainly benefit from additional jobs in its community, that is not where this project will have most of its effects. Shouldn't the DSEIR be examining the jobs-housing imbalance for the affected area rather than the jurisdictional area?

I23

¹⁸DSEIR, p. IV.A-1.

¹⁹DSEIR, p. IV.A-4.

²⁰DSEIR, p. IV.B-1.

In Section IVB 1, it is noted that "the project proposed... would generate an estimated 2,031 jobs" and while "new employees moving to [jobs in] East Palo Alto would seek available housing in the area",²¹ that does not necessarily mean they want to live in East Palo Alto. Yet, the DSEIR only discusses the situation in the jurisdiction of East Palo Alto, and merely admits in a cursory way that it "cannot be expected to provide all the housing needed to meet the needs of future employees". It is noted that "additional housing would need to be available at a variety of income levels, including low income, moderate income, and above-moderate income. Given existing and reasonably foreseeable housing patterns, it is most unreasonable to assume that East Palo Alto would provide most of this housing! Yet, the DSEIR does not discuss effects on surrounding cities, it does not even mention Santa Clara County in the main text, even though it is only a matter of hundreds of feet away!

I24

While East Palo Alto may have much suitable land for housing, the situation in the surrounding communities is poor indeed. Given that, and that the only analysis beyond the city limits is at a county level, isn't this analysis a very inadequate consideration of impacts on surrounding communities?

I25

Noting that above-moderate income housing is very scarce in this area, and that given the speculative development pressures, increases in this type of employee will reduce even further opportunities for moderate income housing in nearby areas. Won't the situation for employees of moderate income, both within and outside the project area, be worsened even than one would ordinarily expect by this project?

I26

In Section IVB 1, it is suggested that "A local hiring and training program would help reduce the need for additional housing... by employing currently unemployed residents of East Palo Alto."²² Isn't this just wishful thinking unless backed by specific mitigation requirements? Given the extreme scarcity of low income housing in the general area, doesn't a

I27

²¹DSEIR, p. IV.B-3.

²²DSEIR, p. IV.B-3.

significant portion of the unemployed residents most unfortunately fall into the category of the "hard-core unemployed"? Granted that a hotel would provide some opportunities for these people, one would certainly hope that to provide jobs with chances for advancement and a means to utilize more than just basic job skills. Will businesses likely to occupy the proposed project be interested in hiring these people, or, other than for clerical positions, won't they be looking for people with college educations with proven track records? How do we know that even a significant number of these new employees will choose to live in East Palo Alto, not to mention how many may already reside there?

In Section IVB1: "Housing needs for new employees on the project site may also be reduced by maximizing the number of City residents hired."²³ How is this to be accomplished? This is not discussed in the text. Without specific measures to implement this, isn't this mitigation also mere wishful thinking?

I28

In Section IVC2 of the DSEIR, it is suggested that the generation of approximately 2,000 jobs "is not considered a significant impact and may actually have beneficial effects through the improvement of the jobs/housing balance".²⁴ As discussed early, isn't this only true on a strictly local level, and won't the impact be quite significant if the surrounding communities are considered? Shouldn't there be mitigations (if possible)?

I29

In Section IVC3,²⁵ while not admitting a significant impact, mitigation measures are suggested. Yet, this, too, lacks any teeth, as it merely states that "Employment programs to be provide by the [Redevelopment] Agency will seek to maximize the number of local residents in new jobs created by the Implementing Actions". Yet, while the text also presents the disclaimer that "mitigation measures are not required for impacts of a less than significant level", one certainly can't help but wonder if it isn't there for a reason. Doesn't the presentation of a separate point here, in the

I30

²³DSEIR, p. IV.B-5.

²⁴DSEIR, p. IV.C-2.

²⁵ibid.

form of mitigation rather than an indication of Redevelopment Agency policy, in some sense, contradict the previous assertion of no significant impact to jobs-housing imbalance?

In Figure IV.D-2, the map should read "Donohoe St.", not "Dononohoe St."

I31

Table IV.D-6²⁶ and Figure IV.D-11 show substantial increases in traffic in residential areas, on Woodland Ave. in Menlo Park (22% increase) and on Lincoln Ave. (25% increase) in Palo Alto. Why isn't the described in the main text, and what (if anything) will be done to mitigate the imposition of commute traffic in a residential area?

I32

On page IV.D-35, modifications to public transit is discussed. Since Santa Clara County will also be affected by traffic, shouldn't arrangements be made with Santa Clara County Transit to get additional transportation service to this area?

I33

University Avenue has the heaviest traffic west of US-101 as shown in Figure IV.D-11.²⁷ Currently, University Ave. has unrestricted access to US-101 southbound. The proposal eliminates this on-ramp, and requires drivers from Palo Alto to navigate an additional traffic light to enter US-101. Would this cause additional delays? Will right-on-red be permitted, and for which lanes? If the light are not carefully timed, won't this result in a substantial reduction of LOS (Level of Service) for the intersection of University and Woodland, possibly backing up traffic well into Palo Alto?

I34

A correction appears needed on p. IV.H-1: Isn't that 16 homicides in the City of ~~East~~ Palo Alto in 1989 (85 per 100,000), given that it seems doubtful that the City of Palo Alto is that far off of the national figure of 9 per 100,000?

I35

Since the rationing will be almost certainly be required by City of Palo Alto and other users of the Hetch-Hetchy System due to drought, it is clearly bogus that there is "an almost unlimited supply of water available in the Hetch-Hetchy Aqueduct to be purchased from the City of San

I36

²⁶DSEIR, p. IV.D-24.

²⁷DSEIR, Figure IV.D-11.

Francisco".²⁸ If anything, the Hetch-Hetchy Aqueduct is already stretched beyond its limits, and if anything, commercial users (such as the City of Palo Alto) will have their usage reduced in the future, and some might even be dropped entirely. So, how can this be an adequate mitigation?

Similarly, the DSEIR states that the Browning-Ferris "currently has the capacity for an unlimited amount of solid waste processing at their Ox Mountain facility in Half Moon Bay".²⁹ This is immediately contradicted in the following sentence where it is stated that it will "reach total capacity in approximately two years" and that it is *anticipated* that Browning-Ferris will complete "the permitting requirements for a new facility at Apanolio Canyon". Yet, there are threats of lawsuits on environmental grounds for their new facility. The point here is that the likelihood of finding a suitable site is due to economic pressure from other jurisdictions, but it is not a certainty and it is already a potential problem. While it seems rather unlikely to affect the proposed project, it is not for the reasons stated in the DSEIR.

I37

The DSEIR mentions "a minor chance of flooding".³⁰ It would be helpful to have that expressed more quantitatively. For example, is this a 25 year flood, or a 100 year flood. If a 100 year flood is what is being considered, then this is in direct contradiction to a Public Hearing held by City of Palo Alto and the Santa Clara Valley Water District on 26 April 1990. Not only were substantial modifications to San Francisco Creek discussed at that meeting, but a flood map was shown which clearly showed the project in the flood zone.

I38

At this point, it might also be prudent to examine the results of 25 year flood added to a 1 meter rise in sea level, given that this is the most likely outcome of global warming. While this information is definitely not required, and decision makers probably should not act on that information until more is known about this theory, it may prove helpful in the future

I39

²⁸DSEIR, p. IV.H-7.

²⁹DSEIR, p. IV.H-11.

³⁰DSEIR, p. IV.K-1 ¶3.

to record this information now rather than having to go through a separate analysis later. Note that in our area, we are fortunate enough that this calculation ought not be much different than having a large storm during an astronomical maximum high tide. The fact that the DSEIR suggests "additional storm drainage could be necessary to intercept overflow from San Franscisquito Creek" suggests that we may be close to having a problem if sea level does rise.

It is also noted that "subsurface structures would be subject to flooding."³¹ Will the lowest point in the parking structure(s) also be close to the water table? Will active pumping be required under certain conditions?

I40

In Section IVL, it is stated: "The only way to eliminate this [visual] impact is to abandon the Specific Plan."³² It should be noted that this does not necessarily mean abandoning any redevelopment, just this particular project.

I41

p. V-1 ¶4: It is noted that "the Project Area is the only location within the City of East Palo Alto in which the existence of "blight" *has been documented* in accordance with California Community Redevelopment Law"³³. It would be surprising if the former Nairobi Village site would not qualify for redevelopment intervention. The City has already succeeded in going to court to force the demolition of a building on that site for cause. While that question might be beyond the scope of this DSEIR, was that site considered, and might be likely that "blight" could be shown to exist at the Nairobi Village site? What other sites has the City considered seeking documentation of "blight"? If such efforts are descretionary and/or a matter of financial viability, is it possible that other sites might qualify under more careful consideration?

I42

On p. V-1 ¶5, the appreviation 'DDA' is used without explanation. What is a "DDA"? It is somewhat defined on p. IV H-5, but should be

I43

³¹DSEIR, p. IV K-1 ¶7.

³²DSEIR, p. IV L-15.

³³DSEIR, p. V-1 ¶4 [Emphasis added].

spelled out here, and defined in Section I.

In Section V,³⁴ why weren't residential uses considered on-site, in order to avoid aggravating the general area's job-housing imbalance?

I44

Through some complex legal arguments beyond the comprehension of most laymen, the DSEIR assert that "'off-site alternatives" is an inapplicable avenue of analysis in the present circumstances".³⁵ Is this analysis most meaningful and necessary (in particularly, under CEQA) to judge the impacts of the project and whether this is an appropriate use of this site. To dismiss this out of hand seems disingenuous at best.

I45

Alternative locations are considered "for a physical development project comparable to that of the Implementing Actions".³⁶ Is it reasonable to consider essentially the same project at these locations, or shouldn't different office-retail-hotel mixes be considered?

RECEIVED

1990 APR 30 P 4:57

CITY OF EAST PALO ALTO
COUNCIL OFFICE

John Mock
2823 Alma Street
Palo Alto, CA 94306

³⁴DSEIR, p. V-1.

³⁵DSEIR, p. V-2 ¶12.

³⁶DSEIR, p. V-2 ¶13.



John Mock, 2823 Alma Street, Palo Alto, CA 94306

Rec'd 4/30/90
PART TWO

30 April 1990

The Honorable Mayor of East Palo Alto City Council,
Honorable Members of the East Palo Alto City Council,

Enclosed are my remaining comments on the Draft Supplemental Environmental Impact Report for the University Centre. I apologize for submitting such a large document at this late an hour, but it was difficult to obtain a copy to borrow for a long enough period of time to prepare my comments. Additional confusion resulted as I am accustomed to commenting on U.S. Forest Service issues rather than local ones, and somewhat different rules seem to apply.

You have a difficult task ahead of you. The project which DeMonet would like to build runs up against substantial opposition as many people in the cities of Palo Alto and Menlo Park have come to intensely dislike large buildings. You may rightly observe that Palo Alto allowed some rather large buildings to be built. Many of us are very unhappy about this and have fought actively to stop them. In mid-1970's, we did manage to stop a project that would have more than doubled the size of our worst example by the initiative process. But we're not always successful. Unfortunately, the balance of our city council changes from year to year, and large developers succeed in getting their projects through. The large Holiday Inn near Stanford was stopped once, but managed to get through later.

So, if you criticize Palo Alto for their allowing large buildings to be built, I would strongly support that criticism. But I don't think more oversized buildings (residential or commercial) is the answer. Two wrongs don't make a right. Unfortunately, I think this is either the wrong location or the wrong project, and perhaps both. I hope you will understand that many of us who are criticizing this project would be even tougher on our own city councils — and are. For example, I've attended at least 30 hours of Planning Commission Hearings on the Palo Alto Medical Foundation, and that's only about 85,000 sq. ft. and 1/8 the height.

J1

I sincerely hope you can revitalize the University Avenue area, and do so in a way that will serve your entire community's needs as well as those of your immediate neighbors. I have tremendous sympathy for those who will be losing their places to shop, even if there are hardly pleasant to travel to. I am surprised and startled that your jobs-housing imbalance is so far in the other direction from ours, but it's been a long time since I've spent much time in your city. You have a tremendously difficult row to hoe. You're boxed in by environmentally sensitive land on the east, and politically sensitive land on the west. And with limited fiscal resources to accomplish a very difficult job of bringing your city into the 1990's after being neglected by the County for so many years. I only wish you could have done so alot sooner.

J2

When you go to decide how to revitalize the University Avenue area, I sincerely hope you will consider other applicants. One of the main problems with DeMonet seems to be style, and consideration of history and surroundings. The height and bulk excite the scorn that Palo Altans and Menlo Park residents usually reserve for Atherton. It is entirely possible that a building more modest in appearance would not have generated a firestorm of objections. Surely one more modest in usable space would have been accepted more readily by the surrounding jurisdictions and residents. I don't think any of us writing on this matter don't want constructive change in this area.

J3

I agree with the Mayor that we need to avoid litigation if at all possible. Neither city can afford this sort of wasteful expense. I hope members of your Council and members of my home city's Council can sit down together and hammer out a solution to this problem. I am saddened to have submitted such negative comments on this matter; let me assure you they're no worse than the Forest Service sees. I hope that these comments can be put to positive use in structuring a better project for this site, or, at least, to lessen some of the impacts it will undoubtedly have.

I hope you will give serious thought to alternative Site Three, as I think you have an excellent opportunity to enhance your city with

Re: Comments on University Centre DSEIR

John Mock, 30 Apr 90

an appropriate development of that site. I'm not sure it's one which DeMonet would want to work with, or that you don't have your own plans for that site. But it seems like a good opportunity to make changes where they will be felt in a most positive way for your community.

As a former resident of East Palo Alto, I humbly ask, please, let us find some common ground.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Mock".

John Mock

P.S. Especially given the length of my comments on the DSEIR, I will make them available in machine-readable form if that will be of assistance in preparing the FSEIR.

under more careful consideration?

On p. V-1 ¶5, the abbreviation 'DDA' is used without explanation. What is a "DDA"? It is somewhat defined on p. IV.H-5, but should be spelled out here, and defined in Section I.

In Section V,³⁴ why weren't residential uses considered on-site, in order to avoid aggravating the general area's job-housing imbalance?

Through some complex legal arguments beyond the comprehension of most laymen, the DSEIR assert that "'off-site alternatives" is an inapplicable avenue of analysis in the present circumstances".³⁵ Is this analysis most meaningful and necessary (in particularly, under CEQA) to judge the impacts of the project and whether this is an appropriate use of this site. To dismiss this out of hand seems disingenuous at best.

Alternative locations are considered "for a physical development project comparable to that of the Implementing Actions".³⁶ Is it reasonable to consider essentially the same project at these locations, or shouldn't different office-retail-hotel mixes be considered? Each site by necessity would have its own strengths and weaknesses. Does it even make to transplant a project designed with a particular site in mind to another location? Won't other sites be most expected inferior given that as a criteria?

J4

A number of sites were suggested. For each site, the question should be asked, "Could "blight" be documented on this site?". A discussion of individual sites follows.

J5

Site One³⁷ isn't that much better than the Preferred Alternative, as it largely pushes its problems across US-101. It does reduce impacts on neighboring residential areas in unrelated jurisdictions, which is not an insignificant improvement beyond their immediate areas.

J6

With regards to Site Two,³⁸ it would be most unfortunate to the

J7

³⁴DSEIR, p. V-1.

³⁵DSEIR, p. V-2 ¶2.

³⁶DSEIR, p. V-2 ¶3.

³⁷DSEIR, p. V-9.

community if the Drew Medical Center were displaced. It should be a required mitigation to replace their facility and at similar location with comparable recurring costs. Similarly, loss of park land would be difficult if not infeasible to mitigate.

Since much of Site Three has been cleared, perhaps the "blight" has already been removed, but nonetheless, all of the other benefits of redevelopment would still be obtained. It's merely unfortunate that this mechanism couldn't have been used sooner.

J8

Site Three would only conflict with the current location of City Hall if an incompatible design were used. A project designed for that specific site could enhance rather than displace City Hall. The majority of the vacant land across University Avenue from City Hall, and its development would not conflict. Therefore, it must be asked whether it is truly necessary to relocate City Hall?

J9

Site Three might not be suitable for the same *type* of hotel (or other lodging facility). But this should not eliminate this site from consideration, since the "Reduced Scale" Alternative does not even have a hotel. While not immediately adjacent to a freeway, there is good access to the Dumbarton Bridge and perhaps more analysis might be appropriate here.

J10

For Site Three, under Employment,³⁹ it should be noted this location in particular would favor existing residents. It would make job training seem more meaningful, with opportunities more obviously closer to home. It would also enhance civic pride, much more so that at the proposed site [which would be in the City of Palo Alto were it not for the location of the creek]. It would be in the geographic center of East Palo Alto, and give the City more of a sense of identity. Most of the other alternative sites would not do any of this, and especially not the Preferred Alternative.

J11

For Site Three, under Traffic and Transportation (and also under Housing),⁴⁰ as mentioned at above, the analysis of this site fails to con-

J12

³⁸DSEIR, p. V-14.

³⁹DSEIR, p. V-18.

sider access via the Dumbarton Bridge, and the fact that this commute route would provide an important housing option for employees with moderate to above-moderate incomes. It would also provide alternate access for business operating from this site. Similarly, does the Air Quality analysis include Dumbarton Bridge access?

For Site Three, Visual/Aesthetics seem to be the major problem with this site, beyond traffic. Yet, as hinted at earlier, this might actually be construed as a benefit by some. While no longer an active nuisance, the existence of a large, vacant, and somewhat unkempt area near City Hall is not an asset to the civic image. Sensible development there could be considered a very positive addition to the City, and remove something which, whether or not it is defined as a "blight", is definitely not desirable for East Palo Alto at this point. J13

On the other hand, Site Four⁴¹ offers little improvement over the Preferred Alternative. It largely pushes the project's problems onto Menlo Park instead of Palo Alto. J14

Site Five⁴² is probably even worse. It destroys relatively low income housing while contributing to rather than resolving University Avenue's problems. Eventually, however, that problem would probably solve itself under this scenario, but traffic improvements would be necessary without a mechanism to drive those improvements. J15

The statement that "none of the Off-Site locations would meet goals set by the City [of East Palo Alto] to remove blight documented in the Project Area"⁴³ is an oxymoron. Undoubtedly, some project *will* redevelop this area, most likely through a redevelopment agency. The question really would be whether this is the appropriate plan. Clearly, this is not the only plan which would solve this areas problems. This may merely be the only option that *this* developer is willing to consider. J16

⁴⁰ibid.

⁴¹DSEIR, p. V-20.

⁴²DSEIR, p. V-21.

⁴³DSEIR, p. V-23.

The concluding remarks on off-site alternatives could use some improvement:

p. V-25 ¶2: This should be changed to indicate that the economic opportunities may more closely resemble the "Reduced Scale" Alternative.

p. V-25 ¶5: Sites Three and Four might be called out differently, given the positive aspects of Site Three giving the City a visual center.

No Specific Plan Alternative will provide mitigation for both of these impacts [Visual/Aesthetic and Air Quality] but may increase the level of impacts in areas of land use and will not provide the beneficial impacts associated with employment and the removal of blight as described under the Implementing Actions.⁴⁴

First of all, the DSEIR does not describe 'Specific Plan Alternatives'. It discusses the "Reduced Scale" Alternative and five off-site alternatives, but it does not seem to mention 'Specific Plan Alternatives'. Nor are there any alternatives which are discussed at any length in the Specific Plan included as Appendix C [Other than "Alternative Setback and Stepback Requirements listed in page 13 of the Specific Plan (presumable p. C-13 of DSEIR), which clearly not what is being discussed here]. Thus, isn't inconsistent with the language of the rest of the DSEIR, and/or is there material omitted regarding the Specific Plan?

Assuming the DSEIR intends to discuss off-site alternatives here, this paragraph still has serious problems, as all off-site alternatives have the same impacts associated with employment except other than Site Three, which would correspond more closely to the "Reduced Scale" Alternative than the Preferred Alternative. Particularly if no effort has been made to document "blight" on off-site alternatives, it appears to be by constructed definition that "blight" isn't removed. Thus, aren't these alternatives fairly comparable if "removal of blight" is not considered or "blight" is documented on the alternative site?

In Section VIII, it is suggested that "... adverse impacts [of gentrifica-

⁴⁴DSEIR, p. VII-1 ¶5.

tion] are largely mitigated by redevelopment agency support for low and moderate income housing."⁴⁵ But that mitigation is there only if the redevelopment agency is structured to provide that support. Furthermore, these mitigations won't apply well outside the redevelopment area, and the surrounding cities of Menlo Park, Palo Alto, and even Atherton are already being substantially impacted by gentrification and the loss of housing for even moderate income households. The problem is so severe that even the Palo Alto City Manager is receiving a housing subsidy! How, therefore, can gentrification be considered a positive impact outside of economically depressed portions of this regional area?

The short term job-housing imbalance impact is dismissed as insignificant as "needed workers may be hired from within the City as compared to neighboring cities".⁴⁶ This is only true if the employers which choose to locate in this project need the skills possessed by the unemployed (or under-employed) in East Palo Alto, or can acquire these skills in a reasonably short period of time. For example, if the main product of companies who located there is research and development, the impact on the local job market is likely to be small, with employees largely recruited from graduate schools and other areas.

J23

"The jobs housing ratio in East Palo Alto will increase from an estimated 0.14 in 1990 to 1.31 at the completion of the projects listed for the City in Appendix G."⁴⁷ Given that East Palo Alto is currently a net exporter of employees, these numbers are very disturbing. Furthermore, the largest project, over 1,000,000 sq. ft., is described as "high tech" and will most likely affect cities other than East Palo Alto, since that typically involves moderate to above-moderate income employees. In general, the analysis of housing and jobs seems rather simplistic when compared to the complexity of the actual situation with diverse economic needs, both by individuals and institutions. What is clear is that we are looking at a sub-

J24

⁴⁵DSEIR, p. VIII-2 ¶1.

⁴⁶DSEIR, p. VIII-3 ¶4.

⁴⁷DSEIR, p. VIII-3 ¶5.

stantial increase in traffic, particularly in our major transportation corridors.

It is asserted as a mitigation that "the City [of East Palo Alto] should... explore the possibility of using groundwater".⁴⁸ This seems like a dubious proposition. The City of Palo Alto is going the other direction this year, and will require rationing instead of using groundwater. This will reduce subsidence, avoid problems with contaminated groundwater, and not compete with other groundwater users, further depleting the supply. It is also uncertain that the Hetch-Hetchy System will continue to be able its own needs. So these mitigation measures may be inadequate and the impact not insignificant.

J25

Correction to Appendix G, p. G-2: Palo Alto Med. Foundation is listed as an increase of 60,000 sq.ft. This is a *net increase* in square footage (actual, not net, square footage), with space to be vacated will almost certainly be reused for commercial purposes. This has generated alot of confusion, so it's not unexpected that there wrong figure would be there. The construction involved in the project is actually more like 85,000 sq. ft.

J26

Conclusion

There are serious problems with the project and this Draft Supplement EIR. On-site alternatives need to be considered which involve options other than the single alternatives of eliminating the hotel facilities. Other mixes of use might be worth considering. Alternatives involving less intense use of this site must be considered if the EIR is to be adequate. Meaningful analysis of off-site alternatives is also essential, including a proper weighing of the development benefits beyond the removal of *documented* blight. You should prepare a revised DEIR including these alternatives and analyses. Another Supplement will not provide the depth of analysis needed to judge a lower intensity use of this site.

J27

J28

J29

⁴⁸DSEIR, p. VIII-9 ¶6.

COMMENT K

Aufmuth, Fox & Baigent

A Professional Corporation

Attorneys

April 16, 1990

Mr. Brian McElroy
Earth Metrics
2855 Campus Drive, #300
San Mateo, CA 94403

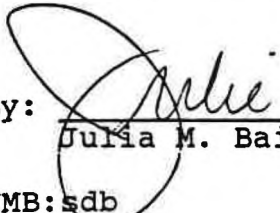
Re: Draft Supplemental EIR Comments

Dear Brian:

Enclosed are some relatively minor comments from McDonough, Holland & Allen on the Draft Supplemental EIR. Please let me know if there are any problems to incorporating these comments.

Very truly yours,

AUFMUTH, FOX & BAIGENT,
a Professional Corporation

By: 
Julia M. Baigent, Esq.

JMB:sdb

cc: ~~Ms.~~ Lynda Rahi (w/enclosures)
Doug Aikins, Esq. (w/enclosures)
Mr. William Skibitzke (w/enclosures)

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*ADMITTED IN NEW YORK ONLY

April 9, 1990

Ms. Julia M. Baigent
Aufmuth, Fox & Baigent
314 Lytton Avenue, Suite 200
Palo Alto, CA 94301

Re: Draft Supplemental EIR/University Circle Project

Dear Julie:

I have reviewed the Draft Supplemental EIR for the University Circle Project. Overall, it is very good, providing adequate factual analysis to support conclusions and identifying, both in the text and the summary, which impacts are considered significant before mitigation and whether mitigation reduces the impact to a less than significant effect.

I do have the following minor comments:

1. Throughout, there are inconsistent references to the project being analyzed: the "Implementing Actions," the "Specific Plan," the "University Center Project," or all or some of these are used together. The term "Implementing Actions" is defined on p. II-5 as including the Specific Plan, the DDA and other presently proposed means of implementing the Redevelopment Plan; it is that term that should be used consistently when referring to the CEQA project being analyzed. K1
2. Business Relocation, Section IV.A, subsection 3, p. IV.A-4, last paragraph: this paragraph needs to reference the California Relocation Assistance Law. Also, this paragraph states that 30 days prior to approval of the Implementing Actions, the Agency will notify businesses of alternative sites. Which of the Imple- K2

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menting Actions is being referred to and what is the source of this statement?

3. Schools, Subsection 2, p. IV.H-12: this section is confusing. It states as the standard of significance that the Specific Plan will have a significant effect if it facilitates the generation of students beyond the current student population served, and then states that the University Center Project will have a significant impact because it will result in a net increase in students. The reasons given for this conclusion are that new jobs and the 20% housing set-aside will generate additional housing, which housing will generate additional students. Then, in the following paragraph, it is concluded that the University Center Development will not have a significant impact upon schools because the schools have existing available capacity, but no factual data is given to support this conclusion. I think the proper standard of significance is that the Implementing Actions will have a significant effect if they facilitate the generation of students beyond the existing (or already planned) capacity of schools to serve those students. Factual analysis concerning the potential generation of students "facilitated" by the Implementing Actions needs to be provided. For this purpose, a student population "facilitated by the Implementing Actions" would mean an increase in students over and above or occurring significantly earlier than a normal/anticipated growth rate.

K3

4. Assorted typos:

Page III-1, Section III.B, refers to maximum height under the Specific Plan as 205 feet, but Section IV.A on p. IV.A-3 says 225 feet.

K4

Page IV.D-15: the Figure referred to in the third paragraph should be "TV.D-4" instead of "TV.D-1".

K5

Page IV.D-28: the Table referred to in the paragraph labelled D-10 should be "TV.D-7" instead of "I.D-6" and the Table referred to in the following paragraph should be "TV.D-8" instead of "TV.D-7".

K6

Ms. Julia M. Baigent
April 9, 1990
Page 3

Page IV.H-1: the third sentence of the third paragraph of subsection 1 refers to homicides in the City of Palo Alto, but should read "City of East Palo Alto".

K7

Page IV.H-7: in the paragraph following the paragraph labelled H-4, "142,200 gallons" should be "147,794 gallons".

K8

If you have any questions, please give me a call.

Very truly yours,



T. Brent Hawkins

TBH:dlc

MTC

METROPOLITAN
TRANSPORTATION
COMMISSION

April 27, 1990

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City of East Palo Alto
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Attention: Karl Shepherd
Subject: Draft Supplemental Environmental Impact Report,
University Circle Redevelopment Plan

Dear Mr. Shepherd:

This letter contains the Metropolitan Transportation Commission (MTC) staff comments on the Draft Supplemental EIR for the University Circle Redevelopment Plan. The Redevelopment area consists of 22 acres of existing commercial and residential uses which would be redeveloped with up to 700,000 square feet of new office, hotel, and retail space. An estimated 2,031 new jobs would be created at full buildout. The site is located on the east side of Highway 101 at the University Avenue interchange.

1. Ramp Metering at University Avenue. Several improvements are proposed for the University Avenue interchange on Highway 101. Ramp metering is one of the design options for highway projects which MTC is requesting Caltrans to consider to mitigate adverse air quality impacts associated with freeway congestion. The DSEIR should consider this improvement for the University Avenue interchange. L1

2. Transit. The DSEIR estimates only 2% of employees would commute by bus to the redevelopment area. Additional measures could be taken to improve transit access to the site and thus decrease traffic congestion in the project vicinity. The DSEIR should discuss ways to link the project site with the CalTrain station in Palo Alto. An employer shuttle may work well in this situation. L2

3. Trip Distribution Assumptions. Project generated traffic was assigned based on the same procedures identified in the University Circle Redevelopment EIR. Under these assumptions, 32% of future office generated traffic is assigned to the zones within East Palo Alto, Palo Alto, and Menlo Park. However, the DSEIR also recognizes that there would be potential housing shortages in these communities for new workers, and that the project would lead to significant cumulative short-term impacts on the housing supply. An insufficient supply of housing in the project area will place additional commute traffic on the freeways. The DSEIR should discuss the "worst case" traffic impacts that an insufficient local housing supply would have on the freeways. L3

4. Transportation Demand Management Mitigation. The DSEIR outlines a transportation demand management (TDM) program to address cumulative traffic impacts. We recommend that the City of East Palo Alto consider requiring a TDM program as a condition of project approval. To assist you in developing your TDM program, we have enclosed a copy of MTC's What We Do And Don't Know About Traffic Mitigation Measures. We hope you will find it useful.

L4

5. Provision of Environmental Documents to Regional Transportation Planning Agencies. MTC was not provided with a copy of the DSEIR when the Notice of Completion was issued. You should be aware of AB 40 (Sections 21081.7 and 21092.4 of the Public Resources Code - see attached copy) and its requirements for lead agencies. As noted under Section 21092.4 (a), "For a project of statewide, regional, or areawide significance, the lead agency shall consult with transportation agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the project." Highway 101, as part of the state highway system within the nine county Bay Area, is within MTC's jurisdiction.

L5

Section 21092.4 (a) also states that, "A transportation planning agency or public agency which provides information to the lead agency shall be notified of, and provided with copies of, environmental documents pertaining to the project." MTC's June 2, 1989 letter of response to the lead agency's Notice of Preparation for the DSEIR provided information about the proposed project's potential impacts on regional transportation facilities (see enclosed copy).

Please provide MTC with environmental documents in a timely manner for any future development projects which would have impacts on regional transportation facilities.

If you have any questions concerning these comments, please feel free to call me at 464-7862.

Very truly yours,



Keith Mattson
Environmental Review Officer

KM:rbp
6859p-60

cc: Commissioner Baker
Commissioner Nolan
S. Germain, ABAG
H. Hilken, BAAQMD
W. Greene, Caltrans Dist. 4

WHAT WE DO AND DON'T KNOW ABOUT TRAFFIC MITIGATION MEASURES

L6

**Metropolitan Transportation Commission
May, 1989**

(5526/p)

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I. INTRODUCTION

As traffic seems to worsen daily, public opinion polls continue to rate traffic as the Bay Area's top priority problem. In addition, automobile-related air quality problems have loomed larger as threats to our quality of life. Automobile emissions are partially to blame for the region's non-attainment of carbon monoxide and ozone standards, global ozone layer depletion, and the global atmospheric warming trend.

Despite the magnitude of traffic problems facing the region today, even more jobs and people are projected for the Bay Area in the year 2005--about one million more. Curtailing new development as a way to limit traffic growth has not been palatable to most Bay Area cities. In fact, our concern about traffic stems partly from the fear that the traffic may curb economic growth.

It is no wonder that government's search for effective traffic mitigation strategies has grown desperate. Under any scenario envisioned, travel demand will continue to outpace additions to transit and highway capacity. Average speeds will drop steadily on Bay Area freeways, according to MTC and Caltrans traffic forecasts.

We all know that the solution could be as simple as an increase in the percentage of commuters who use alternatives to solo driving. If enough commuters carpooled or used transit, we could free up a lane or two of capacity on every freeway in the region.

So, why isn't this happening? In 1980 about 70% of the region's commute trips were by solo drivers. Over the past decade we have seen an increase in the number of autos owned per household and a decrease in the percentage of commuters using commute alternatives. In suburban areas especially, the Bay Area's population has indicated little willingness to give up the comfort and convenience of solo driving. Driving does not seem to cost us much with low gas prices and increases in real income.

Current development trends also explain our reluctance to use commute alternatives. New office development has been drawn away from the central city to suburban areas where land is less expensive. Commuters have been forced to rely on freeways rather than transit, to access the suburban employment opportunities. Free and plentiful parking at these sites makes solo driving easy.

Traffic mitigation strategies (also called Transportation Systems Management (TSM) and Transportation Demand Management (TDM)) refer to a host of concepts designed to change commuter travel behavior and manage the transportation system more efficiently. But are these strategies sufficient to reverse the trend of a declining commute alternatives use rate? Is TSM/TDM the simple, inexpensive, and effective strategy we've been looking for to unsnarl our traffic and clean up our air?

What do we know about TSM?

This report sums up what we know and don't know about various traffic mitigation strategies. As we found with previous research projects, sound, quantitative data about the measures' effectiveness was not often available. Nevertheless, we have presented the most up-to-date data along with staff interpretations of this information.

Report Organization

This report presents information about different traffic mitigation strategies in the following format:

- o Enriched Options for Commuters
 - A. Employer Commute Alternatives Programs – Core Measures
 - Less Frequently Used Measures
 - B. RIDES Program and Services
 - C. Traffic Management Associations
 - D. Residential Traffic Mitigation Programs
- o Market Place Strategies
 - A. Parking Fees
 - B. Ridesharing/Subsidies
 - C. Tax Incentives
 - D. Road Pricing
- o Travel Time Shift
- o Improving Traffic Flows on Highways/Local Streets
 - A. High Occupancy Vehicle (HOV) Lanes
 - B. Traffic Operation systems (TOS)
 - C. Reliever Arterial Routes
 - D. Transit Treatment on Local Streets
 - E. Park and Ride Lots
- o Regulating Driving/Parking
 - A. Parking Supply Controls
 - Municipal
 - Employer
 - Developer
 - B. Local Traffic Mitigation Ordinances
- o Local Land Use Planning
 - A. Balanced Land Use
 - B. Local Development Review

The report concludes with an assessment of some of the more promising directions to strengthen the potential of traffic mitigation programs as viewed by MTC staff.

II. WHAT WE DO AND DON'T KNOW

I. ENRICHED OPTIONS FOR COMMUTERS**A. EMPLOYER COMMUTE ALTERNATIVE (CA) PROGRAMS: CORE MEASURES - MOST FREQUENTLY IMPLEMENTED MEASURES**

- o Employers are a key link in changing employee commuting behavior as they have the ability to reward employees for desired commuting behavior. Examples of rewards are flexible hours, preferred parking, transit subsidies and company recognition.
- o Company commitment to CA programs has a strong influence on program effectiveness. Companies do not think that CA use affects employee job performance, but do see the relationship between CA programs and their ability to maintain a stable work force and recruit new employees. Many relocating companies have demonstrated strong commitment to CA programs and have implemented very strong programs.
- o Most successful programs result in about 10% of employees switching to CA modes; however, some companies have shown much greater and lesser results.
- o A company's CA rate will fluctuate over time due to changes in work force and employee travel patterns. In particular, companies that have relocated will see decreased CA rates as their employees move closer to work. At Bishop Ranch, the CA rate declined from 45% in 1986 to 30% in 1988.(1)
- o One of the most successful suburban programs is at Varian in Palo Alto which has reported about a 40% CA rate since 1985.
- o More than 90% of downtown San Francisco's employees use CA. This high rate is due to the extensive transit service and lack of convenient, inexpensive parking rather than employer CA programs.
- o Existing employer programs are not extensively monitored, so many effectiveness questions remain unanswered. We lack good "before" and "after" data on individual measures and on overall program.
- o We also lack comprehensive data on how the CA use rate varies between employers with programs and employers without programs in the same local area.
- o We are unable to predict in advance what the effect of a particular employer program (set of measures) will be.
- o There is little, if any, actual traffic data, such as road counts, that can be used to trace changes in vehicle trips on roadways when new CA programs are implemented.

- o The characteristics of the employers with the most successful programs are: 1) larger size (300 or more employees) so they have more resources to devote to the program, and there are ample opportunities for potential carpoolers to find matches, 2) employees who commute who commute long distances often because the organization has relocated, 3) flexibility in hours, and 4) management commitment to the program.(2)
- o Almost all of the Bay Area's employees work for organizations with less than 100 employees. For small employers, implementing CA programs is difficult for two reasons:
 - 1) lack of resources,
 - 2) lack of an adequate sized work force for ride matchingHowever, employer size generally does not affect flextime or transit opportunities.
- o Only a few efforts have been made to organize clusters of small employers into a joint CA program. These efforts have not been successful.
- o It is important to note that many measures when considered individually, do not contribute significantly to a mode shift. However, a number of measures together can make a difference.

Carpooling and Vanpooling

- o The commuters most likely to carpool: 1) make trips of more than 15 miles, 2) have fewer vehicles than workers in their households, and 3) have a high commute cost to income ratio. Only about one third of all commuters have at least two of these characteristics. In other words, only one-third of all commuters have a substantial motivation to carpool.(3)

- o Casual carpooling on the Bay Bridge shows that where there are strong carpooling inducements, particularly travel time savings, spontaneous carpooling can occur without organized promotion at the employer end.
- o Good transit service to an employment site benefits carpooling significantly. People who need to adjust their schedules can do so knowing that alternative transportation services are available. Most suburban employment sites, however, lack frequent transit service.
- o Part-time carpooling -- carpooling less than five days a week -- is potentially easier to "sell" and some success has been achieved in Pleasanton with this concept.
- o Caltrans and Chevron are the only Bay Area employers known to offer vans for use by employees.
- o Other companies have assisted with the formation of vanpools. Liability insurance is a major barrier that prevents employers from owning and operating vans.
- o Vanpools generally are attractive for long trips, hence the pool of employees who live far enough from work yet close enough to each other is limited.
- o Caltrans vanpool Acquisition Program that will offer \$10 million statewide to individuals and employers for grants or loans for acquiring vanpools.

Transportation Coordinators

- o A Transportation Coordinator offering personalized ridematching services is the essential element of the core measures. A recent study of downtown Los Angeles employers showed that personalized matching was far more effective than direct incentives to ride-share. (4)

- o Will the new vanpool acquisition program that will provide loans and grants for vanpools stimulate company interest in operating vanpools?

- o What constitutes an adequate amount of coordinator time to put into a program is relatively undefined. Adequacy depends on the number of ployees being serviced and the type of program being pursued. However, information on program results as compared to transportation coordinator time and investment of other resources would be helpful.

- o The skill, motivation, and position within the company of the Transportation Coordinator has a profound effect on program success.
- o RIDES offers training programs for both new and experienced coordinators. This training activity and subsequent sharing of information among company coordinators is an important element of the regional approach to traffic mitigation.

Information and Promotion

- o Providing basic commute alternatives information to employees is acceptable to most companies.
- o Promotion is usually accomplished through company newsletters, bulletin boards and memos. Occasional major marketing events or "transportation fairs" are often successful at drawing company-wide attention to the program as measured by increased number of requests for ridesharing information. CA promotion targeted at new employees is considered promising as new employees have not yet developed commute habits.

Preferential Parking

- o For most organizations, preferential parking is a "symbolic" action (i.e., an indication of company support for CA rather than a significant incentive to rideshare). Preferential parking also has administrative costs that can outweigh the benefits. However, it can influence travel behavior where commuters can save a few minutes of walking time.

Transit Ticket Sales

- o MTC's Regional Transit Connection program was established to provide more widespread and convenient distribution of transit tickets to Bay Area employers. Some employers have reported increased transit use, but the added purchasing convenience is not viewed as a major determinant in mode choice behavior.

B. EMPLOYER COMMUTE ALTERNATIVES PROGRAMS: LESS FREQUENTLY USED MEASURES**Emergency Transportation**

- o One strategy used to encourage CA participation is an emergency ride home-program. Two Bay Area employers who have offered this service, Varian and Fireman's Fund, report that employee use of the program is very low. Similar results have occurred in other areas (e.g., Seattle). As implemented to-date, this measure has not provided a significant incentive for mode change.(5)

Shuttle Service To Transit

- o There are a handful of company operated shuttles in the Bay Area. They are used to connect transit and off-site parking with employment sites.
 - o Shuttles are expensive and must be subsidized to attract riders. They require a dedicated source of operating funds.
 - o Shuttles generally have not attracted enough use to add subsequently to the employer's CA use.
 - o Shuttles have survived where the employee population is very large such as at hospitals, business parks, unit residential complexes and very large employment centers.
 - o They may be maintained despite their high costs if companies perceive them as essential to their community relations program.(6)
- o We need to know more about the market for shuttle services to determine where and how a successful service can be developed.

C. RIDES PROGRAM AND SERVICES

- o RIDES sees its primary mission as assisting individual commuters in finding alternative to solo driving.

o RIDES believes better marketing is one key to increasing CA use. Their current marketing strategy includes mass media campaigns for the general public and biannual visits to the region's largest employers.

o RIDES is now facing increasing demand on its resources from employers attempting to respond to City and County TSM/TDM ordinances and requirements. However, RIDES does not have enough resources to handle an intensive, comprehensive outreach program for all large Bay Area employers.

o RIDES' carpools and vanpools are relatively long lived. A RIDES study found that about half of the commuters RIDES places in a CA mode were still doing so 30 months later. RIDES's data also indicate that for the commuters they place, new carpool formation exceeds carpool attrition.

D. TRANSPORTATION MANAGEMENT ASSOCIATION (TMAS)

o TMAs, private organizations with a few to a hundred employer members, are often created in high growth suburban areas where traffic problems have become severe. Because TMAs are private sector funded, members are very motivated to make their programs work.

o TMAs that sustain employer involvement and financial support are usually located where traffic problems are critical and public policy urges or requires traffic mitigation programs. It is also important that strong corporate leadership exists and that employers perceive financial benefits from shared resources.

o Many TMAs have been short lived, however. The reasons are that public concern about traffic problems may wane and public financial support may not be sustained.

o Are these effective ways to accomplish corridor traffic mitigation? RIDES' involvement in mitigating traffic while Caltrans performs major new freeway construction work in the Bay Area, should provide new information on results achievable from highly targeted corridor traffic mitigation efforts.

o The most effective ways to provide comprehensive employer assistance as demand for RIDES' services increases from local TSM programs?

o Considering all the different types of carpools (those formed through RIDES, company programs, city programs, and independently), are more carpools being formed in the Bay Area than are being dissolved?

o Can TMAs be formed to service many small employers?.

- o Caltrans' Office of Traffic Improvement recently started a statewide grant program to fund start-up costs for TMAs. Dollar-for-dollar match is required. The program will probably continue in future years.

E. RESIDENTIAL TRAFFIC MITIGATION PROGRAMS

Shuttles

- o Local traffic mitigation programs usually exempt residential developments because administering CA programs at the residential end is difficult. However, few high density developments provide vans to shuttle residents to and from nearby BART stations.

Short-Term Auto Rental (STAR)

The Short Term Auto Rental (STAR) project in San Francisco's 4500 unit Parkmerced complex was designed to enable residents to avoid the cost of owning a car; residents could rent owning a car; residents could rent cars for their occasional use and take transit or walk for most trips. As a business operation, the demonstration project eventually operated in the black and was well patronized by residents of the complex.

- o According to a post project evaluation, the STAR project did did not increase transit use or VMT.(7)

II. MARKET PLACE STRATEGIES

A. PARKING FEES

- o Free parking is a major disincentive to promotion of CA use. However, it should be noted that charging for parking is one of several public policies that could alter driving costs.

- o Can public sector seed money for TMAs create long term commitment?

- o Was this demonstration project unique, or are there other complexes where this concept might work? What are the long-term effects on on auto ownership, transit use, use, and VMT?

- o Evidence that charging for parking could be very effective includes:
 - historical examples (Los Angeles; Ottawa, Canada) showing strong influence on mode changes.
 - significant mode shift results from travel forecast models, especially for short trips where fees would represent a high portion of auto operating cost.
- o However, many persuasive arguments exist against charging for parking:
 - administrative costs to employers and local governments
 - payments may not deter driving and may cause spillover parking in residential areas.
 - payments may not influence arrival/departure times
 - general public opposition to additional taxes, particularly in combination with other tax increases such as the gas tax, sales tax, etc.
 - possibility of employee backlash or suits due to taking away a fringe benefit.
- o Some cities have a discounted parking fee for carpools and vanpools in public lots. The maximum potential of this strategy to generate carpool users is not known because the number of permits offered has been small.

B. TRANSIT TICKET SUBSIDIES

- o Transit convenience and reliability are the prime concerns for concerns for most employees considering transit.
- o Few Bay Area companies subsidize their employees to take transit. Two employers that offer subsidies in the 25-50% range do have high transit use.

o We do not know whether new carpools and vanpools were created because of the discounted parking fee program or whether the carpools already existed before the discounting was provided.

o It is difficult to determine whether the subsidy or the quality of transit service are principal reasons for high transit use experienced at these sites.

C. EMPLOYEE TRANSPORTATION ALLOWANCE

- o Some employers outside of the Bay Area offer employee transportation "allowances" to encourage CA use and reduce parking demand at the employment site. These programs have proved very successful. The employers are usually located in a downtown area where parking is limited and good transit service is available.
- o Employers usually eliminate free parking, increase salaries by a commensurate amount, and provide fringe benefits for CA use. (e.g., subsidies for carpools and transit)

Some employers treat the subsidy as a business expense reimbursable as an expense account item, so the allowances are not reported as taxable income.

D. ROAD PRICING

- o Historical data suggests that the relative price of auto and transit travel affects transit ridership. For example, a 30% increase in BART fares precipitated a significant patronage loss.

Gas Tax

- o Real gasoline costs are at a historic low. In addition, the state gas tax of 5¢-9¢ per gallon now being considered to fund highway construction and local road shortfall is also very low--it compares to an average tax of 26¢/gallon between 1950 and 1970. (in 1988 dollars).
- o These gas tax increases would not have a significant effect on mode choice.

Road Pricing

- o The technology to perform automatic road pricing is available. This measure is now in use in Singapore and Hong Kong.

- o How acceptable and effective would this strategy be in suburban areas?

- o Would automatic road pricing be acceptable in the Bay Area.

Bridge Tolls

- o Automated toll collection equipment is also being tested on several California State bridges.

E. TAX INCENTIVES

- o Federal tax law allows individuals a tax deduction of only \$15/month for a transit subsidy while State law allows the full amount of transit subsidies to be deducted for tax purposes.
- o Individuals may not be aware of the tax incentives, and therefore they may not be a significant influence on travel behavior.
- o Tax breaks for corporate rideshare programs have been of minimal value, so many employers have probably chosen not to take advantage of. However, corporate tax incentive may influence the investment decisions of some employers.
- o How to ensure that these tax incentives are widely known about and understood.
- o What would the value of tax credits to corporations have to be to make them attractive enough to encourage widespread use.

III. TRAVEL TIME SHIFT

A. FLEXTIME, STAGGERED HOURS, ALTERNATIVE WORK WEEKS

- o Some Bay Area freeways or freeway segments still have relatively short peak traffic periods. On these freeways, commuters could shift their commute times by 15-30 minutes and enjoy shorter travel times; on other freeway segments, the peak period lasts for two to three hours. Commuters would have to shift their travel times by a substantial amount to be assured of a faster trip on these facilities.
- o Up-to-date traffic count data does not exist on many Bay Area freeways; it is difficult to determine how much of the Bay Area freeway system has potential for spreading the peak traffic period.
- o Given a choice, most commuters prefer travel time shift to changing to carpools or transit. The peak hour trip reduction goals of the City of Pleasanton's ordinance have been met by commuters shifting their travel times rather than their commute mode.

- o Some employers cannot offer alternative hours because of the nature of their work. Offices where consumer or client contract is a key function may not be able to adjust their hours. Increased costs resulting from longer hours and difficulties with supervising staff have also been cited as barriers to offering alternative hours.
 - o Flexible hours can result in increased transit use because employees can adjust their work schedules to meet transit schedules. Also, transit use may become more attractive if commuters can avoid using transit when the system is very crowded. The CA potential of alternative hours is enhanced where transit operators can adjust their schedules to meet changing employee travel times.
 - o Staggered hours do not reduce the carpool market size to the extent that flexible hours do in that larger numbers of employees must arrive and leave work at the same time.
 - o The effectiveness of a staggered program can be seen in the case of the San Francisco International Airport, an around-the-clock operation. The airport's 25,000 employees (including flight crews) come and go throughout the day without severe impacts on the adjacent freeway.
- o We don't know the number of Bay Area employers who offer alternative work hour programs and the potential among remaining employers for implementing such programs.
 - o Flexible hours have a mixed effect on carpooling. They may reduce the size of the carpool market because of different time preferences among employees, or they may allow commuters the flexibility they need to sustain a carpool: more information on this point is needed.

B. TELECOMMUTING

- o Some companies are formulating telecommuting policies that who can work at home, how often, and under what circumstances.
 - o Because telecommuting raises numerous issues related to monitoring employee time and performance, only a limited number of employers would consider implementing this measure.
- o Will employees choose to live farther from work if they do not have to go into work as often?
 - o The number of employers and employees who have potential for telecommuting.

- o If an employee stays at home, other vehicle trips may be produced during the day that would not occur if the employee was at work.

- o No studies are available to show how trip making patterns would change with telecommunicating and how many and what types of trips would occur on days when employees work at home.

V. REGULATE DRIVING/PARKING

A. PARKING

Developer Parking

- o Parking availability is so important to a development's ability to attract tenants that cheap land is a strong factor in developer decisions about where to locate major projects. Therefore, developers will resist restrictions to parking supply. Most suburban office centers provide ample parking in addition to sponsoring CA programs, creating a difficult environment for CA promotion.
- o Zoning codes that allow developers to build less than the minimum number of parking spaces required if they offer traffic mitigation programs have generated almost no developer interest. Developers have been unwilling to exchange parking, a known attractive feature, for a traffic mitigation program that has ongoing operating costs and may not prove effective.

- o How can "minimum" parking requirements be defined so as to encourage CA use but not be unduly restrictive for business?
- o No programs have been tested that both lower on-site parking requirements and protect nearby neighborhood parking.

Municipal Parking

- o City parking policies are influenced by employer desires, merchant desires, and parking revenue considerations.
- o A few large cities, including San Francisco and Portland, have used ceilings on the number of downtown parking spaces to limit traffic in the downtown.
- o Limited parking supply may induce commuters to consider other modes. However, commuters will first seek other parking options, such as on-street metered parking and parking farther away, before considering major changes in their travel habits.

- o Do parking ceilings have any effect on business location decisions?

- o Parking limits in a downtown area are more acceptable if:
1) peripheral parking lots are available, or 2) good transit exists as an alternative to driving.
- o Some cities allow development of remote parking as an alternative to providing expensive structural parking in a downtown area. This strategy must be supported by the provision of transit access to the remote lot by the City, developer, transit agency or employer.

Employer Parking

- o Pressures on employers to provide ample parking include the employer's desire for convenience for employees, lending institutions' for building construction costs require a certain amount of parking space, and municipal concerns for preventing spill-over parking in residential areas.
- o Employers who plan to expand their businesses have been interested in CA programs as a way to avoid the high cost of additional parking. Some Bay Area CA programs have been implemented for this specific purpose.

Residential Parking

- o Residential parking permit programs near major traffic generators, such as hospitals and universities, proven effective at reserving parking spaces for the use by residents.
the permit program's boundaries.

- o The effect of residential permit programs on mode choice at nearby major traffic generators is unknown. In some cases, the programs may cause a mode shift, while in others, the commuter finds parking outside

B. ORDINANCES FOR COMMUTE ALTERNATIVES USE AND TRIP REDUCTION

- o Ordinances are popularly seen as a way to address traffic concerns while allowing new development.

- o Many ordinances still have not been in effect long enough to evaluate their effectiveness.

- o Information available to date suggests ordinances have had little effect on mode choice among most of the targeted employers.
- o Some ordinances have resulted in low levels of employer compliance because they have not been monitored and enforced. A high level of employer compliance requires substantial city staff time, a long-term budget for employer assistance, and monitoring.
- o Compliance with ordinances is generally judged based on meeting program requirements rather than meeting specific CA rate or trip reduction goals. Therefore, even if an employer program is fulfilling an ordinance's requirements it may not result in the ordinance's traffic reduction goals being met. Employee travel behavior depends on many factors outside the employer's control such as locations of employee residences, trip length, highway congestion and transit service availability.
- o The City of Pleasanton's peak hour trip reduction goals have been met as a result of travel time shift rather than mode shift. Pleasanton's CA rate has stayed fairly constant since the ordinance was adopted. However, the ordinance does require that acceptable traffic conditions be maintained at city intersections. Meeting this requirement could mandate mode shift in the future.
- o Voluntary programs and ordinances can have similar results in terms of employer efforts. However, voluntary programs are less likely to be sustained over several years.
- o Employers prefer voluntary programs, but they tolerate mandatory programs that are inexpensive, allow flexibility in meeting requirements, and allow private sector control.
- o Rules of thumb for local jurisdictions to determine the level of resources needed to provide adequate employer assistance and monitoring have not been developed.
- o It is not known whether political commitment to providing sufficient resources to make ordinances work can be sustained over the long-term.

- o The combined voluntary/mandatory TSM/TDM approach, a program type that starts voluntary and becomes mandatory only if and when pre-selected targets are not met, appears promising.

IV. IMPROVING TRAFFIC FLOWS ON HIGHWAYS AND LOCAL STREETS

A. HOV LANES

- o HOV lanes reduce travel times for carpoolers and usually result in increased ridesharing. The most notable example is the Bay Bridge carpool lane which save commuters 15-20 minutes. Currently 64% of the persons traveling across the bridge in autos in the a.m. peak period are in carpools and vanpools.
- o A twelve mile HOV lane on Route 55 in Orange County resulted in vehicle occupancy increasing from 1.17 persons/vehicle before the HOV lane to 1.26 after the HOV lane.
- o In Santa Clara County's Route 237 Survey, 26% of carpoolers using the HOV lane reported that they were carpooling solely because of the HOV lane.⁽⁹⁾
- o HOV lane productivity is measured by the number of commuters carried per lane. Some commuter lanes are more productive than mixed flow lanes and others less. Productivity can vary markedly depending on the amount of transit and vanpool use and occupancy requirements (2+ or 3+ persons per vehicle).
- o Alternative HOV designs appropriate for different situations, include short HOV lanes to bypass bottlenecks, continuous HOV facilities, freeway-to-freeway HOV connectors and freeway ramp metering.
- o The number of new ridesharing trips "induced" by an HOV lane is difficult to determine. Some of the new users will be commuters who were carpooling on other streets and highways so they will not be induced to carpool by the HOV lane. Others will have switched from transit.
- o How much more productive would HOV lanes be if implemented in conjunction with comprehensive support systems (Park/Ride lots, ridematching services, employer incentives, etc)?
- o How best to connect HOV lanes on adjoining highways. Access to and egress from HOV lanes at interchanges can cause operational problems. However freeway-to-freeway HOV connectors are very expensive.
- o How to design and space enforcement areas (turnouts along HOV lanes) to ensure non-compliance and to take up the least possible amount of right-of-way.

- o There is widespread interest in a "system" of HOV lanes on adjoining highways and this system is being defined now.
- o HOV lanes are being considered for all Bay Area freeway widenings beyond 6 lanes as required by FHWA policy.
- o Converting an existing mixed flow lane to HOV operations has been found to be unacceptable to the public.
- o An initial marketing and public awareness program appears to be a critical ingredient for obtaining community support and commuter use. To maintain public support, the HOV lane must be well used, so that it is not perceived to be reducing the traffic conditions for mixed flow lanes.

B. RELIEVER ROUTES

- o Motorists are increasingly using alternate local routes to avoid the freeway to shorten their time on the freeway system.
- o Development of alternate routes for short local trips that would otherwise use congested freeways is receiving greater attention as a traffic mitigation option at the State and local level.
- o The acceptability of upgrading arterials varies by jurisdiction. Some opposition is due to concerns about adverse impacts on residential and retail areas.
- o The Bay Area does not have a good arterial grid system to complement the freeway system. Expressways, parkways, and major boulevards are under-represented in the Bay Area road network.

- o Would making major arterials eligible for federal and state highway funds provide incentives for improvement?

- o Investments in intersection channelization, construction of off-street parking, modified intersection geometry, bus turnout bays, grade separations, and reversible traffic lanes can provide cost-effective means to improve alternate operations.
- o A number of Bay Area cities have coordinated adjacent traffic signals under the FETSIM (Fuel-Efficient Traffic Signal Timing) Program. Signal retiming can result in a 15% reduction in stops and 11-14% reduction in delays. Signals often are not coordinated on routes passing through several cities.(10)

C. TRAFFIC OPERATIONS SYSTEM (TOS)/SMART STREETS

- o TOS is a freeway surveillance, communication, and control system. It is intended to address both recurrent congestion (50% of delays) and incident related congestion (the other 50%) through use of a central computer to detect congestion and accidents and adjust ramp meter rates accordingly.
 - o An FHWA analysis of 8 TOS systems shows that average freeway speeds increased by 20% and accidents decreased by 31%. Increases in freeway volume were also reported. (10)
 - o In the Bay Area, ramp meters are planned for installation on about 400 interchanges along 220 miles of freeways during the 1990's. Many of the metered ramps will have HOV bypass lanes.
 - o Ramp metering can be saturated by excessive traffic and queues may be stored on city streets. Meters may need to be turned off to prevent excessive queues from adversely affecting traffic flow on local streets.
- o How much will the TOS increase speeds and reduce accidents in the Bay Area?
 - o How often will meters need to be turned off for this reason and will the system's effectiveness be diminished significantly?

- o SMART streets--arterials with signal timing adjusted to take excess freeway traffic--offer promise as part of the TOS concept.

D. TRANSIT TREATMENT ON LOCAL STREETS

- o Bus signal pre-emption systems reduce transit travel times, but have at least two drawbacks: 1) equipment problems have plagued certain systems, and 2) heavy cross traffic can prevent buses from receiving the desired amount of green time.
- o The only city providing special transit lanes in the Bay Area is San Francisco. These lanes are for buses only and enforcement (keeping cars out of the lanes) continues to be a problem.

E. PARK-AND-RIDE LOTS

- o Caltrans currently operates 40 park-and-ride lots in the region, over 25 joint use lots, and the Santa Clara County Transit District (SCCTD) operated 30 lots.

F. GOODS MOVEMENT MANAGEMENT

- o The following measures for managing truck traffic have helped relieve local street congestion:
 - adjusted delivery/pick up times
 - modified traffic signal timing to accomodate slow truck acceleration speeds
 - off-street loading

- o Are there other major arterials in the Bay Area which are suitable for transit lanes?

- o The maximum effectiveness of park-and-ride lot programs probably has not yet been achieved. A corridor demand management strategy might focus more on marketing of the facilities for casual carpooling and express bus service. In the Shirley Highway Corridor in Northern Virginia, casual carpooling has become "institutionalized" with designated park-and-ride lots and no longer takes place at bus stops.

VI. LAND USE**A. BALANCED DEVELOPMENT**

- o Due to land prices, large housing developments have been locating on the periphery of the region and office developments have been locating along suburban freeways. The implications of this development pattern are that many commute trips must be long and more trips are suburb to suburb trips which are not well served by transit.
- o Many of the Bay Area's major new developments are mixed use concepts to balance jobs and housing and reduce the need for driving. However, large mixed use developments can add a freeway's worth of traffic even with traffic mitigation. Affordable housing is a key ingredient in the "balancing formula".
- o There is evidence of a trend toward rezoning land for residential use in the South Bay to improve housing supply near major job centers.
- o Land around many regional rail facilities and stations is underutilized. Co-development of land and rail corridors for BART, CalTrain, and Santa Clara LRT could increase transit use and provide benefits to cities, developers, and the regional transit systems. In the past, some of these proposals have met with opposition due to traffic issues.
- o Strategies for increasing the percentage of these suburb to suburb trips made in CA modes by a substantial amount.
- o The premise that mixed use developments can result in persons living and working at the same location and thus reduce traffic has not been demonstrated empirically; however, there appears to be potential provided sufficient affordable housing is included.
- o New strategies are needed for co-development of trunkline transit corridors.

B. NEW DEVELOPMENT REVIEW

- o New development usually results in increased traffic, as local governments do not usually require traffic "offsets" from existing development as a prerequisite for approving new development. They rely on traffic mitigation programs and street improvements to reduce traffic impacts.

- o A local jurisdiction's desire for for economic growth and development often outweighs concern for regional traffic impacts on adjacent freeways. In addition, cities generally do not consider themselves responsible for impacts on freeways. They tend to consider maintenance of freeway traffic conditions to be a state responsibility. Therefore, EIRs generally do not include analysis of a project's impact on the regional transportation systems
- o EIRs frequently over-estimate the potential for employer TSM/TDM programs to mitigate the traffic generated by new development, so they underestimate developments' traffic impacts. In addition, EIRs sometimes underestimate traffic impacts through unrealistic assumptions about trip generation rates and trip distribution. EIRs are uneven in their consideration of cumulative traffic impacts from other proposed and approved projects.
- o Transit operators may not be included in the development review process. Transit operators can provide useful information about the opportunities and constraints for improving transit service to new developments and about transit accessible site designs.
- o Mitigation measures included in new developments as conditions of project approval are frequently not implemented. This may be due, in part, to insufficient monitoring by local government.
- o How to ensure adequate funds for regional transportation system improvements needed to accommodate development, as state and federal funds for improvements have diminished.
- o Can cities do a better job of incorporating transit facilities in site planning?
- o New legislation, AB 3180, to require better monitoring and reporting could help ensure that mitigation measures are fully implemented. It could also provide information about measure effectiveness. However, the effect of this legislation remains to be seen.

III. SUGGESTIONS FOR STRENGTHENING THE POTENTIAL OF TRAFFIC MITIGATION PROGRAMS AND POLICIES

- Obtain in-depth analysis of successful employer CA programs and reasons for effectiveness; expect modest returns on most programs that are being implemented by employers.
- Encourage demonstration projects on measures with potential for strong effectiveness. Collect good "before" and "after" data, particularly for measures that are pricing/market place oriented, such as employee transportation allowance.
- Strengthen regional efforts to mitigate traffic through assistance to large employers.
- Develop pilot programs to encourage small employers to form TMAs for administering CA programs.
- Develop information about where parking fees and limits could be acceptable as a traffic mitigation strategy and rules of thumb for implementation.
- Consider the lack of information about TSM ordinance effectiveness.
- Consider also the inherent limitations of ordinances as a strategy--substantial long-term funding sources are needed to assist employers in complying, effectiveness of individual measures is uncertain, and employer compliance in implementing measures may not lead to employee mode shift.
- Expand municipal programs offering preferential or discounted parking spaces for carpools and vanpools.
- Seek changes in federal tax policies for more favorable treatment of employer programs and carpool and transit subsidies.
- Fast track HOV projects that provide strong travel time incentives for HOVs.
- Site park-and-ride lots to maximize their usage and market them.
- Encourage local government to concentrate new development near trunkline transit corridors.
- Require site design for new development to be sensitive to transit, pedestrian, and bicycle use.
- Develop better information in EIRs on regional transportation impacts.
- Seek more realistic estimates of traffic impacts from new development in EIRs.
- For major new developments, obtain monitoring data on TSM/TDM program effectiveness as required by the new legislation and use this data to modify the programs.

IV. REFERENCES

1. Bishop Ranch Transportation Survey, RIDES for Bay Area Commuters, February 1989.
2. A New Gameplan for Traffic Mitigation, Crain & Associates for Metropolitan Transportation Commission, December 1988.
3. Carpooling: A Comprehensive Analysis, Roger F. Teal, ITS Review, November 1987.
4. An Evaluation of Employer Ridesharing Programs in Southern California, Erik Ferguson for the Transportation Research Board, June 1989.
5. Guaranteed Ride Home Evaluation, Seattle Metro, 1988.
6. Commute Alternatives Shuttle Supplement, Metropolitan Transportation Commission, September 1985.
7. Evaluation of the Short-Term Auto Rental (STAR) Service in San Francisco.
8. Bay Area Council Survey on Employer Based Commute Alternatives Programs, James Bourgart, March 1987.
9. Route 237 Commuter Lane Survey, Santa Clara County Transportation Agency, 1989.
10. Traffic Control System Improvements: Impacts and Costs, Federal Highway Administration, Office of Highway Planning and Office of Traffic Operations, March 1980.

Lynda Rabe

COMMENT M

RECEIVED
1990 APR 30 P 4:31
CITY OF EAST PALO ALTO
COUNCIL OFFICE

Response To the University Circle E.I.R.

By

Trevor Burrows

1920 Costley Ave #12

East Palo Alto, CA 94303

329-0294

GENERAL STATEMENT

University Circle Specific Plan does not address East Palo Alto's developmental needs. Its implications are racist and anti-diversification. It aims to do with money what can no longer be done with police dogs and billy clubs: imposing a modern version of apartheid. It would end diversity in the area west of the freeway, restricting Blacks and low-income people to the other side of the freeway.

M1

The proposal requires the loss of functioning businesses and residences, on the grounds that it will bring a large increase in revenue to the city. More likely, the promise of economic betterment for the city is an empty one, since development would escalate prices and otherwise negatively affect the ability of local citizens to remain here.

M2

The plan calls for the replacement of a human-scaled, community oriented commercial center, including two regionally outstanding clubs: Pena Mooi and Club Afrique. Whiskey Gulch gives the community color and distinctive quality. The area's local flavor, cultural diversity, intimate charm, and texture also make it special. These qualities, if advertised, intensified, and improved upon could result in a significant increase in the economic and social benefit which Whiskey Gulch can bring to the city.

M3

The University Circle Plan, on the other hand, seeks to impose a development which is culturally sterile, signifying only big money. This development is socially, aesthetically and environmentally repugnant. As other responses to the E.I.R. indicate, the additional traffic it would generate would be a local catastrophe. More important, it would complete the historical process of annexation of west-of-freeway East Palo Alto into the Palo Alto/Menlo Park area.

M4

Ideas adapted from "Notes Towards a Master Plan", which was previously presented to the East Palo Alto Planning Department and Planning Commission.

The following outline has been introduced to and applauded by several groups within East Palo Alto. While significantly expanding and intensifying the activities of the redevelopment area, this direction allows for the survival of existing businesses, local ownership, and local use of the area. It would also provide a larger base of patrons for already established businesses.

M5

In place of a developer with no regional connections and with values that are antithetical to maintaining regional character or building regional cooperation, a more appropriate "developer" could be found. Stanford, which is already over-built, and Palo Alto/Menlo Park, which has no more space to build, could put together a development package for "University Circle", in which East Palo Alto would be an honorable partner. This would serve as a welcome model for regional development.

M6

OUTLINE

M7

1. University Circle should be developed in such a way as to preserve all its existing housing and the majority of its commercial structures.
2. Some elements of the development might include second and third storey additions to the rows of existing buildings. These additions could include "moderate" income housing which could help to support the businesses which are there.
3. A four or five storey commercial tower (including a restaurant) over Value Max would be a possibility.
4. Cinemas could be incorporated in the vicinity of the Arco service station. These, and other businesses, could be built underground and the sealed highway underpass reopened for used as an emergency exit.

5. Some University Avenue parking should be eliminated and replaced by extended sidewalks to be used for "sidewalk cafe" types of activities.
6. Parking for cinemas could be accommodated by one or two storeys of parking structure above, and not eliminating, the parking area presently available in the vicinity of Value Max. However, depending on its economic feasibility, additional underground parking could be built.
7. The roof of the parking area could double as a garden-recreational area and a University Avenue pedestrian overpass could connect the area with cinemas.
8. Southern access to Highway 101 could include the stoplight and other aspects of the DeMonet plan for adapting the highway overpass. But while through-traffic on University Avenue would be discouraged, the present access to the freeway would be maintained.
9. An aspect of preservation on the site would be to maintain existing trees, streets and alleyways and structure which have achieved the 50 year mark when it is customary to think of them in terms of historic preservation.
10. Care should be taken to preserve the cultural and visual texture of the entire redevelopment area.
11. Care should be taken to prevent damage to the wildlife and recreational potential of the adjoining San Francisquito Creek.
12. "Built into" the development should be a high level of social services dealing with some of the community's pressing issues such as unemployment, community identification, adult education and substance abuse. (These services should be financed by money which is generated by redevelopment for use in the redevelopment area.)

RESPONSE TO THE UNIVERSITY CIRCLE SPECIFIC PLAN

SECTION I. INTRODUCTION

A. page 1

Paragraph (para) 1; line 5

Unclear what is unique, since other development concepts could also satisfy the proposed goals.

M8

Para. 1; line 6

- Need to explain what are the bighted physical, social and economic conditions. M9
- On what criteria were these assertions made? M10
- Why is there no discussion of alternative arguments (by local citizens and local media) which point to the positive overall quality (physically, socially and economically) of Whiskey Gulch? M11

Para. 2; line 5

- What is meant by "modern" land use? M12
- What is meant by economically viable land use? Are you implying that the chief, or only, benefits of land are economic? M13
- You have not explained what tax benefit to the city is accrued at the present site or why this makes the site not economically viable.. M14

A. page 2

Para. 4; line 4

- You should define "mixed-use" more clearly to show your intention to exclude residential use. M15
- In view of the fact that the project will displace 89 residential units, why is are residential units not being included as part of the definition of "mixed-use"? M16

D. page 5

Table 1: General Economic Development Goals

- City services deficits, other than for police protection, need to be itemized. There is considerable public confusion as to what city government refers to as "services". M17
- Has city government assessed the economic, environmental and psychological benefits of undeveloped lands? Without such an analysis the present productiveness of so-called "developable" land cannot be assessed. M18
- What are the criteria for the term "developable"? Does this term refer only to building potential? M19
- There are clearly development alternatives which do not require business or resident displacement. Since these could also be expected to increase resident income, why has this particular approach been favored? M20

Commercial Policies, page 6

- University Circle fails to provide adequate access to local residents who live East of the Freeway. Indeed, it drastically reduces the already problematic access to the area. M21
- University Circle is likely to reduce the level at which local residents can be employed within the project area. Present managerial positions which be replaced by menial roles. M22

Fiscal Policies

- Alleyways and roads which now represent public thoroughfares, will be replaced by the project. What are the fiscal implications to the city of the loss of these thoroughfares? M23

E. page 7

Para 1. line 7

- By what criteria are buildings in Whiskey Gulch deemed obsolete? M24
- There is no evidence to show that most buildings are indeed deteriorated and poorly maintained. M25
- No mention has been made of several historically significant buildings on the site. M26
- The cronology of the buildings (earliest to latest construction) has not been mentioned. M27
- Are there buildings and infrastructure which relate to the historically important Weeks Poultry Colony era? M28

F. page 8

Para. 1, line 6

- Referring to Whiskey Gulch as "blighted" is an inflammatory, unsubstantiated statement. M29
- The University Circle plan has been widely criticised on aesthetic grounds. A development of the size planned would have a similar visual effect to the towers near the Highway 92 interchange off Highway 101. Many see these structures as violating the integrity of the peninsula landscape, and very intrusive on neighboring Baylands. Rather than being a credit to East Palo Alto, the planned development might well be interpreted as a sign of poor taste and environmental insensitivity. M30

Line 14

The price-escalating effect of the development, rather than contributing to the social health of the community, will be devastating. Many of the people who live and work here, and who define the character of East Palo Alto, will be priced out of the city. M31

Furthermore, the decreased access (pedestrian and vehicular) from the East side of the freeway will have the unhealthy effect of segregating people of color to the east side of the freeway.

Alan Wong

1975 University Ave.

East Palo Alto, Ca. 94303

Rec'd 4/30/90

Dear Ms. Lynda

During the PAC Meeting on 4/11/90, I have made a request that your office should be able to publish a list of redevelopment documents for the public to track the progress of all the development activities, in particular for those that related to the University Circle. Those documents are Redevelopment Plan, Owner participation Rules, Relocation Plan, the Environmental Impact Report and others if there are other producible documents that the redevelopment Agency had said, to be prepared for the University Circle Project Area. The list should include information such as the Title, short description of the subject and what are the last changes, date of original release, date and version of the present draft, target date of its approval, and the percentage of its complete at present.

N1

Please acknowledge this request and publish this list along with the University Circle PAC Meeting Notice and agenda

Alan Wong.

Alan Wong



MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

April 9, 1990

Karl Shepherd
Assistant Redevelopment Coordinator
City of East Palo Alto
2415 University Avenue
East Palo Alto, CA. 94303

Dear Mr. Shepherd:

As you can see from the attachments, your letter of March 20 regarding the draft supplemental EIR for the University Circle Redevelopment Project was directed to an incorrect address. Please send me a copy of the DSEIR.

01

This is not the first time mail has been misdirected by the Redevelopment Agency. Please see my enclosed letter to Mr. Hall dated January 16. I have not yet received a response to that letter.

Please correct your address files using the address on this letterhead.

I am quite dedicated to working constructively with East Palo Alto for the benefit of our constituencies and hope that we can agree to tax increment sharing agreements for your redevelopment projects.

Sincerely,

Herbert Grench

Herbert Grench
General Manager

GERALD R. GRANT
MAYOR
TED JOHNSON
MAYOR PRO TEM
CALVIN M. JONES
COUNCIL MEMBER
JAN FETRA
COUNCIL MEMBER
JACK MORRIS
COUNCIL MEMBER



701 LAUREL STREET / MENLO PARK, CA 94025 / PHONE (415) 858-3380 / FAX (415) 328-7935

May 11, 1990

Mr. Bruce Belshaoune
Planning Director
City of East Palo Alto
2415 University Ave.
East Palo Alto, CA 94303

RE: Impacts of shadows from the University Centre
Project on Menlo Park

Dear Bruce:

The Supplemental Draft Environmental Impact Report prepared for the proposed University Centre project stated that the shadows cast by the two 12-story buildings would not have any impact on Menlo Park. We were not able to confirm this because the drawings showing the outline of where the shadows will fall on the westerly side of the project were not included in the SDEIR. For that reason, our comments on this issue were limited.

We expect that the Supplemental Final Environmental Impact Report will address the impacts of the shadows on Menlo Park in detail and that graphics showing the exact patterns of the shadows cast by the 12-story buildings on the westerly side of the project will be included in the Report.

At this time, we are requesting a copy of the drawings left out of the SDEIR. Please mail the copy to my attention. I will sincerely appreciate any effort in your part to expedite my request. Thank you.

Sincerely,

Al Morales
Al Morales
Principal Planner

cc: City Council
Planning Commission
Jan M. Dolan
Don de la Pena

OFFICE OF PLANNING AND RESEARCH

400 TENTH STREET
SACRAMENTO, CA 95814

April 30, 1990

G. Lowenstein
Redevelopment Agency City of East Palo Alto
2415 University Avenue
East Palo Alto, CA 94303

Subject: University Circle Redevelopment Plan
SCH# 88032905

Dear Mr. Lowenstein:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

P1

Please call Nancy Mitchell at (916) 445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

David C. Nunenkamp
Deputy Director, Permit Assistance

April 30, 1990

David C. Spangenberg, Esq.
Attorney At Law
800 Airport Boulevard
Suite 410
Burlingame, CA 94010
Telephone: (415) 343-9300

Ms. Linda Rahi
CITY OF EAST PALO ALTO
2200 University Avenue
East Palo Alto, CA 94303

Re: Comments on Supplemental EIR for
University Center Project

Dear Ms. Rahi:

This comment letter is submitted on behalf of a Citizen's Association for the Sensible Development of the City of East Palo Alto. Comments on the Supplemental EIR in the above-referenced project are as follows:

In reviewing the supplemental EIR, we noted that there was no discussion or reference to discussion concerning the physical deterioration of the existing commercial downtown area of East Palo Alto which may result from the proposed University Center Shopping Center.

R1

The supplemental EIR states that 35,000 sq. ft. of retail space is envisioned for the project. Moreover, the supplemental EIR acknowledges that the project site is outside of the main business area of East Palo Alto. The supplemental EIR states the bulk of the City and the majority of the City's population, lies north of the Bayshore Freeway while the project area is in the southwest corner of the City's land mass.

R2

The supplemental EIR acknowledges that the existing downtown commercial area in the City of East Palo Alto contains approximately 920 jobs. However, the supplemental EIR fails to identify the impact of the proposed University Circle project on these jobs and the businesses located in East Palo Alto's business core, which support these jobs.

In Citizen's Association for Sensible Development of the Bishop Area v. the County of Inyo, 172 Cal.App.3d 152
the County of Inyo considered the environmental impacts of a shopping center project. Citizens sued the County

R3

contending that the County failed to address the environmental issues caused by the project. The court found that the board must consider whether the proposed shopping center would take business away from the downtown shopping area and thereby, cause business closures and eventual physical deterioration of the downtown. The court stated "On remand the lead agency should consider physical deterioration of the downtown area to the extent that potential is demonstrated to be an indirect environmental affect of the proposed shopping center."

The City of East Palo Alto is proposing to approve a project with 35,000 sq. ft. of retail commercial space. Moreover, this space is expected to be manned by 414 sales and service jobs when the entire employed population of the City of East Palo Alto is 920 jobs. It is foreseeable that this project will rob the business and employees from the East Palo Alto business core. This new University Center development including substantial on site free parking and various amenities will attract a great portion of the East Palo Alto residents away from existing established downtown commercial businesses and the loss of business will cause closure and eventual physical deterioration of the downtown core. This effect has occurred in the past in the City of East Palo Alto with the closure of the Nairobi Shopping Center.


R4

Citizens' Association for Sensible Development of East Palo Alto requests that the City of East Palo Alto focus its attention on the potential adverse environmental impact of a substantial commercial retail development outside of the City's central core. The University Center, if allowed to move forward will have the effect of business closures and deterioration of the central downtown East Palo Alto commercial area.

R5

We request that these issues be addressed in the EIR process.

Very truly yours,


David C. Spangenberg

DCS:ck

COMMENT S

The attached letter from William Byron Webster to the Redevelopment Agency on the subject of Mitigation Measures for the Supplemental University Circle Environmental Impact Report addresses the following points:

1. A job set-aside for East Palo Alto residents in the completed project of 20% of all jobs and 50% of the entry-level positions S1
2. A detailed business relocation plan for current businesses in the University Circle Redevelopment Project Area including designated relocation sites S2
3. A detailed residential relocation plan than would not simply replace housing units destroyed by redevelopment, but would relocate the specific individuals who are losing their homes to permanent housing comparable to their present housing S3
4. Lack of a financial feasibility study for the scaled-down version of the University Centre Project S4
5. Mitigation monitoring S5
6. Role of the University Circle PAC S6

ATTENTION; There will be a meeting of the University Circle PAC on Thursday, April 19, at 7:00 p.m. on the second floor of the Municipal Services Building at 2415 University Avenue

15 April 1990

to: Redevelopment Agency of East Palo Alto
from: William Byron Webster
 Member, Affordable Housing Task Force of East Palo Alto
subject: Mitigation Measure Proposals for the Supplemental
 University Circle Project Environmental Impact Report

Dear Chairman Bostic and Members of the Redevelopment Agency:

I have had an opportunity to review documents concerning the University Circle Redevelopment Project, including a copy of the DEIR in the East Palo Alto Library as well as the draft Replacement Housing Plan and the Replacement Housing Policy made available at the meeting of the Redevelopment Agency with the University Circle PAC on Wednesday, April 11, 1990.

I have attended several redevelopment workshops sponsored by the Agency in the last few months concerning redevelopment of University Circle, the 101 Gateway, and the Ravenswood Industrial Park. My special area of concern as a member of the Affordable Housing Task Force relates to the displacement of residents and businesses that serve the community and the adequacy of plans to relocate them within East Palo Alto. It is important that residential tenants be relocated within East Palo Alto because of the protection given them by the Rent Stabilization and Good Cause for Eviction Ordinance. It is important that local business tenants who have been serving the needs of East Palo Alto's residents be relocated within the City so that they can continue to serve the people who live here.

S7

After having reviewed the documents mentioned above, much remains unclear. Could the Redevelopment Agency clarify the following points concerning the University Circle Redevelopment Project:

1. What provisions have been made to ensure that residents of East Palo Alto will not be discriminated against in securing employment in the University Circle Project, the combination office, retail, and luxury hotel project proposed by DeMonet Industries, in the post-construction phase? What guarantees are in place that qualified East Palo Alto residents will have jobs in the completed project? I have been informed by a high-level official of DeMonet Industries that no commitments to hiring East Palo Alto residents in the post-construction phase would be made. Considering the well-known fact that having an East Palo Alto address is considered a liability in seeking employment, in what way will the University Circle Project ensure that the current situation where very few residents of East Palo Alto hold jobs in East Palo Alto will not continue despite the increase in the number of jobs (over 2000) that the University Circle Project is to create. Since a major justification for the University Circle Project is to increase the number of jobs in the community available to current residents, this aspect of the potential impact of the Project should be

S8

spelled out in detail. It is my opinion that realistically a mitigation measure needs to be incorporated stating that preference be given to East Palo Alto residents for 20% of the jobs in all categories.. Only if there is a lack of qualified applicants who have been residents of the community for two or more years should these positions be open to nonresidents. Consideration should also be given to training residents who lack certain specific technical skills, but otherwise would be qualified to fill these positions. It should additionally be pointed out that of the approximately 2000 jobs in the completed Project, approximately 500 are expected to be entry-level jobs. Fifty per cent of the entry-level positions should be reserved for East Palo Alto residents, and long-term residents (two years or more) should be given first priority for these positions. Thus, overall, 20% of all jobs and 50% of the entry-level jobs should go to residents. This mitigation measure will go far to enabling far more residents to work in the City than the miniscule number of residents currently employed here.

S9

2. The businesses currently established in the University Circle Project area exist primarily to serve the needs of the residents of East Palo Alto. It has been pointed out by the City Manager, Mr. Stanley Hall, that each year East Palo Alto residents spend over \$70,000,000 outside the community because there are not enough businesses established in the community able to meet all of their needs for goods and services. What is needed in East Palo Alto are more businesses that serve the needs of East Palo Alto residents, not fewer in order to capture more of this money for reinvestment in the community and to increase the sales tax revenue to the City. The retail outlets that are likely to find a place in the retail component of the completed University Centre Project proposed by DeMonet Industries are more likely to address the needs of the largely upscale visitors staying in the associated luxury hotel and twin office towers than they are the more modest needs of the residents of East Palo Alto. A detailed business relocation plan should be in place before the Disposition and Development Agreement between the Agency and DeMonet Industries is signed with specific sites designated (such as the former site of the Nairobi Shopping Center) for the appropriate relocation of the current businesses in the University Circle area with respect to the practicality of these sites for business purposes. At the present time there is no business relocation plan in place which ensures that the residents of East Palo Alto will not be left with fewer businesses that address their needs after the destruction of the only viable business district in the City that performs that function currently. Without such a business relocation plan, the residents of East Palo Alto will be worse off than they are currently and even more money could end up being lost through economic leakage outside the community than at present. The high leases that the retail outlets in the DeMonet University Centre Project will have to pay will tend to result in high-priced boutiques such as at the Stanford Shopping Center rather than the full-service grocery store, hardware store, print shop, etc., that they will displace that are geared to meeting the needs of a low and moderate income community like East Palo Alto.

S10

S11

3. During the redevelopment workshops that the Agency sponsored over the last several months, residents were reassured that if their housing was destroyed in the course of redevelopment, they would be totally protected from displacement from the community. They were told that California State redevelopment law mandated that if people were displaced from apartments under rent control, they would have to be relocated to apartments under rent control, even if that meant that the City had to build new apartment buildings

S12

and place them under rent control (The current Rent Stabilization Ordinance exempts new apartment buildings from rent control, except for the Good Cause for Eviction section of the law that protects all residential tenants in East Palo Alto, whether or not their apartments are under the rent ceiling portion of the Ordinance.) Residents were told that if they lived in overcrowded apartments where two or more families were living in the same apartment, under redevelopment each family would be relocated to its own apartment and if under rent control, they would pay no more than 25% of their gross income regardless of what percentage of their current income they are now paying for rent. None of these promises and assurances are reflected in the documents provided by the Agency I read. A commitment is made to replacing destroyed housing stock within four years. There is also a promise to provide subsidies to displaced individuals or families for one year in temporary housing arrangements. But there is no commitment that the displaced individuals and families will ultimately be relocated to permanent replacement housing in the community comparable to or better than that they currently occupy. There is already a housing crisis in East Palo Alto despite the fact that the imbalance between jobs and housing in East Palo Alto favors housing due to the fact that there is an excess number of jobs in relation to housing in surrounding communities resulting in a scarcity of affordable safe and sanitary housing in the area as a whole. Over 2,000 people are expected to be employed in the DeMonet University Centre Project when completed. Many of these people may want to relocate in East Palo Alto, thus adding to the pressure on housing. The present residential tenants of the University Circle Project Area should have comparable housing in place in which to be relocated and this commitment should be in the form of a residential relocation plan prior to the signing of the DDA with DeMonet Industries.

The criteria for defining low and moderate income housing needs is defined in these documents in terms of HUD guidelines for low and moderate income for San Mateo County as a whole, including communities like Atherton and Hillsborough. There is general consensus that these definitions of low and moderate incomes are higher than what is characteristic of East Palo Alto.

S13

In summary, the issues of a job set-aside for long-term East Palo Alto residents, a business relocation plan that guarantees there will be no reduction of business services to East Palo Alto residents, and a residential relocation plan that guarantees permanent housing to the individuals and families to be displaced from the 96 units to be destroyed comparable to or better than what they currently occupy should be addressed and clarified by the Agency before the binding DDA is signed with DeMonet. Indeed, the Agency should prepare these comprehensive relocation plans well before certifying the EIR to ensure that these issues can be considered and addressed by the public.

S14

It is also proposed that in order to comply with recent state law (AB3180) which requires that there be a mitigation monitoring process to monitor how well the Redevelopment Agency implements these and other mitigation measures in the EIR, there should be citizen participation in the mitigation monitoring. EPA CAN DO, the community development corporation formed last year in East Palo Alto, a grassroots organization currently with over 100 members concerned about the redevelopment of the City, would be a logical choice to participate in the mitigation monitoring process.

S15

It is also my understanding that as yet no updated financial feasibility study has been completed on the scaled-down version of the University Centre Project called for by California State redevelopment law to confirm that the City will benefit substantially from the completed scaled-down project. Redevelopment is justified according to State law if a financial feasibility study shows that a clear economic benefit will come to a community from redevelopment. It would be inappropriate to certify the final EIR before the updated financial feasibility study is completed. The financial feasibility study is also critical to the success of any mitigation measures such as business and housing relocation. Putting any mitigation measure into effect requires that there is the money to do it. Only the completed updated financial feasibility study will indicate if the money will be there to pay for relocation, job training, etc. The updated financial feasibility study should therefore be in place before the DDA is signed and should be available for public comment before certifying the EIR.

S16

It is true that some of these issues may be addressed in the findings of fact in the final EIR. The residents and business community of East Palo Alto would prefer not to risk the possibility that these issues might be overlooked in the findings of fact and requests the Agency to clarify these concerns in the form of appropriate documents and relocation plans.

S17

The California Community Redevelopment Law requires the Redevelopment Agency to secure the advice of the University Circle PAC, which should have members representing the property owners, the business tenants, and the residential tenants. The impression exists that the PAC has not been consulted on matters that the Redevelopment Law requires. According to the law, the Agency is to consult with the PAC on the EIR and the PAC's approval of the final and amendments to the EIR is also addressed by the law.

S18

Please do not leave the business community and residents of the University Circle Project Area in the dark about your commitments to protect them from displacement and/or the end of their livelihood with the result that there would be even fewer jobs for the City's residents than at present, that the housing situation would worsen, and that services to the City's residents would decrease.

Very respectfully,

William Byron Webster

William Byron Webster
P.O. Box 50142
East Palo Alto, CA 94303

1755 University Avenue
Palo Alto, CA 94301
Tel: (415) 328-8855

April 13, 1990

East Palo Alto Redevelopment Agency
2200 University Ave.
East Palo Alto, CA 94303

Ref.: University Circle Redevelopment Plan;
Supplemental Environmental Impact Report, March 1990

To the Honorable Agency:

This letter is a protest against the specific changes proposed to the University Avenue-Bayshore Freeway interchange as described in the referenced EIR. If these changes were carried through as proposed, the result would be an immediate, severe worsening of traffic congestion on and around the overcrossing, even without any added traffic from the University Circle project.

T1

Worsened congestion is contrary to the East Palo Alto General plan (p. 6-19, as quoted on p. 6 of the Specific Plan; Appendix C of the referenced EIR).

T2

The referenced EIR is deficient in that it does not provide traffic flow numbers for the realigned freeway entrance from University Avenue to Eastbound Bayshore. From scraps of information in the report (e.g., Fig. IV.D-9), it appears as though there would be an immediate increase of up to 14,000 cars per day. This would have tremendous impact, which has been ignored.

T3

The report dwells at length, and rightfully so, upon the deficiencies of the present substandard surface connection to the Eastbound freeway, via the University Avenue cul-de-sac. But it does not offer any other options for Eastbound access for present users, from Southbound University Avenue or from the East Palo Alto and Menlo Park neighborhoods to the immediate West; it simply closes off the existing connection and diverts the vehicles into conflict with other traffic on an already overcrowded roadway.

T4

Other Highway 101 interchanges in the immediate area are being upgraded to full 8-way cloverleafs. It is a retrogressive step to downgrade an interchange to 7-way from 8-way. The proper course is to construct a modern 8-way cloverleaf, avoiding left turns against heavy traffic, and providing access for traffic from the Westerly neighborhoods to the Eastbound freeway without entering or crossing University Ave.

T5

The changes proposed in the supplemental EIR would cause a serious traffic bottleneck in East Palo Alto afflicting an entire generation of motorists. The job should be done right; this will be the only chance.

T6

Sincerely,



Floyd M. Gardner
Sandra M. Gardner

cc: CALTRANS

California State Automobile Association
Senator Rebecca Morgan
Assemblyman Byron Sher
Palo Alto City Council
Menlo Park City Council
Crescent Park Neighborhood Association

ENVIRONMENT IMPACT REPORT

DOES NOT:

1. Address the issue of the impact on the community with the loss of community access to community oriented businesses. U1
2. Address the issue of articulated policy to support and nurture small businesses int the city (i.e., no adequate relocation plan). U2
3. There is no financial analysis of the project, comparing it with the financial return of other kinds of projects. U3
4. Participation of business/tenant preference or owner preference or owner participation within the University Centre Project. DATE OF DISCUSSION U4

ER

KEN HARRIS
4/17/90

7:20 p.m. ~~7:20~~ 4/17/90



ASSOCIATION OF BAY AREA GOVERNMENTS

Mailing Address: ■ P.O. Box 2050 ■ Oakland, CA 94604-2050

April 11, 1990

Mr. Karl Shepherd
Assistant Redevelopment Coordinator
Redevelopment Agency
City of East Palo Alto
2415 University Avenue
East Palo Alto, CA 94303

Dear Mr. Shepherd:

ABAG staff have reviewed the University Circle Redevelopment Plan Draft Supplemental Environmental Impact Report. Our comments focus on Sections IV.B. and IV.C.

The DSEIR states that the proposed project will generate a demand for about 1,400 housing units (p. IV.B-3). This need is to be met in three ways: (1) hiring existing residents which reduces the need for new housing, (2) constructing new units in the city, and (3) relying on other cities to house project employees. No estimates are given for the number of units to be addressed by either East Palo Alto or other communities. Mitigation measures identified in the DSEIR are a local hiring and training program and the use of tax increment funds to develop new low and moderate income housing.

V1

The local hiring/training program is a timely measure to promote jobs/housing balance. The Redevelopment Agency should ensure such a program is in place before completion of the project. The tax increment funds for low-moderate income housing may mitigate certain long term impacts of the project but will fall short of meeting housing needs generated by the proposed project in the short term. Consequently, the City should consider additional measures to mitigate the housing impact. These other measures would be those identified in the City's housing element revision to meet existing and future housing needs. ABAG staff understand that the housing element revision is in process and that the City has a housing task force to guide this revision.

V2

V3

V4

Each community in the region is required by State law to address its ABAG Housing Needs Determination in the housing element of the general plan. The housing element is to identify programs for the preservation, improvement, and development of housing. It is to identify adequate sites for housing based not only upon existing zoning but also upon the potential for increased residential development under alternative zoning. Consequently, East Palo Alto is expected to do its best to meet its 1988-1995 projected need of 956 units. By meeting this need, the City would move toward mitigating a large portion of the anticipated housing impact of the University Circle Redevelopment Plan. It is important to note that other cities are expected to meet their housing need goals as well.

V5

Representing City and County Governments of the San Francisco Bay Area

Joseph P. Bort MetroCenter ■ Eighth & Oak Streets ■ Oakland ■ (415) 464-7900 ■ Fax: (415) 464-7979

Appendix G lists the "cumulative projects" or projects identified for the cumulative impacts assessment. For your information, Stanford University has planned a large-scale residential project (900 or so units) adjacent to the Stanford Shopping Center. You can obtain more precise information from the University's planning office.

If you have any questions concerning these comments, contact Susan Hootkins, Senior Regional Planner, at 464-7955.

Thank you for the opportunity to comment on this DSEIR for the University Circle Redevelopment Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Binger", is written over the word "Sincerely,".

Gary Binger,
Planning Director

not used
Additional issues to be addressed in the supplemental Environmental Impact Report concerning employment:

1. a specific analysis needs to be made on the profile of the unemployed and underemployed in the City, in order to truly determine whether or not available jobs for City residents will or will not increase, and what type of training if any will prepare the residents to be employed.

W1

2. the projected jobs need to be more fully analyzed in terms of the wage scale in order to more fully evaluate the impact on the community, for example in the area of affordable housing.

W2

3. No timeline is included as to the length of time between when the project will start and end, which prevents a complete evaluation of the impact on those individuals who will be displaced from their jobs, or in the case of construction, how long their jobs will last.

W3

4. The business incubator is referred to in the report, but it is completely vague on how that program will in fact relate to employment in any way.

W4

5. no analysis is made on what will happen to those individuals working in the business area being destroyed.

W5

6. In the mitigating measures, no mention is made of the need for a mechanism to be in place for notice to training and employment agencies in sufficient time to prepare for employment opportunities, or for the need to set up new training programs, which should be at least partially paid for by the developer.

W6

7. No mention is made of a First Source hiring agreement for the City requiring that East Palo Alto residents be hired first, which will apply to tenants of the building as well as to the developer, to be included in the lease agreements.

W7



BAY AREA AIR QUALITY MANAGEMENT DISTRICT

April 27, 1990

ALAMEDA COUNTY
Edward R. Campbell
Shirley J. Campbell
(Chairperson)
Chuck Corica
Frank H. Ogawa

CONTRA COSTA COUNTY
Paul L. Cooper
(Secretary)
Sunne Wright McPeak
Tom Powers

MARIN COUNTY
Al Aramburu

NAPA COUNTY
Bob White

SAN FRANCISCO COUNTY
Harry G. Britt
Jim Gonzalez

SAN MATEO COUNTY
Gus J. Nicolopoulos
Anna Eshoo

SANTA CLARA COUNTY
Martha Clevenger
Rod Diridon
Roberta H. Hughan
Susanne Wilson

SOLANO COUNTY
Osby Davis
(Vice Chairperson)

SONOMA COUNTY
Jim Harberson
Patricia Hilligoss

East Palo Alto Redevelopment Agency
Municipal Services Building
2415 University Avenue
East Palo Alto, California, 94303

Attention: Mr. Stan Hall
City Manager/Executive Director

Dear Mr. Hall:

We have reviewed the Supplemental Draft Environmental Impact Report (SDEIR) for the University Circle Redevelopment Plan. The proposed project is a mixed-use development including an office complex, retail shops and a hotel totaling approximately 700,000 square feet of space. The Project Area is located at the Highway 101/University Avenue interchange.

The proposed project is a scaled-down revision of a Redevelopment Plan that was the subject of a DEIR circulated in August, 1988. We commented on this earlier DEIR in a letter dated September 16, 1988. We are pleased that many of our concerns with the earlier DEIR have been addressed in the SDEIR. We have the following comments on the SDEIR's air quality analysis.

As pointed out in our letter of September 16, 1988, the BAAQMD recommends various tests to assess the significance of a project's impact on air quality. The SDEIR uses only one of these tests. Under this test a project would be considered to have a significant impact if project-related emissions of any criteria pollutant equal or exceed 1% of county-wide emissions of that pollutant. The SDEIR concludes that the emissions from project-generated traffic will be less than 1% of San Mateo County's transportation emissions. However, we also consider projects to have a significant adverse impact if emissions of any criteria pollutant equal or exceed the levels set by BAAQMD to trigger Best Available Control Technology requirements for a stationary source. For emissions of hydrocarbons and nitrogen oxides the BAAQMD considers levels above 0.075 tons/day to be significant. Table IV.F-2 of the SDEIR indicates that the project will cause a net increase in hydrocarbons and nitrogen oxides of 0.23 and 0.20 tons/day respectively. Under this test the proposed Project would be considered to have a significant adverse impact on air quality.

X1

A project also may be considered to have a significant impact if associated population or employment growth exceeds Association of Bay Area Government (ABAG) growth projections for the subregion. Because the Bay Area Air Quality Plan (BAAQP) is based on the ABAG projections, such an

X2

April 27, 1990

excess would suggest an inconsistency with the BAAQMP. The discussion on page VIII-3 and the data presented in Table VIII-2 of the SDEIR indicate that the proposed Redevelopment Plan could lead to growth in excess of ABAG projections, and thus could have a significant impact on regional emission levels. ✓

We are pleased to see that the SDEIR includes a Transportation Demand Management (TDM) program as a suggested mitigation for project-related transportation impacts. However, we strongly disagree with the statement on page IV.D-35 of the SDEIR that this "... mitigation measure is not considered as a condition of project approval." Because, as stated in the preceeding paragraphs, we believe that the proposed project could have potentially significant adverse impacts on regional air pollutant emissions, we strongly recommend that the TDM mitigation be required as a condition of project approval. The SDEIR indicates that the proposed project would generate a net increase of 11,529 vehicle trips per day over existing conditions. Any TDM mitigation should particularly emphasize strategies that would reduce the number of generated vehicle trips. For instance, transit and ridesharing strategies should be favored over flextime. The Supplemental FEIR should specifically discuss the individual strategies of the TDM mitigation, evaluate their effectiveness in reducing emissions, and indicate who will be responsible for implementing each strategy. X3

We did not receive the SDEIR, nor even a notice of its availability, at the beginning of the public comment period. When we learned of the project we requested that the City send us the SDEIR, but did not receive the document until the comment period was nearly over. We understand that the Association of Bay Area Governments and the Metropolitan Transportation Commission also encountered problems obtaining the SDEIR. This greatly inhibits the ability of regional agencies to review and comment on regionally significant projects. Please make the necessary adjustments to your public distribution list so that the BAAQMD receives a copy of all future CEQA documents for projects and plans in East Palo Alto. X4

If you have any questions regarding our comments, please contact Michael Murphy, Planner, at (415) 771-6000, extension 133.

Sincerely,



Milton Feldstein
Air Pollution Control Officer

cc: BAAQMD Director Gus J. Nicolopoulos
BAAQMD Director Anna Eshoo
K. Mattson, MTC
S. Germain, ABAG
W. Green, Caltrans

MF:MM:lm



SANTA CLARA COUNTY

AIRPORT LAND USE COMMISSION

County Government Center, East Wing, 70 West Hedding Street, 7th Floor, San Jose, California 95110
(408) 299-2521

April 30, 1990

Karl Shepherd
East Palo Alto Redevelopment Agency
2415 University Avenue
East Palo Alto, CA 94303

Subject: University Circle Redevelopment Plan DEIR

Dear Mr. Shepard:

Our comments have been delayed due to the difficulty we have had in getting your agency to respond to our phone calls. At this point, we have still been unable to get a copy of the DEIR.

It is our understanding that the EIR does not discuss the impacts associated with the project's proximity to the Palo Alto Airport. Any potential safety concerns or height restrictions associated with the project's location with respect to the airport should be addressed. In addition, any noise impacts should be discussed.

Y1

Sincerely,

A handwritten signature in cursive script that reads "Jaunell Waldo".

Jaunell Waldo, Staff Coordinator
Santa Clara County Airport Land Use Commission

ray hosler
writer/photographer

239 O'Connor St.
Menlo Park, CA 94025

April 25, 1990

Mr. Donald Fleming
City of East Palo Alto
2415 University Ave.
East Palo Alto, CA 94303

Dear Mr. Fleming:

As a nearby resident of the proposed University Circle Redevelopment Plan, a.k.a. Demonet Project, I have some concerns regarding its environmental impact report (EIR).

1) O'Connor Street is not included in the traffic surveys. Without a barrier on O'Connor at Euclid Avenue, I believe DeMonet traffic would spill over from Willow Road into the project via O'Connor. A barrier should be installed before project construction begins. Construction vehicles should not have access to the Willows neighborhood during construction. Although I realize installing barriers is a Menlo Park issue, it affect traffic in East Palo Alto as well and we should work together to resolve this issue.

Z1

2) Bicycle racks are not mentioned, nor are they located on site maps. I trust a suitable number of racks will be installed. Locating the racks in a protected location out of the rain will encourage their use.

Z2

3) Bicycle lanes are not shown on the traffic maps. Bicycle lanes should be located on the University Avenue Overpass.

Z3

4) Riding bicycles on sidewalks is dangerous and should be discouraged; however, the reality is that sidewalks are frequently used by cyclists traveling over the University Avenue Overpass. Ramps should be installed at all curbs on the overpass. This will also provide wheelchair access.

Z4

5) Traffic attempting to use the San Jose-bound ramp will obstruct the University Avenue/Woodland Road intersection. Considering the area's growth rate, I predict that the San Jose-bound Highway 101 ramp will back up in the mornings beyond the University/Woodland intersection, causing gridlock. As the EIR traffic studies indicate, even without the DeMonet project, traffic will continue to worsen as our population increases. Rather than providing more parking spaces and attempting to accommodate this increased traffic, why not reduce the available parking and **require** a certain percentage of people working at DeMonet to use public transportation?

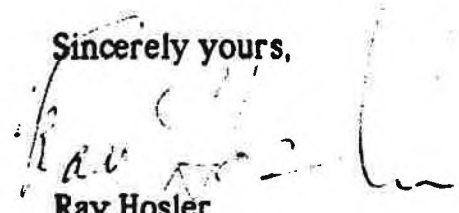
Z5

6) Although the potential for providing jobs to East Palo Alto residents is mentioned, the process by which this will occur is not discussed in sufficient detail.

Z6

Good luck with the project.

Sincerely yours,



Ray Hosler

WILLOWS HOME OWNERS ASSOCIATION

4/29/90

Stanley H. Hall
City Manager,
Executive Director, East Palo Alto Redevelopment Agency
2415 University Avenue
East Palo Alto, CA 94303

Dear Mr. Hall:

The Willows Home Owners Association represents the residents of Menlo Park's neighborhood closest to the proposed University Circle Redevelopment Area. Our association is not opposed to the redevelopment of Whiskey Gulch. However, we find that the March 1990 Draft Supplement to the University Circle Redevelopment Plan Environmental Impact Report (draft SEIR) to be deficient in several respects.

Traffic

One major environmental impact that has been inadequately addressed is traffic. The Willows is a residential neighborhood. It already suffers from intolerable levels of through traffic. The draft SEIR fails to adequately report the proposed redevelopment project's impact on the Willows residential streets. Both O'Connor Street and Woodland Avenue in Menlo Park will be directly affected by the proposed project, yet only Woodland has been studied.

AA1

O'Connor Street in Menlo Park

O'Connor Street in Menlo Park is located near the proposed redevelopment project's secondary parking access. O'Connor Street will provide a very direct route toward Willow road and Menalto Ave. The draft SEIR is remiss in not studying the environmental impact that the proposed redevelopment project will have on O'Connor Street, Menalto Ave., and the other adjoining residential streets in the Willows in Menlo Park. The SEIR is inadequate in that it considers the addition of 2999 trips per day to an existing local street as being an "insignificant" increase in traffic.

AA2

AA3

Woodland Avenue in Menlo Park

2/4

The draft SEIR shows Woodland Avenue to be the street in Menlo Park most severely impacted (on a percentage basis) by the proposed redevelopment project, yet proposes no mitigation because an "environmental capacity" of 3,000 ADT has been generally established as the limit for residential collector streets. The base traffic statistics for Woodland Avenue are questionable. The draft SEIR uses 1800 as the existing average daily traffic on Woodland Avenue, yet the City of Menlo Park's latest traffic counts show no more than 1500 cars per day. The draft SEIR shows that Woodland Avenue will be forced to absorb 400 additional cars per day. This is a 27% increase in daily traffic on a street that is hardly a typical "residential collector" street. Woodland Avenue is two lanes without shoulders. Bordering San Francisquito Creek, it is a narrow, winding road with extremely limited visibility. Even with the residential speed limit of 25 mph, vehicles travel this street at speeds that are unsafe, frequently crossing the center line. In places there is limited visibility for vehicles backing onto the street from driveways. Allowing more traffic onto this street, with the possibility of an increase in the speed limit, will further aggravate an already unsafe situation. Woodland Avenue has the feeling of a country road because of an abundance of trees and shrubs, and its location next to San Francisquito Creek, rather than that of a city street. Because of its uniqueness in the Willows area, many people use the street for recreational purposes such as jogging, bicycling and walking. Since there is no continuous sidewalk along Woodland Avenue, people walk and jog in the street. Because there are long sections with no shoulders, bicyclists are forced to use the traffic lane. Any increase in traffic would detract from its rural nature and increase the possibility of accidents. The draft SEIR fails to consider any of these environmental factors. School children who live on Woodland Avenue must walk to bus stops either on Woodland itself or on intersecting streets. They must walk on a narrow dirt border next to the traffic lane or in the street itself. The corner of Woodland and Menalto Avenue is especially unsafe, having limited visibility, no crosswalk, and no sidewalk. Any increase in traffic would exacerbate an already dangerous condition. The draft SEIR fails to consider the affects on pedestrian traffic on Woodland Avenue. The distinctive characteristics of Woodland Avenue dictate that it must not be forced to absorb any additional traffic.

AA3

AA4

The draft SEIR fails to show the connection of Woodland Avenue to downtown Palo Alto by way of the Chaucer Street bridge over San Francisquito creek. This connection is very significant because it represents the fastest, direct route between the proposed redevelopment project and the nearest likely destination for workday trips, Palo Alto. By avoiding all of the traffic lights on University Avenue, traveling Woodland

AA5

Avenue to Chaucer Street to Palo Alto Avenue to Lytton Avenue, several minutes are saved. If the 2031 projected employees take only two round trips per week to downtown Palo Alto by this most direct route, an additional $(2031 \times 2 \times 2/5)$ 1625 cars per day would travel Woodland Avenue. In addition, the traffic analysis in the draft SEIR apparently fails to recognize that when the traffic on both University Avenue in Palo Alto and Willow Road in Menlo Park approaches LOS E and F (grid-lock), many commuters will explore Woodland Avenue and find it a pleasant, traffic signal-free, direct route to and from Middlefield Road.

Chester, Durham & O'Keef streets in Menlo Park

The streets of Chester, Durham & O'Keef have been under evaluated as to the true significance of the impact of the project. We feel that a thorough examination of the traffic model is necessary and that a complete analysis of the above mentioned streets be conducted so as to determine the true traffic impacts.

AA6

It is clear that the draft SEIR has not considered the true effects of the proposed redevelopment project on the local residential streets of the Willows in Menlo Park.

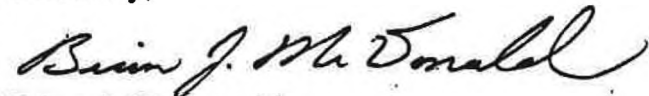
AA7

Another major environmental impact that has been inadequately addressed is the environmental impact of the height and overall scale of the project on the Willows in Menlo Park. This is important because the shadow studies have pointed out another potential problem. Project north and true vary greatly and as a result may have altered the true shadow characteristics of the project.

AA8

We urge you to correct the deficiencies in the draft SEIR and provide additional opportunity for public review.

Sincerely,



Brion J. McDonald
President of W.H.O.A.

4/4
April 30, 1990

Draft Supplement to the University Circle Development Plan EIR, March 1990.
Traffic Analysis deficient.

1. The detail and analysis are in the conceptual stage and are not sufficiently specific to allow judgement of traffic conditions through completion of the project. Traffic conditions and levels of service estimates cannot be considered valid for EIR purposes. BB1
2. The amount of traffic moving directly into Menlo Park from University Ave appears to be understated. BB2
3. Existing and future traffic conditions are explained in terms of volume/capacity which does not describe the delay or the related reduction in speed of movement. Level of Service is not described. BB3

Table IV D-3 Comparison of Existing and Cumulative Conditions Without the Project - Peak Hour Level of Service and Volume to Capacity Ratios.

Table IV D-4 Impact of Proposed Interchange Modification. Peak Hour Level of Service and Volume to Capacity Ratios.

Table IV D-5 Trip Generation of Specific Plan Land Uses.

Table IV D-6 Impact of Project on Future Average Daily Traffic (ADT) Volumes (Year 2010).

Table IV D-7 Comparison of Existing Conditions Without and With the Project. Peak Hour Level of Service and Volume to Capacity Ratios.

Table IV D-8 Comparison of Cumulative conditions Without and With the Project. Peak Hour Level of Service and Volume to Capacity Ratios.

The V/C comparisons do not describe the delays now occurring or the changes resulting from the Project. The network is not diagrammed to show traffic demand requirements for intersection signalization control. Level of Service necessary for traffic evaluation is not described. Hwy Capacity Manual Report 209 - 1985, page 9-21 is quoted: Planning Analysis BB4

"Planning analysis of intersections is a broad evaluation of the capacity of an intersection without considering the details of signalization. It provides a basic assessment of whether or not capacity is likely to be exceeded for a given set of demand volumes and geometrics.

Because signalization is not considered in planning analysis, it is not possible to assess delay or level of service."

Paul F. Wilson

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325-8037

P.O. Box 50142
East Palo Alto, CA 94303
Friday, 20 April 1990

Mr. Melvin Harris
Vice Chairman
East Palo Alto Planning Commission
979 Beech Street
East Palo Alto, CA 94303

Dear Chairman Harris:

Per our conversation this past Tuesday evening, I am writing to you to request distribution to the members of the Planning Commission copies of a memorandum to the Redevelopment Agency of East Palo Alto dated 15 April 1990 with proposals for mitigation measures to be added to the Supplemental Environmental Impact Report for the University Circle Project as well as other remarks reflecting concerns that I share with other members of the community regarding that project.

The letter addresses the following points:

1. A job set-aside for East Palo Alto residents in the completed project of 20% of all jobs and 50% of the entry-level positions CC1
2. A detailed business relocation plan for current businesses in the University Circle Redevelopment Project Area including designated relocation sites CC2
3. A detailed residential relocation plan that would not simply replace housing units destroyed by redevelopment, but which would relocate the specific individuals who are losing their homes to permanent housing comparable to their present housing CC3
4. Lack of a financial feasibility study for the scaled-down version of the University Centre Project CC4
5. Mitigation monitoring CC5
6. Role of the University Circle PAC CC6

In addition to my letter, I wish to add the following comment of concern on the meeting of the University Circle PAC this past Thursday evening, 19 April, in the City Council Chambers.

Members of the PAC, who have been holding meetings over the past two-and-a-half years, though apparently poorly advertised and with poor participation,

CC7

at several points during the meeting made statements to the effect that they were under the impression that they were a strictly advisory body with no other function than to make recommendations to the Redevelopment Agency and that they had no right to approve any of the decisions impacting on the property owners, business tenants, and residential tenants in the affected area, including the certification of the EIR. Mr. Akins and Mr. Klingensmith, who are, respectively, the legal counsel and the outside consultant engaged by the City to assist in the University Circle Redevelopment process, both of whom were present, made no attempt to correct this misperception of the PAC as a completely passive advisory body. Did they really believe they were an absolutely powerless body?, I asked them. Had they abdicated their legal rights under California Community Redevelopment law?, I asked. The members of the PAC present appeared to have no idea that their approval is necessary at each significant step in the redevelopment process, including the certification of the final EIR following the close of the public hearing period on 30 April, after which no further written input regarding mitigation measures will be accepted. I stated, for example, that should the PAC not concur with the Redevelopment Agency that the mitigation measures in the amended EIR are adequate and decide not to approve the certification of the final EIR, Article 6.5 of the California Community Redevelopment Law, revised January 1, 1988, Section 3385.5 would require a 2/3 vote of the Redevelopment Agency or four votes to overrule the PAC. Mr. Akins responded that I was absolutely right.

It disturbs me to learn that people directly involved in the redevelopment process are not being fully informed of their rights by legal counsel supposedly present to assist them in fully understanding what their role is under California Community Redevelopment Law.

CC8

Regrettably, this failure to fully inform affected parties of their rights reflects a pattern I have also witnessed in connection with the several redevelopment workshops I have attended over the last several months discussed in the body of my memorandum to the Redevelopment Agency.

CC9

Thank you for your attention.

Very sincerely,

William Byron Webster

William Byron Webster
P.O. Box 50142
East Palo Alto, CA 94303

VI. REFERENCES

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