

# SUMMONS (CITACION JUDICIAL)

## NOTICE TO DEFENDANT: (Aviso a Acusado)

CITY OF EAST PALO ALTO, THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO, THE REDEVELOPMENT AGENCY OF THE CITY OF EAST PALO ALTO, and DOES 1 through 9; and all persons interested in the Matter of the Ravenswood Industrial Area Redevelopment Plan

## YOU ARE BEING SUED BY PLAINTIFF: (A Ud. le está demandando)

INDUSTRIAL DEVELOPMENT AND EMPLOYMENT ASSOCIATION OF EAST PALO ALTO, a California non-profit corporation.

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

You have **30 CALENDAR DAYS** after this summons is served on you to file a typewritten response at this court.

A letter or phone call will not protect you; your typewritten response must be in proper legal form if you want the court to hear your case.

If you do not file your response on time, you may lose the case, and your wages, money and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

Después de que le entreguen esta citación judicial usted tiene un plazo de **30 DIAS CALENDARIOS** para presentar una respuesta escrita a máquina en esta corte.

Una carta o una llamada telefónica no le ofrecerá protección; su respuesta escrita a máquina tiene que cumplir con las formalidades legales apropiadas si usted quiere que la corte escuche su caso.

Si usted no presenta su respuesta a tiempo, puede perder el caso, y le pueden quitar su salario, su dinero y otras cosas de su propiedad sin aviso adicional por parte de la corte.

Existen otros requisitos legales. Puede que usted quiera llamar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de referencia de abogados o a una oficina de ayuda legal (vea el directorio telefónico).

The name and address of the court is: (El nombre y dirección de la corte es)

Superior Court, County of San Mateo  
Hall of Justice and Records  
401 Marshall Street  
Redwood City, California 94063

CASE NUMBER: (Número del Caso)

353916

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)

Baker & McKenzie  
Edward S. Atkinson, Jr.  
Two Embarcadero Center, 24th Floor  
San Francisco, CA 94111  
(415) 576-3000

TAMMY FROST

DATE: **AUG 16 1990**  
(Fecha)

WARREN SLOCUM

Clerk, by \_\_\_\_\_, Deputy  
(Actuario) (Delegado)



### NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):

3.  on behalf of (specify): **THE REDEVELOPMENT AGENCY OF EAST PALO ALTO**

- under:
- |  |   |
|--|---|
| <input type="checkbox"/> CCP 416.10 (corporation)                          | <input type="checkbox"/> CCP 416.60 (minor)       |
| <input type="checkbox"/> CCP 416.20 (defunct corporation)                  | <input type="checkbox"/> CCP 416.70 (conservatee) |
| <input type="checkbox"/> CCP 416.40 (association or partnership)           | <input type="checkbox"/> CCP 416.90 (individual)  |
| <input checked="" type="checkbox"/> other: <b>CCP 416.50 Public Entity</b> |   |

- by personal delivery on (date):

1 BAKER & MCKENZIE  
2 TIMOTHY A. TOSTA  
3 EDWARD S. ATKINSON, JR.  
4 KERRY SHAPIRO  
Two Embarcadero Center  
Twenty Fourth Floor  
San Francisco, CA 94111-3909  
Telephone: (415) 576-3000

ENDORSED

AUG 16 1990

FILED  
WARREN SLOCUM COUNTY CLERK

5 Attorneys for Plaintiff and Petitioner  
6 INDUSTRIAL DEVELOPMENT AND EMPLOYMENT  
7 ASSOCIATION OF EAST PALO ALTO

BY TAMMY FROST  
DEPUTY CLERK

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF SAN MATEO

10 INDUSTRIAL DEVELOPMENT AND )  
11 EMPLOYMENT ASSOCIATION OF )  
12 EAST PALO ALTO, a California )  
13 non-profit corporation, )  
14 Plaintiff/Petitioner, )  
15 v. )  
16 CITY OF EAST PALO ALTO; THE )  
17 CITY COUNCIL OF THE CITY OF EAST )  
18 PALO ALTO; THE REDEVELOPMENT )  
19 AGENCY OF THE CITY OF EAST PALO )  
20 ALTO, and DOES 1 through 9; and )  
all persons interested in the )  
Matter of the Ravenswood )  
Industrial Area Redevelopment )  
Plan, )  
21 Defendants/Respondents. )

CASE NO.

353916

RE: PREPARATION OF RECORD  
OF PROCEEDINGS  
PUBLIC RESOURCES CODE  
SECTION 21167.6


22 1. Pursuant to Public Resources Code Section 21167.6 (a)  
23 Plaintiff/Petitioner requests that Respondents City of East  
24 Palo Alto and City Council of the City of East Palo Alto  
25 identify and organize the record of the proceedings of their  
26 decisions to certify the Final Environmental Impact Report For  
27 the Ravenswood Industrial Area Redevelopment Plan and General  
28 Plan Amendment (SCH # 89030045), and to approve the

1 Redevelopment Plan. This request is made pursuant to and in  
2 compliance with Public Resources Code Section 21167.6 (a),  
3 subject to Paragraph (2), below.

4 2. Plaintiff/Petitioner also requests that  
5 Defendants/Respondents provide them with an index of the  
6 proposed record and an estimate of the costs of preparing the  
7 original and one copy of the record prior to its preparation,  
8 and make the record available to them for duplication, so that  
9 Petitioners/Plaintiffs may determine whether or not to elect to  
10 prepare the record themselves pursuant to Public Resources Code  
11 Section 21167.6 (b).

12  
13 Dated: August 16, 1990

BAKER & MCKENZIE  
TIMOTHY A. TOSTA  
EDWARD S. ATKINSON, JR.  
KERRY SHAPIRO

  
Edward S. Atkinson Jr.  
Attorneys for  
Plaintiff/Petitioner

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
2442u

1 BAKER & MCKENZIE  
TIMOTHY A. TOSTA  
2 EDWARD S. ATKINSON, JR.  
KERRY SHAPIRO  
3 Two Embarcadero Center  
Twenty-Fourth Floor  
4 San Francisco, CA 94111-3909  
Telephone: (415) 576-3000

ENDORSED

AUG 16 1990

FILED  
WARREN SLOCUM COUNTY CLERK

5 Attorneys for Plaintiff and Petitioner  
6 INDUSTRIAL DEVELOPMENT AND EMPLOYMENT  
ASSOCIATION OF EAST PALO ALTO

BY - TAMMY FROST  
CLERK

7  
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF SAN MATEO

10  
11 INDUSTRIAL DEVELOPMENT AND )  
EMPLOYMENT ASSOCIATION OF EAST )  
12 PALO ALTO, a California )  
nonprofit corporation, )  
13 Plaintiff/Petitioner, )  
14 v. )

CASE NO.

353916

COMPLAINT IN VALIDATION  
PROCEEDING, COMPLAINT FOR  
PRELIMINARY AND PERMANENT  
INJUNCTIVE RELIEF AND  
PETITION FOR WRIT OF  
MANDATE

15 CITY OF EAST PALO ALTO; THE )  
CITY COUNCIL OF THE CITY OF EAST )  
16 PALO ALTO; THE REDEVELOPMENT )  
AGENCY OF THE CITY OF EAST PALO )  
17 ALTO, and DOES 1 through 9; and )  
all persons interested in the )  
18 Matter of the Ravenswood )  
Industrial Area Redevelopment )  
19 Plan, )

CCP §§ 860 et seq.; 1085,  
1094.5, Health and Safety  
Code § 21167  
Government Code §§ 87100,  
87103, 91003

20 Defendants/Respondents. )  
21

22 Plaintiff/Petitioner INDUSTRIAL DEVELOPMENT AND EMPLOYMENT  
23 ASSOCIATION OF EAST PALO ALTO through this verified complaint  
24 and petition alleges that:

25 INTRODUCTION

26 1. Plaintiff/Petitioner INDUSTRIAL DEVELOPMENT AND  
27 EMPLOYMENT ASSOCIATION OF EAST PALO ALTO ("IDEA") brings this  
28 action pursuant to Code of Civil Procedure Section 860 et seq.,

1 Sections 1085 and 1094.5, Health and Safety Code Section 33501  
2 and Government Code Section 91003 to test the validity of the  
3 actions of the CITY OF EAST PALO ALTO ("CITY") in certifying  
4 the Final Environmental Impact Report for the Ravenswood  
5 Industrial Area Redevelopment Plan and General Plan Amendment  
6 ("FEIR") and adopting the Ravenswood Industrial Area  
7 Redevelopment Plan ("Redevelopment Plan") and related amendment  
8 to the CITY's General Plan. In certifying the FEIR and  
9 adopting the General Plan Amendment and Redevelopment Plan,  
10 Defendants/Respondents CITY, CITY COUNCIL OF THE CITY OF EAST  
11 PALO ALTO ("COUNCIL"), and REDEVELOPMENT AGENCY OF THE CITY OF  
12 EAST PALO ALTO ("AGENCY") violated the California Environmental  
13 Quality Act (Public Resources Code §§ 21000 et seq.; "CEQA") by  
14 certifying an inadequate FEIR and adopting findings which were  
15 not supported by substantial evidence, and the actions violated  
16 the Political Reform Act of 1974, (Government Code §§ 81000  
17 et seq.) due to the participation in the decision of a public  
18 official with a financial interest in the decision. In  
19 addition, the COUNCIL's approval of the Redevelopment Plan was  
20 in violation of the Community Redevelopment Law (Health and  
21 Safety Code §§ 33300 et seq.) because the CITY did not have an  
22 adequate Housing Element to its General Plan, and the  
23 Redevelopment Plan was inconsistent with the General Plan.  
24 Plaintiff/Petitioner seeks a determination that the FEIR does  
25 not comply with CEQA, and that the actions taken by the COUNCIL  
26 and AGENCY are invalid.

27 ///

28 ///

THE PARTIES

1  
2           2.    Plaintiff/Petitioner, INDUSTRIAL DEVELOPMENT AND  
3    EMPLOYMENT ASSOCIATION OF EAST PALO ALTO ("IDEA") (formerly  
4    known as the Industrial Property Owners Association of East  
5    Palo Alto), is a nonprofit mutual benefit corporation organized  
6    and existing under the laws of California, with its principal  
7    offices in East Palo Alto.  IDEA is composed of and represents  
8    individuals, firms, companies and corporations from the  
9    Ravenswood Industrial Area in the City of East Palo Alto.  IDEA  
10   is interested in assuring that the potential development or  
11   redevelopment of the Ravenswood Industrial Area proceeds in a  
12   way which does not result in unnecessary environmental impacts  
13   on the City and residents of East Palo Alto, and the property  
14   owners and businesses within the industrial area, and that the  
15   rights and interests of the existing property owners are  
16   respected.  IDEA and its members are beneficially interested in  
17   the outcome of these proceedings in that they have an interest  
18   in the environmental, economic, and other resources in this  
19   area, and in the performance by the CITY of its public duties  
20   to comply with the laws of the State of California, including  
21   CEQA, the Community Redevelopment Law and the Political Reform  
22   Act of 1974.

23           IDEA is an "interested person" within the meaning of Code  
24   of Civil Procedure Section 863 in that the Plaintiff represents  
25   individuals, businesses, and corporations owning property and  
26   doing business within the area included in the Redevelopment  
27   Plan, and the adoption and implementation of the Plan without  
28   proper compliance with CEQA and other statutes would have

1 direct and substantial adverse environmental and economic  
2 impacts on the Plaintiff/Petitioner and its members.

3 IDEA is committed to the revitalization of the area  
4 addressed by the Redevelopment Plan (particularly the  
5 Industrial Section) in a way that will achieve important  
6 community goals including elimination of blighted conditions,  
7 creation of new economic opportunities, retention of  
8 long-standing local businesses, creation of new employment for  
9 East Palo Alto residents, improving the jobs/housing balance,  
10 remediation of any toxic contamination, and establishing an  
11 effective redevelopment program that does not overwhelm the  
12 community.

13 3. Defendant/Respondent CITY is a municipal corporation  
14 located in San Mateo County and duly incorporated under the  
15 laws of the State of California, with powers and  
16 responsibilities under the Community Redevelopment Law, General  
17 Plan statutes, and CEQA, which it has purported to exercise in  
18 regard to the Redevelopment Plan. The area slated for  
19 development under the Redevelopment Plan is located within East  
20 Palo Alto.

21 4. Defendant/Respondent COUNCIL is the duly constituted  
22 legislative body of the CITY, with powers and responsibilities  
23 under the Community Redevelopment Law, General Plan statutes,  
24 and CEQA which it has purported to exercise in regard to the  
25 Redevelopment Plan.

26 5. Defendant/Respondent AGENCY is the duly authorized  
27 agency of the CITY under the authority of the Community  
28

1 Redevelopment Law, and which also has responsibilities under  
2 CEQA.

3 6. DOES 1 through 9 are employees, officers, and  
4 subdivisions of the CITY who are responsible for the actions  
5 described herein or for carrying out the functions of the CITY  
6 which may be affected by this litigation. Plaintiff/Petitioner  
7 will amend the Complaint and Petition to specifically identify  
8 each such person as required and as the capacity and identity  
9 of such defendant/respondent becomes known.

10 THE REDEVELOPMENT PROJECT

11 7. On May 15, 1989, the COUNCIL adopted a resolution  
12 designating a survey area and initiated the process of adopting  
13 a Redevelopment Plan for the Ravenswood Industrial Area.

14 8. The project area of the Redevelopment Plan, as  
15 adopted, encompasses approximately 186 acres in the  
16 northeasterly corner of East Palo Alto. The area consists of  
17 two discrete sections, including an Industrial Section of  
18 166 acres, and a Four Corners Section of approximately  
19 20 acres. A copy of the map and a legal description  
20 delineating the boundaries of the project area are attached  
21 hereto as Exhibits A and B and incorporated herein  
22 ("Redevelopment Area"). The Industrial Section is surrounded  
23 by residential neighborhoods on the south and west, the Four  
24 Corners Section to the west and baylands to the north and  
25 east. Although the development to be undertaken under the  
26 Redevelopment Plan has not been finally determined, the  
27 Proposed Project Land Use Plan for the Industrial Section  
28 described in the Draft Environmental Impact Report for the



1 Ravenswood Industrial Area Redevelopment Plan and General Plan  
2 Amendment ("Draft EIR") envisions elimination of all existing  
3 uses except one existing user in the Industrial Section and  
4 reconfiguration and reparcelization to accommodate one large  
5 high technology user of approximately 1.5 million square feet  
6 and 150,000 square feet of office space.

7 9. On February 14, 1990, the CITY published a Notice of  
8 Completion of the Draft EIR. The public review period on the  
9 Draft EIR commenced on February 14, 1990 and ended April 2,  
10 1990.

11 10. On April 2, 1990, attorneys for IDEA submitted a  
12 letter commenting on the Draft EIR. These comments questioned  
13 the adequacy, accuracy, and objectiveness of the Draft EIR with  
14 respect to its characterization of existing conditions,  
15 adequacy of discussion of environmental setting, and adequacy  
16 of the discussion of impacts on existing businesses, biological  
17 resources (including wetlands and endangered species),  
18 hazardous substances, traffic and circulation, utilities,  
19 employment and housing. It also stated that the Draft EIR was  
20 inadequate because it did not include the necessary range of  
21 alternatives, including a significantly less intensive  
22 alternative which would eliminate or reduce the significant  
23 environmental effects of the Redevelopment Plan. The April 2,  
24 1990 letter included a specific, less-intensive development  
25 alternative which had been developed for and was supported by  
26 IDEA and its members.

27 11. IDEA's alternative development proposal discussed in  
28 the April 2, 1990 letter would avoid or substantially mitigate

1 many of the significant environmental impacts of Proposed  
2 Project Land Use Plan presented in the Draft EIR. Because of  
3 lower employment density, it would generate substantially fewer  
4 vehicle trips. It would avoid the need for new roads which  
5 would have significant impacts on wetlands and wildlife. It  
6 would avoid the forced relocation of almost all existing  
7 businesses, and thus would retain existing businesses and  
8 employment. Because of its lower employment density and  
9 targeting of employment to meet needs of existing residents of  
10 East Palo Alto, the IDEA alternative would also mitigate the  
11 negative impact of the Redevelopment Plan on the availability  
12 and affordability of housing for current residents. Overall,  
13 the IDEA Alternative would have significantly reduced impacts  
14 compared to the Proposed Project Land Use Plan or the  
15 alternatives discussed in the FEIR.

16 12. In a separate letter commenting on the Draft EIR,  
17 IDEA also stated that the Redevelopment Plan was inconsistent  
18 with the CITY's existing General Plan.

19 13. On May 22, 1990, attorneys for IDEA submitted a  
20 letter to the Planning Commission of the CITY in connection  
21 with the Planning Commission's consideration of the FEIR,  
22 General Plan Amendment, and Redevelopment Plan. That letter  
23 reiterated the deficiencies in the Draft EIR, including but not  
24 limited to the inadequacy of the alternatives analysis. It  
25 also asserted that the EIR was defective due to its failure to  
26 provide an adequate response to public comments.

27 14. On June 4, 1990, the COUNCIL and the AGENCY conducted  
28 a joint public hearing on the FEIR, the General Plan Amendment

1 and the Redevelopment Plan. On June 4, 1990, representatives  
2 of IDEA submitted a letter and oral testimony that the FEIR was  
3 inadequate under CEQA, and requesting that adoption of the  
4 General Plan Amendment and Redevelopment Plan be deferred to  
5 allow completion of a legally adequate FEIR. IDEA also stated  
6 that the Redevelopment Plan should not be adopted because the  
7 City's Housing Element was inadequate. Finally, the letter  
8 challenged the redevelopment procedures and the Redevelopment  
9 Plan itself on the grounds that the procedures and the  
10 Redevelopment Plan were biased in favor of replacement of most  
11 existing uses and in favor of master development of the  
12 Industrial Section by a single user. The IDEA letter of  
13 June 4, 1990 attached IDEA's letters of April 2, 1990 and  
14 May 22, 1990, cited in paragraphs 10 and 11.

15 15. On July 2, 1990, attorneys for IDEA submitted a  
16 letter to the COUNCIL and AGENCY requesting that William Vines,  
17 Mayor and member of the AGENCY, not participate in votes on the  
18 FEIR, General Plan Amendment and Redevelopment Plan because  
19 Mr. Vines had an apparent conflict of interest as a result of  
20 his ownership of certain property within 2500 feet of the  
21 Redevelopment Area.

22 16. On July 2, 1990, the COUNCIL by Resolution No. 676  
23 and the AGENCY by Resolution No. 101 adopted a concurrent  
24 resolution certifying review and consideration of the FEIR,  
25 making findings required by CEQA, and stating overriding  
26 considerations.

27 ///

28 ///

1           17. Also on July 2, 1990, the COUNCIL adopted Resolution  
2 No. 677 adopting written findings and responses to written  
3 objections to the Redevelopment Plan.

4           18. The FEIR, as certified, and the CEQA findings,  
5 identified forty-four (44) potentially significant  
6 environmental effects of the Redevelopment Plan and General  
7 Plan Amendment. These included significant effects with  
8 respect to land use impacts, geotechnical factors, biological  
9 resources (including wetlands and endangered species),  
10 hazardous substances, traffic and circulation, air quality,  
11 noise, cultural resources, utilities, employment and housing,  
12 and cumulative impacts. The FEIR and Resolution No. 677 also  
13 identified five (5) unavoidable significant adverse effects of  
14 the Redevelopment Plan and General Plan Amendment.

15           19. The Alternative proposed by IDEA would avoid or  
16 significantly lessen the impacts of the Redevelopment Plan,  
17 including the impacts on land use, biological resources,  
18 traffic, and housing.

19           20. On July 2, 1990, the COUNCIL also approved Resolution  
20 No. 678 adopting an Amendment to the East Palo Alto General  
21 Plan in conjunction with the Redevelopment Plan.

22           21. On July 2, 1990, the COUNCIL conducted a public  
23 hearing at which was heard the first reading of the Ordinance  
24 adopting the Redevelopment Plan.

25           22. On July 16, 1990, the COUNCIL approved Ordinance  
26 No. 121 adopting the Redevelopment Plan pursuant to the  
27 Community Redevelopment Law of the State of California.

28 ///

1           23. On July 17, 1990 the CITY filed a Notice of  
2 Determination concerning the City approval of the General Plan  
3 Amendment and a separate Notice of Determination regarding  
4 approval of the Redevelopment Plan. On the same date, the  
5 AGENCY filed a Notice of Determination for the Ravenswood  
6 Industrial Area Redevelopment Project.

7           24. IDEA timely appeared before the COUNCIL and AGENCY  
8 and timely objected to the approval of the FEIR, General Plan  
9 Amendment, and Redevelopment Plan on each of the grounds stated  
10 herein. IDEA exhausted all administrative remedies.

11           25. IDEA has no other plain, speedy, or adequate remedy  
12 at law in that monetary damages cannot provide adequate remedy  
13 for the environmental and economic injury IDEA and its members  
14 will suffer if the CITY proceeds to implement the Redevelopment  
15 Plan without compliance with the laws of the State of  
16 California as set forth herein.

17           26. On August 16, 1990, IDEA served a copy of this  
18 Complaint and Petition on the Attorney General of the State of  
19 California pursuant to the requirements of Public Resources  
20 Code Section 21167.7 and Code of Civil Procedure  
21 Section 389.6. Also on August 16, 1990, IDEA served written  
22 notice of its intention to commence action on  
23 Defendants/Respondents CITY, CITY COUNCIL, and AGENCY pursuant  
24 to the requirements of Public Resources Code Section 21167.5.  
25 A copy of the notice of intention to commence action is  
26 attached hereto as Exhibit C.

27           27. At the time of filing of this complaint, no public  
28 agency or other person had brought a proceeding to test the

1 validity of the Redevelopment Plan pursuant to Health and  
2 Safety Code 33501 and Code of Civil Procedure Section 860  
3 et seq. The action is brought within thirty (30) days of  
4 filing of the Notice of Determination as required by Public  
5 Resources Code Section 21167(c), and within sixty (60) days of  
6 the adoption of Ordinance No. 121 by the COUNCIL as required by  
7 Code of Civil Procedure Sections 860 and 863 and Health and  
8 Safety Code Section 33500.

9 FIRST CAUSE OF ACTION

10 (Certification of Inadequate EIR)

11 28. IDEA incorporates into this cause of action the  
12 allegations of paragraphs 1 through 27, inclusive, of the  
13 Petition as if fully set forth herein. This cause of action is  
14 brought pursuant to Public Resources Code Section 21167 to  
15 enforce the provisions of CEQA.

16 29. The approvals of the General Plan Amendment and  
17 Redevelopment Plan by the CITY and COUNCIL constituted a  
18 prejudicial abuse of discretion and are therefore invalid, and  
19 the COUNCIL and AGENCY failed to proceed in a manner required  
20 by law in that the FEIR is not in accord with CEQA but rather  
21 is inadequate and insufficient in the following respects as  
22 specified in subparagraphs A through I.

23 A. Project Description

24 The Project Description is incomplete and inadequate  
25 because it fails to identify the party which has entered an  
26 agreement with the City to fund the redevelopment process and  
27 giving that party certain priority rights in consideration to  
28 develop the Redevelopment Area, and fails to provide

1 sufficiently detailed information regarding the activities  
2 which would be carried out at the site if this party is  
3 selected, although such information was readily ascertainable.  
4 The additional information which should have been included  
5 includes information on the education/skills and salary level  
6 of the work force and toxic chemicals or processes used  
7 typically in its operations.

8 B. Setting

9 The discussion of the setting is inaccurate and  
10 inadequate because it mischaracterizes existing site conditions  
11 by exaggerating the alleged blighted conditions.

12 C. Relocation of Existing Businesses

13 The discussion of the impacts of relocating existing  
14 businesses in the Redevelopment Area is incomplete and  
15 inadequate because it fails to detail the loss of employment  
16 which would result from forced relocation of existing  
17 businesses.

18 D. Biological Impacts

19 The discussion of biological impacts is insufficient  
20 and inadequate because it fails to discuss the adequacy of  
21 mitigation of filling of wetlands with regard to wetland  
22 values, and fails to identify adequate mitigation for the loss  
23 of endangered species refugial habitat. In addition, the  
24 discussion of biological impact is inadequate because it fails  
25 to provide sufficient information on the potential loss of  
26 special status species habitat. Further, with respect to such  
27 adverse impact, the CITY, COUNCIL, and AGENCY abused their  
28 discretion by adopting as a mitigation measure the requirement

1 for further surveys of species habitat, and unspecified future  
2 environmental review prior to development. These future  
3 surveys and study do not constitute lawful mitigation under  
4 CEQA.

5 E. Hazardous Substances

6 The FEIR fails to adequately analyze the impact of  
7 the Redevelopment Plan with respect to hazardous substances.  
8 Specifically, the FEIR's discussion of existing conditions with  
9 regard to the existence, location, and nature of hazardous  
10 material contamination is based only on incomplete and  
11 superficial investigation, and in the absence of such accurate  
12 information the FEIR presents a highly exaggerated picture of  
13 toxics contamination.

14 Because of the lack of reliable information, the  
15 discussion of potential impacts and mitigations related to  
16 hazardous substances is incomplete and inadequate. Further,  
17 with respect to the potential hazardous substances impact on  
18 construction workers and the general public, the CITY, COUNCIL,  
19 and AGENCY abused their discretion by adopting as mitigation  
20 measures the requirement that further studies be undertaken,  
21 following approval of the Redevelopment Plan, regarding  
22 potential and actual soil and groundwater contamination.

23 F. Housing

24 The EIR fails to provide adequate discussion of the  
25 impact of the Redevelopment Plan on the jobs/housing balance  
26 and the supply of housing within the City, and fails to  
27 identify the impact on housing as a significant impact of the  
28 Redevelopment Plan.



1 G. Response to Comments

2 The FEIR fails to respond adequately to comments  
3 regarding inadequacy of the Project Description, employment and  
4 toxics impacts, lack of information on impact on special status  
5 species, cumulative traffic analysis and inadequacy of the  
6 alternatives analysis.

7 H. Traffic

8 The FEIR fails to adequately analyze the traffic  
9 impacts of the Redevelopment Plan, including cumulative  
10 impacts, and fails to evaluate the impacts of implementing the  
11 Redevelopment Plan on the ability of the City to comply with  
12 the newly enacted congestion management requirements of  
13 Government Code Section 65089 et seq.

14 I. Alternatives

15 The FEIR fails to analyze an adequate range of  
16 alternatives. Specifically, it fails to include a  
17 significantly less intensive alternative, such as that proposed  
18 by IDEA, which would avoid or substantially lessen the effects  
19 of implementing the Redevelopment Plan. The FEIR also fails to  
20 identify and consider alternative sites for the proposed  
21 development contemplated by the Redevelopment Plan.

22 SECOND CAUSE OF ACTION

23 (Findings Unsupported by Substantial Evidence)

24 30. Plaintiff/Petitioner incorporates into this Cause of  
25 Action the allegations of paragraphs 1-29 of the Complaint and  
26 Petition as if fully set forth herein.

27 31. COUNCIL's approval of the Redevelopment Plan  
28 constituted a prejudicial abuse of discretion and is invalid

1 because COUNCIL failed to act on the basis of substantial  
2 evidence in the record, in that the FEIR is inadequate as  
3 alleged herein, and therefore the record does not provide  
4 substantial evidence to support the COUNCIL's and AGENCY's  
5 findings.

6 32. Further, the COUNCIL's approval of the Redevelopment  
7 Plan constituted a prejudicial abuse of discretion and is  
8 invalid because, even if the FEIR is adequate, the COUNCIL's  
9 and AGENCY'S findings are not supported by substantial evidence  
10 either in the FEIR or other information in the record.

11 THIRD CAUSE OF ACTION

12 (Inadequacy of General Plan)

13 33. IDEA incorporates into this Cause of Action the  
14 allegations of paragraphs 1-32 of the Complaint and Petition as  
15 if fully set forth herein.

16 34. Health and Safety Code Section 33300 provides that  
17 before any area is designated for redevelopment, the community  
18 must comply with provisions of Article 1 of Chapter 4 of the  
19 Community Redevelopment Law, Health and Safety Code  
20 Sections 33300 et seq.

21 35. Section 33302 of the Health and Safety Code provides  
22 that the community shall have a general plan which meets the  
23 requirements of Section 65302 of the Government Code.

24 36. Section 65302 of the Government Code provides that a  
25 General Plan shall include certain mandatory elements,  
26 including, among other things, a "housing element as provided  
27 in Section 65580 et seq."

28 ///

1           37. Section 65588 of the Government Code provides that a  
2 local government within the jurisdiction of the Association of  
3 Bay Area Governments ("ABAG") shall adopt the second revision  
4 of its housing element by no later than July 1, 1990.

5           38. The Housing Element of the CITY in effect on the date  
6 of approval of the Redevelopment Plan was adopted in  
7 December 1986.

8           39. CITY is a local government within the jurisdiction of  
9 ABAG.

10           40. As of July 1, 1990 neither the CITY's Planning  
11 Commission nor the COUNCIL had adopted the required second  
12 revision to its Housing Element. Furthermore, the CITY had not  
13 adopted the required second revision of the Housing Element by  
14 July 16, 1990, the date upon which the Redevelopment Plan was  
15 adopted.

16           41. The Proposed Project Land Use Plan would result in  
17 over 6000 additional employees in the Redevelopment Area, which  
18 would generate housing demands substantially exceeding the  
19 City's potential housing supply. The implementation of the  
20 Redevelopment Plan would thus have a substantial impact on the  
21 availability and affordability of housing for existing  
22 residents as well as the ability to meet the housing needs of  
23 new employees.

24           42. The COUNCIL's adoption of a Redevelopment Plan prior  
25 to the adoption of the mandatory revision of its Housing  
26 Element is contrary to the provisions of the Community  
27 Redevelopment Law and Section 65302 of the Government Code.

28       ///

1           43. The COUNCIL's approval of the Redevelopment Plan  
2 constituted a prejudicial abuse of discretion and is therefore  
3 invalid, and the COUNCIL failed to proceed in a manner required  
4 by law in that at the time of adoption the CITY did not have a  
5 legally valid Housing Element of the CITY's General Plan.

6                               FOURTH CAUSE OF ACTION

7           44. IDEA incorporates into this Cause of Action the  
8 allegations of paragraphs 1 through 43 of the Complaint and  
9 Petition as if fully set forth herein.

10          45. Health and Safety Code Section 33331 requires that  
11 every redevelopment plan conform to the General Plan as it  
12 applies to the Redevelopment Area.

13          46. The Redevelopment Plan does not conform with  
14 provisions of the General Plan, including the policies of  
15 encouraging development without displacement, and the policy of  
16 encouraging local entrepreneurs.

17          47. The COUNCIL's approval of the Redevelopment Plan  
18 constituted a prejudicial abuse of discretion because the  
19 finding that the Redevelopment Plan is inconsistent with the  
20 General Plan is not supported by substantial evidence in the  
21 record.

22                               FIFTH CAUSE OF ACTION

23                               (Conflict of Interest -- Government Code § 91003)

24          48. IDEA incorporates into this Cause of Action the  
25 allegations of paragraphs 1 through 47 of the Complaint and  
26 Petition as if fully set forth herein.

27          49. The Political Reform Act of 1974 (Government Code  
28 § 87100 et seq.) provides that no public official shall

1 participate in a governmental decision in which he knows or has  
2 reason to know he has a financial interest.

3 50. William Vines is Mayor of the CITY, a member of the  
4 COUNCIL, and a member of the AGENCY.

5 51. Mr. Vines owns and at all times relevant to this  
6 action has owned two adjacent pieces of real property outside  
7 the 300 foot radius from the boundaries of the Redevelopment  
8 Area but within 2500 feet of the Redevelopment Area. One of  
9 the properties is Mr. Vines' personal residence while the other  
10 is vacant and has the potential for subdivision into several  
11 parcels.

12 52. A tentative subdivision map for the vacant parcel was  
13 approved in March, 1988. In 1988, fees were paid to the East  
14 Palo Alto Sanitary District on behalf of Mr. Vines for a sewer  
15 connection permit application for four residential units. In  
16 1989, Mr. Vines paid a fee for a permit for extension of public  
17 sewers to the residential project, which the East Palo Alto  
18 Sanitary District approved in September, 1989.

19 53. On July 2, 1990, prior to the COUNCIL and AGENCY's  
20 vote to certify the FEIR and to adopt the Redevelopment Plan,  
21 attorneys for IDEA submitted a letter to the COUNCIL and AGENCY  
22 and to the Special Counsel for the AGENCY, recommending that  
23 Mr. Vines not participate in the votes on the General Plan  
24 Amendment, FEIR, or Redevelopment Plan, pending a determination  
25 by the Fair Political Practices Commission whether his  
26 participation would violate the provisions of the Political  
27 Reform Act of 1974.

28 ///

1           54. On July 2, 1990, the COUNCIL and the AGENCY adopted a  
2 concurrent resolution certifying the FEIR and making findings  
3 required by CEQA. The Resolution was adopted by a vote of  
4 3 to 2, with Mr. Vines voting in favor of adoption.

5           55. Also on July 2, 1990, the COUNCIL adopted written  
6 findings to written objections to the Redevelopment Plan, by a  
7 3 to 2 vote, with Mr. Vines voting in favor of adoption.

8           56. Further, on July 16, 1990, the COUNCIL voted to  
9 approve an Ordinance adopting the Redevelopment Plan for the  
10 Ravenswood Industrial Area, by a 3 to 2 vote, with Mr. Vines  
11 voting in favor of approval.

12           57. If Mr. Vines had not participated in these votes, the  
13 COUNCIL and AGENCY would not have certified the FEIR, would not  
14 have adopted the written findings, and the ordinance adopting  
15 the Redevelopment Plan would not have been approved by the  
16 COUNCIL.

17           58. Mr. Vines' participation was not legally required in  
18 order for the decisions described in Paragraphs 54, 55, and 56  
19 to have been made.

20           59. The financial effect on Mr. Vines' property is  
21 distinguishable from the effect on the public generally in that  
22 only a small percentage of the public generally in the City of  
23 East Palo Alto owns property which is capable of subdivision  
24 into four parcels, and only a small percentage of the public  
25 are actually engaged in the subdivision or development of such  
26 parcels.

27           60. As a result of his ownership of property as described  
28 in paragraph 51 above, and his intent and activities in

1 furtherance of subdividing and developing his property within  
2 2500 feet of the Redevelopment Area, Mr. Vines had a financial  
3 interest in decisions of the COUNCIL and AGENCY regarding the  
4 adoption of the Redevelopment Plan, including decisions to  
5 certify the FEIR for the Redevelopment Plan, in that adoption  
6 of the Redevelopment Plan would result in a reasonably  
7 foreseeable financial effect on the value of Mr. Vines'  
8 property.

9         61. Mr. Vines knew or had reason to know that he had a  
10 financial interest in the above-described governmental  
11 decisions.

12         62. Mr. Vines' participation violated Sections 87100  
13 et seq. of the Government Code, and the certification of the  
14 FEIR, General Plan Amendment, and Redevelopment Plan therefore  
15 should be set aside as void.

16         63. This court is empowered under the provisions of  
17 Section 91003 of the Government Code to enjoin the execution of  
18 any official action in relation to which a violation of  
19 Sections 87100 et seq. has occurred, pending final  
20 adjudication, and, upon final determination, to set aside any  
21 such official action as void.

22         64. The execution of certain official actions, in  
23 relation to the above-described violations, unless enjoined and  
24 restrained by order of this court, will cause great and  
25 irreparable harm to IDEA and its members in that the existence  
26 of the adopted Redevelopment Plan will interfere with IDEA  
27 members' use or disposition of their property, and the AGENCY's  
28 efforts to implement the Redevelopment Plan, including steps to

1 select developers or master developer for the Redevelopment  
2 Area, will require IDEA and its members to expend substantial  
3 funds in responding to the AGENCY which will be largely wasted  
4 if the Redevelopment Plan is found to be void.

5 65. IDEA has no adequate remedy at law for the injury  
6 threatened by the above-described violations of Sections 87100  
7 et seq. of the Government Code in that monetary damages will  
8 not be adequate to compensate IDEA and its members for this  
9 harm.

10 PRAYER

11 WHEREFORE, Plaintiff/Petitioner prays for relief against  
12 Defendants/Respondents as follows:

13 1. For peremptory writ of mandate to issue to  
14 Respondents CITY, COUNCIL, and AGENCY to set aside  
15 certification of the FEIR for the Ravenswood Industrial Area  
16 Redevelopment Plan and General Plan Amendment.

17 2. For peremptory writs of mandate to issue commanding  
18 the COUNCIL to set aside its decision to approve the  
19 Redevelopment Plan, and further directing the COUNCIL and  
20 AGENCY from taking further action to implement the  
21 Redevelopment Plan until the COUNCIL and AGENCY have complied  
22 with all requirements of CEQA.

23 3. That the court issue a writ of mandate, and/or  
24 preliminary and permanent injunctions pursuant to the  
25 provisions of Government Code Section 91003, to restrain any  
26 execution of any official action relating to the COUNCIL's and  
27 AGENCY'S certification of the FEIR and approval of the  
28 Redevelopment Plan.



1           4.    That the court issue a writ of mandate and/or  
2 preliminary and permanent injunctions pursuant to Government  
3 Code Section 91003 setting aside as void the certification of  
4 the FEIR, the adoption of the General Plan Amendment and the  
5 approval of the Redevelopment Plan.

6           5.    That Plaintiff/Petitioner be awarded costs of this  
7 proceeding.

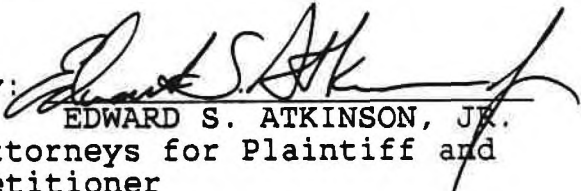
8           6.    That Plaintiff/Petitioner be awarded reasonable  
9 attorneys' fees pursuant to Code of Civil Procedure  
10 Section 1021.5 and Government Code Sections 91003 and 91012.

11          7.    That the Court direct Defendant/Respondent CITY,  
12 pursuant to Government Code Section 65754, to bring its Housing  
13 Element into compliance with Section 65588 within 120 days.

14          8.    For such other relief as the Court may deem just and  
15 proper.

16  
17 Dated:   August 16, 1990

BAKER & MCKENZIE  
TIMOTHY A. TOSTA  
EDWARD S. ATKINSON, JR.  
KERRY SHAPIRO

18  
19  
20  
21 By:   
EDWARD S. ATKINSON, JR.  
Attorneys for Plaintiff and  
22 Petitioner  
23  
24  
25  
26  
27  
28

VERIFICATION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I, H. MICHAEL SCHNEIDER, declare:

I am the President of the Industrial Development and Employment Association of East Palo Alto, Plaintiff and Petitioner in this action. I have read the foregoing complaint and petition, and verify that all the facts contained in it are true and correct of my own personal knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 16, 1990, at East Palo Alto, California.

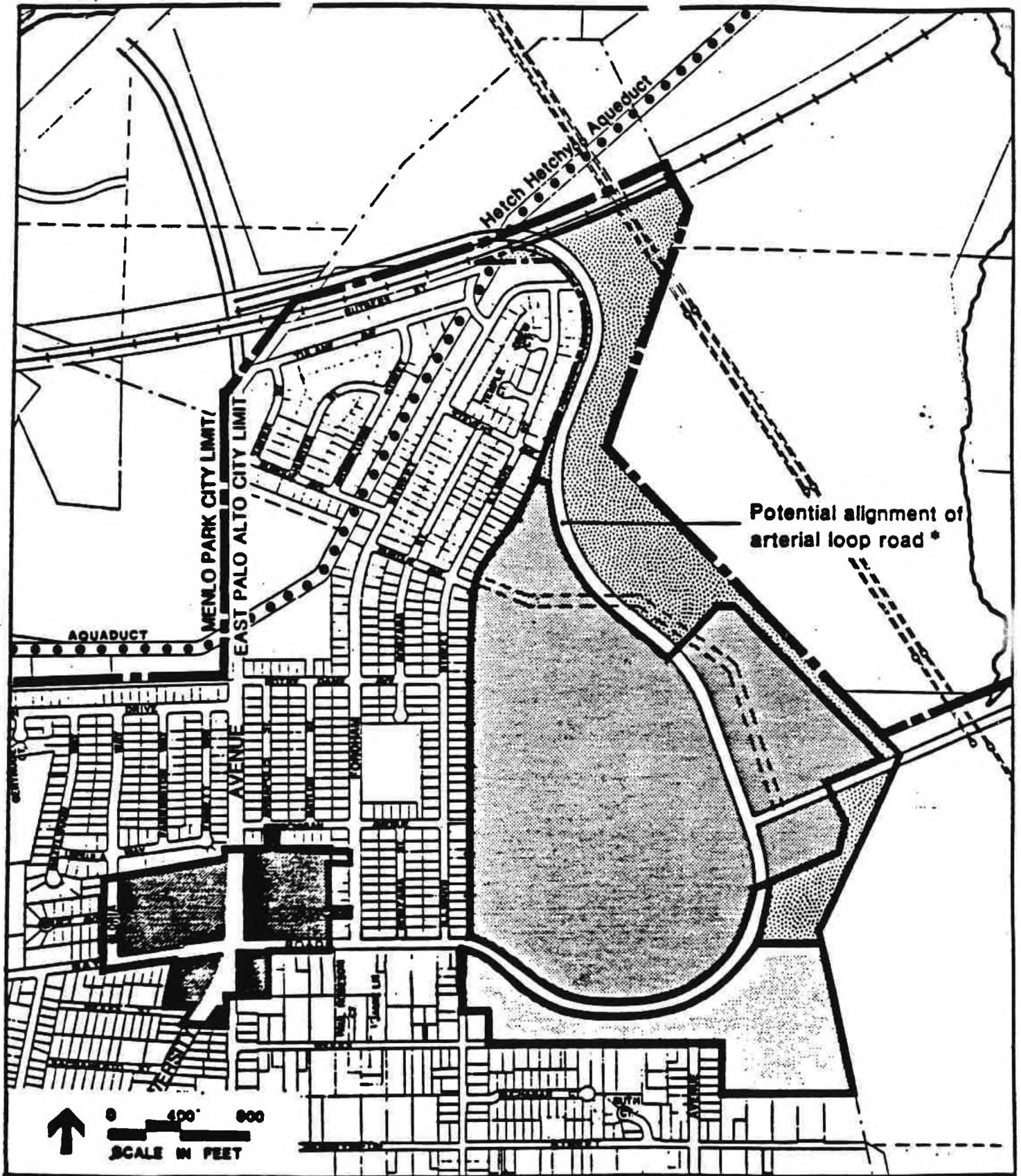



H. Michael Schneider

**EXHIBIT "A"**

**REDEVELOPMENT PLAN MAP  
Ravenswood Industrial Area Redevelopment Project**

REDEVELOPMENT PLAN MAP



-  Community Center
-  General Industrial
-  Industrial Buffer
-  Resource Management

\* Note: Actual alignment to be determined through future planning studies

MAP 2  
Ravenswood Industrial Area

Wallace Roberts & Todd

**EXHIBIT "B"**

**LEGAL DESCRIPTION OF PROJECT AREA  
Ravenswood Industrial Area Redevelopment Project**

Redevelopment Area  
Number 2  
Sept. 6, 1989  
Page 2

THENCE along the perimeter of said Lot 20 the following courses: northerly 128.89 feet more or less, easterly 100 feet, northerly 30 feet, westerly 100 feet, northerly 330 feet, easterly 100 feet, northerly 30 feet, westerly 100 feet, northerly 10 feet, westerly 320 feet, northerly 100 feet, westerly 30 feet, southerly 100 feet, and westerly 220 feet more or less along last said line of Lot 20 and its westerly prolongation to a point lying at its intersection with the westerly Right-of-Way line of University Avenue;

THENCE southerly along last said line 75 feet more or less to a point lying at its intersection with the southerly line of Block 1 as shown on the map of Flood Park Estates Amended Map filed August 4, 1955 in Book 43 of Maps at pages 11 and 12 in the office of the Recorder of San Mateo County, State of California;

THENCE southwesterly along last said line and its southwesterly prolongation 695 feet more or less to a point lying at its intersection with the westerly right-of-Way line of Gloria Way;

THENCE southerly along last said line and its southerly prolongation 520 feet more or less to a point lying at its intersection with the southerly line of Bay Road;

THENCE easterly along last said line 380 feet more or less to a point lying at its intersection with the dividing line between Lots 11 and 12, Block 1 as shown on the map of Ravenswood Villas filed February 5, 1927 in Book 15 of Maps at Pages 21 and 22 in the office of the Recorder of San Mateo County, State of California;

THENCE southerly along last said line and the dividing line between Lots 20 and 21, Block 1 as shown on said map 290 feet more or less to a point lying at its intersection with the northerly line of Weeks Street;

THENCE easterly along last said line 180 feet more or less to a point lying at its intersection with the northwesterly line of University Avenue;

THENCE southwesterly along last said line 90 feet more or less to a point lying at its intersection with the westerly prolongation of the southerly line of Lot 3, Block 4 as shown on said map of Ravenswood Villas;

THENCE easterly along last said prolongation and line 240 feet more or less to a point lying at its intersection with the westerly line of Cooley Avenue;

Redevelopment Area  
Number 2  
Sept. 6, 1989  
Page 3

THENCE northerly along last said line and its northerly prolongation 170 feet more or less to a point lying at its intersection with the westerly prolongation of the southerly line of Lots 64 and 65 as shown on the unrecorded map of the Charles Weeks Poultry Colony;

THENCE easterly along last said prolongation and line 250 feet more or less to a point lying at the southeast corner of the lands described in the deed recorded March 7, 1985 at S/N 85021132 in the official Records of San Mateo County, State of California;

THENCE northerly along the easterly line of last said lands 250 feet more or less to a point lying at its intersection with the southerly Right-of-Way line of Bay Road;

THENCE easterly along last said line 1,080 feet more or less to a point lying at its intersection with the westerly line of Clarke Avenue;

THENCE southerly along last said line 320 feet more or less to a point lying at its intersection with the westerly prolongation of the northerly line of Parcel "A" as shown on Parcel Map filed April 16, 1979 in Book 46 of Parcel Maps at Page 37 in the office of the Recorder of San Mateo County, State of California;

THENCE easterly along last said prolongation and line 180 feet more or less to a point lying at the northeast corner of said Parcel "A".

THENCE southerly along the easterly line of said Parcel A and Parcels B and C as shown on last said map and the southerly prolongation of said line 220 feet more or less to a point lying at its intersection with the southerly line of Weeks Street;

THENCE easterly along last said line 1,320 feet more or less to a point lying at the northwest corner of Parcel 1 as shown on that Parcel Map filed June 19, 1980 in Book 49 of Parcel Maps at Page 83 in the office of the Recorder of San Mateo County, State of California;

THENCE southerly along the westerly line of said Parcel and the westerly line of Parcel 3 as shown on said map 265 feet more or less to a point lying at the southwest corner of said Parcel 3;

THENCE easterly along the southerly line of said Parcel 3 and the southerly lines of Lots 16, 17, 18, and 19 as shown on the unrecorded map of the Bayview Addition to Runnymede 775 feet more or less to a point lying on aforesaid Rancho Line;

Redevelopment Area  
Number 2  
Sept. 6, 1989  
Page 4

THENCE northwesterly and northeasterly along said Rancho Line 955 feet more or less and 1,150 feet more or less returning to the POINT OF BEGINNING.

Containing 205 acres of land more or less.

Description prepared by:

Rex A. Betz, L.S. 5251  
License expires 12/31/91

Signed

Rex A. Betz

Dated

Sept 6, 1989

RAB:pms:kf





EXHIBIT C

# BAKER & MCKENZIE

ATTORNEYS AT LAW

TWO EMBARCADERO CENTER

TWENTY-FOURTH FLOOR

SAN FRANCISCO, CALIFORNIA 94111-3909

CABLE: ABOGADO · TELEX: 278588 ABOG UR

TELECOPIER: (415) 576-3099 (GROUPS II & III)

TELEPHONE: (415) 576-3000

POSTAL OR MAILING ADDRESS:

P.O. BOX 7258

SAN FRANCISCO, CALIFORNIA 94120

AMSTERDAM  
BANGKOK  
BARCELONA  
BOGOTA  
BRUSSELS  
BUDAPEST  
BUENOS AIRES  
CAIRO  
CARACAS  
CHICAGO  
DALLAS  
FRANKFURT  
GENEVA  
HONG KONG  
JUAREZ  
LONDON  
LOS ANGELES  
MADRID  
MANILA  
MELBOURNE  
MEXICO CITY

MIAMI  
MILAN  
NEW YORK  
PALO ALTO  
PARIS  
RIO DE JANEIRO  
RIYADH  
ROME  
SAN DIEGO  
SAN FRANCISCO  
SAO PAULO  
SINGAPORE  
SYDNEY  
TAIPEI  
TIJUANA  
TOKYO  
TORONTO  
VALENCIA  
WASHINGTON, D.C.  
ZURICH

August 16, 1990

City Council  
City of East Palo Alto  
2415 University Avenue  
East Palo Alto, CA 94303

Re: INDUSTRIAL DEVELOPMENT AND EMPLOYMENT ASSOCIATION OF  
EAST PALO ALTO

v.

CITY OF EAST PALO ALTO; THE CITY COUNCIL OF THE CITY  
OF EAST PALO ALTO; THE REDEVELOPMENT AGENCY OF THE  
CITY OF EAST PALO ALTO, and DOES 1-9; and all persons  
interested in the Matter of the Ravenswood Industrial  
Area Redevelopment Plan.

Dear City Council:

Please take notice that the INDUSTRIAL DEVELOPMENT AND  
EMPLOYMENT ASSOCIATION OF EAST PALO ALTO intends to commence an  
action against CITY OF EAST PALO ALTO; THE CITY COUNCIL OF THE  
CITY OF EAST PALO ALTO; THE REDEVELOPMENT AGENCY OF THE CITY OF  
EAST PALO ALTO, and DOES 1-9, pursuant to Public Resources Code  
Section 21000 et seq., challenging the certification of the  
Final Environmental Impact Report for the Ravenswood Industrial

**BAKER & MCKENZIE**  
City Council  
August 16, 1990  
Page 2

Area Redevelopment Plan and General Plan Amendment, the approval of the Redevelopment Plan as set forth in Ordinance No. 121, and the Amendment to the East Palo Alto General Plan.

This notice is provided pursuant to Public Resources Code Section 21167.5.

Very truly yours,



Edward S. Atkinson, Jr.  
Attorneys for Petitioners  
and Plaintiffs

cc: City Clerk  
Redevelopment Agency  
Harold S. Toppel, Esq.  
Steven H. Goldfarb, Esq.

CERTIFICATE OF SERVICE

I, John Paul Turnage, am employed in the City and County of San Francisco, California. I am over the age of 18 years and not a party to the within action. My business address is Two Embarcadero Center, Suite 2400, San Francisco, CA 94111.

On August 16, 1990, I served the attached:

LETTER OF NOTICE OF INTENT TO COMMENCE AN ACTION

on the parties in this action by placing a true and correct copy thereof in a sealed envelope, addressed as follows:

City of East Palo Alto  
2415 University Avenue  
East Palo Alto, CA 94303

City Council of East Palo Alto  
2415 University Avenue  
East Palo Alto, CA 94303

Redevelopment Agency of East Palo Alto  
2415 University Avenue  
East Palo Alto, CA 94303

and by depositing each such sealed envelope, with postage thereon fully prepaid for first-class mail, in a United States Postal Service collection box.

I also caused each such envelope to be delivered by hand to the addressee(s) noted above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
Executed in San Francisco, California

  
John Paul Turnage