



Rockridge

RCPC ROCKRIDGE COMMUNITY PLANNING COUNCIL

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August 16, 2011

Delivery by electronic mail to pvollman@oaklandnet.com

Mr. Peterson Z. Vollman, Planner III
City of Oakland
Community and Economic Development Agency
Planning Division
250 Frank Ogawa Plaza, Suite 2114
Oakland, CA 94612

RE: College Avenue Safeway Shopping Center Draft Environmental Impact Report, SCH
#2009112008; 2009102100

Dear Mr. Vollman:

Thank you for the opportunity to submit comments on the above-referenced Draft Environmental Impact Report (“DEIR”). The Rockridge Community Planning Council (“RCPC”) is the official community organization of the Rockridge section of North Oakland, which includes the site of the above-referenced proposed project. RCPC has major concerns about the DEIR and its adequacy.

The DEIR appears to have understated or omitted numerous significant environmental impacts. In addition, the DEIR fails to identify feasible mitigation measures or sufficiently analyze project alternatives and has improperly identified some analyzed alternatives as unacceptable for failing to meet project objectives when the project objectives were improperly defined as the project *applicant’s* objectives. The remainder of this letter will provide substantiation for RCPC’s objections to the DEIR. In addition, RCPC has commissioned two professional analyses of specific sections of the DEIR. One letter, from Prof. Kevan Shafizadeh and dealing with traffic, parking and related impacts, is being submitted separately. The other, addressing air, water, and toxics issues, is attached hereto as Exhibit A. The letters, and the comments contained therein, are incorporated into this comment letter by this reference as if fully set forth herein.

LAND USE

While the Notice of Preparation (“NOP”) for the EIR failed to identify land use as an area meriting analysis and discussion, the EIR preparers wisely decided that the degree of public controversy on that issue required its inclusion in the DEIR. Unfortunately, however, the DEIR’s discussion of land use impacts is painfully deficient and lacks substantial evidence to support its conclusions.

To begin with, the DEIR incorrectly asserts that inconsistency with goals and policies in the general plan, and with zoning requirements for the project site, do not constitute significant impacts because neither the general plan goals and policies nor the zoning were put in place to be protective of the environment. However, as already explained in RCPC’s scoping comments, the relevant general plan goals and policies and zoning requirements were indeed designed and adopted in order to protect the environment of the areas involved, and specifically to avoid creating significant environmental impacts through the approval of projects (such as this one) that are inconsistent with the goals, policies, and zoning requirements. In particular, both the “maintain and enhance” designation in the general plan’s land use and transportation element

(“LUTE”) and the limitations and restrictions contained in the C-31 zoning, and most specifically the requirement for factual findings in order to grant a conditional use permit (“CUP”) for a project, were put in place in recognition of the limited available infrastructure to support additional development in this area. The wisdom of these limitations is demonstrated by the DEIR’s disclosure that the Safeway project, if approved as proposed, would create numerous significant and unavoidable traffic impacts.¹

College Avenue itself, despite being designated as an “arterial,” is a two-lane street that is already highly congested, particularly at peak travel hours. There is also limited on-street parking in the area, and the current Safeway surface parking lot is the only significant off-street parking anywhere in the project vicinity.² While this parking is potentially available for retail customers beyond Safeway, Safeway has discouraged such use, to the point of ticketing drivers who park there and then go across the street to other shops. In short, both parking and traffic are limiting factors for auto-oriented development on College Avenue, which is part of why the C-31 zoning emphasizes “pedestrian-oriented comparison shopping.”³ This project will exacerbate both the parking and traffic problems for College Avenue, which, in turn, will discourage potential customers from patronizing the area and potentially lead to negative economic and physical impacts from the failure of other shops on College Avenue and associated physical blight and urban decay. The EIR should have, but failed to discuss these impacts.

The Safeway Shopping Center, while paying lip-service to pedestrian and bicycle use, is quite plainly a large, primarily auto-oriented development project. The expansion from a 22,042 sq. ft. store⁴ to an over 62,000 sq.ft. shopping center is blatantly inconsistent with the “maintain and enhance” designation for the project site and its surrounding area. There are also serious questions about how a 51,510 sq. ft. second-floor grocery store, with an additional 10,657 sq. ft. of retail space, can be approved, given the required findings for issuance of a CUP for the Project, including specifically that the project “will not detract from the character desired for the area;” “will not weaken the concentration and continuity of retail facilities at ground level;” “will not impair the retention or creation of an important shopping frontage;” and “will not interfere with the movement of people along an important pedestrian street.” The EIR needs to specifically address each of the required C-31 CUP findings and discuss whether the factual basis exists for making those findings in light of the parking and traffic deficiencies and pedestrian obstacles that the Project will create.

¹ As will be explained further below, the impacts disclosed in the DEIR still greatly understate the impacts that the project, as proposed, is likely to create.

² The Red Cross Building and the MIEC building across Claremont Avenue from the project site both have off-street parking, as does the Dreyers Building further south on College Avenue, but this parking is primarily for employees, not retail customers.

³ Similarly, the LUTE designates the area as “Neighborhood Center Mixed Use”, which it describes as containing, “smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, open space, ... etc.” Its intent is to “serve nearby neighborhoods...” By contrast, at more than 62,000 sq. ft., this is by far the largest project in the C-31 zone and, according to the DEIR’s greenhouse gas impacts analysis, serves customers who, on average, drive 2.7 miles to reach the store. (DEIR at p.4.5-53.) This takes it well beyond the limits of the local Rockridge-Elmwood-Temescal neighborhoods.

⁴ This store itself is only allowed because its approval antedated the establishment of C-31 zoning for the area, making it a legal nonconforming use.

TRANSPORTATION AND TRAFFIC

RCPC commissioned a detailed professional analysis of the traffic and parking section of the DEIR. As mentioned, that report is being submitted separately. The report identifies numerous flaws and deficiencies in the DEIR's analysis. Overall, the report concludes that the DEIR grossly underestimates the Project's traffic and parking impacts. Among other things, the report identifies inconsistencies in the modeling of project traffic, as well as inaccuracies and unwarranted assumptions in analyzing traffic generation and resulting impacts. The report also identifies impact areas which should have been studied in the DEIR, but were ignored or dismissed as insignificant without adequate supporting evidence. These include pedestrian and bicycle safety impacts, primary and secondary impacts involving residential side-streets and their intersections due to "cut-through" traffic associated with the degradation of the LOS for College and Alcatraz Avenues, inadequate consideration of cumulative traffic impacts, and secondary impacts caused by a cumulatively significant parking deficit.

The DEIR also fails to identify secondary impacts associated with the relocation of the northbound AC Transit 51B stop to College Avenue adjacent to the Project. Especially during the congested PM peak travel hours, this placement of the AC Transit stop, which will involve stopping in and disrupting a northbound travel lane of traffic, is likely to result in following cars being stopped in and blocking the key Claremont/College intersection. This will degrade the level of service for that intersection beyond the already significant level of impact disclosed in the DEIR.

It is also disturbing that, according to an e-mail from Jason Patton, Oakland's Bicycle and Pedestrian Program Manager, a copy of which was sent to you, "My involvement in the environmental review of this project has been minor." This perhaps explains, but does not excuse, the DEIR's inaccurate information on the status of Oakland's bicycle projects. It also raises questions about the degree to which there has been consultation, as called for under Public Resources Code §§21092.4 and 21153. The EIR needs to identify all contacts with other agencies, including agencies within the City of Oakland, for the purpose of consulting on the Project and its potential environmental effects.

TOXICS

Despite the fact that the project site includes a site that has been occupied until very recently by an automobile service station, and that substantial past uses of other portions of the Project site also involve automotive repair and other uses involving toxic materials, as well as the likely presence in the soil of lead paint residues from the demolition of prior buildings on the site, the DEIR contains absolutely no discussion or analysis of toxic materials impacts. As the attached report indicates, there are potentially significant impacts associated with all of the above circumstances. These impacts should have been analyzed and discussed and, if found significant, appropriate mitigation should have been proposed. Instead, however, the DEIR is silent, failing to perform its function of serving as an "environmental alarm bell" for the public. The DEIR needs to be revised to consider and address the toxics issues and then recirculated to allow public comment on the adequacy of the analysis and of proposed mitigation measures.

AIR AND WATER QUALITY AND GREENHOUSE GAS EMISSIONS

Two other areas where the DEIR is sadly deficient are air and water quality. The DEIR does include sections purporting to discuss air quality and greenhouse gas emissions, finding both insignificant. However, there is absolutely no discussion of water quality impacts. For all three

of these topics, the DEIR's consideration (or lack thereof) is flawed by a failure to identify the true extent of the Project.

The entire DEIR is premised on the assumption that the Project consists of the demolition and replacement of a single Safeway store located at the corner of College and Claremont Avenues. (DEIR at pp. 3-1 to 3-26.) However, this "project" is not occurring in isolation. As has been noted by numerous scoping comments, Safeway is also renovating and enlarging another of its stores as part of a much larger demolition and redevelopment project for the Rockridge Shopping Center, roughly a mile away just beyond the southern end of College Avenue at the Broadway/Peasant Valley intersection. (See attached Exhibit B.) In addition to that, Safeway has just received approval for another store expansion project on Henry Street in North Berkeley (See attached Exhibit C) and has submitted an application for another store replacement and expansion project on Solano Avenue in Albany. (See attached Exhibit D.) Even this, however, understates the size of Safeway's overall expansion project in the Bay Area.

As acknowledged by Safeway (see Contra Costa Times article attached to Exhibit A), Safeway has proposed and submitted applications for a total of thirteen new or expanded stores or shopping centers in the Bay Area, with a total square footage in excess of 500,000 sq. ft. of developed space. The EIR needs to address the cumulative air, water, and greenhouse gas impacts of the totality of this "mega-project", all of which is being proposed by a single corporation as part of an acknowledged corporate strategy. As the California Supreme Court stated most recently in *Environmental Protections & Information Center v. California Dept. of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 503, "The requirements of CEQA cannot be avoided by piecemeal review which results from chopping a large project into many little ones – each with a minimal potential impact on the environment – which cumulatively may have disastrous consequences."

The entire East Bay area drains, either directly or indirectly, to the San Francisco Bay. Similarly, the entire East Bay is contained in a single air quality basin, which is currently in non-attainment for air pollutants. Obviously also, all of the greenhouse gas emissions of these projects will have a cumulative effect on greenhouse gas levels and global warming. A project in excess of 500,000 sq.ft. is far in excess of the thresholds for considering air and water quality and greenhouse gas emission impacts as potentially significant and providing detailed analysis and, if necessary, mitigation, for the cumulative impacts. By narrowing its analysis to the single Oakland College Avenue store, the DEIR failed to confront these important issues. The EIR needs to be revised to analyze and discuss the overall cumulative impacts of the Safeway "mega-project," and, if found significant, appropriate mitigation measures should be proposed.

PROJECT ALTERNATIVES

While RCPC recognizes the need to update Safeway's College Avenue store, and acknowledges that a somewhat larger store might better serve the surrounding neighborhoods, the proposed Safeway Shopping Center Project goes far beyond what is necessary to adequately serve the community. Given the infrastructure limitations of the College Avenue area, and the significant impacts that come from attempting to ignore those limitations, it is incumbent on the City to fully investigate project alternatives that might avoid some or all of the proposed project's significant impacts. The DEIR does indeed examine a number of smaller-scale alternatives that

would avoid some or all of the Project's identified significant impact.⁵ However, the DEIR states that all of these alternatives fail to meet, "several of the primary project objectives." (DEIR at p. 5-63.) These project objectives, however, were identified, not by the City, but by Safeway itself. While Safeway is certainly entitled to identify what it considers to be its objectives for the project, those objectives need not, and in some cases should not, be identical to those of the City.

For example, Safeway identifies as a primary objective offering a more comprehensive range of commercial services and products to Safeway's customers, including an on-site bakery, pharmacy, florist, deli, meat and seafood markets, and produce market. However review of the available merchants in the area indicates that each one of these services already exists within a one block radius of the current Safeway store. From the community's perspective, it matters little whether these services are located within or outside of the Safeway project. Indeed, from the standpoint of promoting an independent local economy where consumer dollars are more effectively kept within the community, the current situation, where these services are provided outside of Safeway by local independent businesses, may be preferable to having them provided by a single outside business entity, whose failure could potentially eliminate a host of community services in a single blow. Consequently, the project objectives should be rewritten to address the City's and the community's needs rather than those of Safeway. Those revised objectives, rather than the objectives identified by Safeway, should be used to evaluate the effectiveness of project alternatives.

CONCLUSION

RCPC is disturbed by the extent to which the DEIR fails to adequately disclose this Project's many significant impacts, fails to propose adequate mitigation for those impacts, and fails to provide an adequate analysis of project alternatives. Based on these failures, RCPC recommends that the EIR be rewritten to address the deficiencies and then recirculated for another round of public comments.

While RCPC recognizes that this will delay somewhat Safeway's schedule for replacing the current store, RCPC would remind the City that the new store may, in all likelihood, be around for another fifty years. Given that potential longevity, RCPC believes it is important that this project be "done right" and in a way that conforms to the general plan and zoning and meets the true needs of the community. Please keep RCPC informed about the future progress of the environmental review of this project.

Sincerely,



Stuart M. Flashman
Chair, RCPC Board of Directors

⁵ As noted in this letter, the DEIR currently seriously understates the Project's significant impacts. If those impacts are accurately revealed, the contrast with the more modest project alternatives will become all the more striking.

Exhibit A



Technical Consultation, Data Analysis and
Litigation Support for the Environment

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August 15, 2011

Stuart Flashman
Law Offices of Stuart Flashman
5626 Ocean View Drive
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**Subject: Comments on the Safeway Shopping Center – College and Claremont Avenues
Draft Environmental Impact Report**

Dear Mr. Flashman:

I have reviewed the July 1, 2011 Draft Environmental Impact Report (DEIR) for the College Avenue Safeway Project (“Project”) for issues associated with hazardous substances. The Project will be constructed on a triangular 2.1-acre site (Site) at the north corner of the intersection of College and Claremont Avenues in Oakland, California. The Project would involve demolition of an existing 25,000 square foot Safeway store, parking lot, and gas station, and the construction of a 51,500 square foot, two-story building with ground-floor retail and restaurant and a second floor Safeway store, and partially below-grade covered parking. Construction would occur over a period of approximately 13 months beginning in 2012.

I have identified a number of areas where the October 2009 Initial Study and the DEIR fail to adequately disclose contaminants in the subsurface and fails to address potential contaminants through remediation and mitigation measures. Additionally, the DEIR does not discuss the regulatory status of the Site and the need to conduct additional investigations to obtain closure. Finally, the DEIR does not consider potential cumulative impacts on air and water resources from this and other Safeway projects that are planned in the Bay Area.

Regulatory Status is not Disclosed

The Initial Study found the project to result in less than significant impacts (with development standards) for hazards and hazardous materials (p. 42). Therefore, the DEIR did not include any description of the potential for soil or groundwater contaminants to be associated with former land uses at the project site. The DEIR only states, with respect to hazardous substances

The southern corner of the site is occupied by the former Union 76 gasoline station and auto repair garage. It now consists of a vacant shop with about 1,120 square feet, a covered service area, and a canopy over the gasoline pump areas. The gas station site is paved and contains several underground gasoline storage tanks. It is currently surrounded by a security fence and is inaccessible from the adjacent streets. (p. 3-5).

The Union 76 gas station was in operation at the site from prior to 1956 to sometime prior to March 2011. Environmental investigations of the former gas station have documented releases of gasoline to soil and groundwater. The Initial Study failed to mention releases of gasoline to soil and groundwater, stating only:

There were two 12,000-gallon unleaded gasoline USTs [underground storage tanks] that were removed in March 1997. Approximately 516 tons of soil was excavated as part of the UST removal. Three groundwater monitoring wells were installed at the site and were sampled quarterly from August 2000 to March 2007 (p. 42).

Results of the groundwater sampling were not included in the Initial Study. Sampling results, documented below, have shown releases of gasoline and other hydrocarbons to soil and groundwater at the Site. Groundwater under the Site remains contaminated with gasoline-related compounds, as documented below. The DEIR similarly fails to document releases to soil and groundwater.

The Initial Study and the DEIR also failed to mention that the former gas station is under active investigation by the Alameda County Department of Environmental Health and the regulatory status of the site is “open,” meaning that investigations of soil and groundwater contamination are incomplete. According to the California Regional Water Quality Control Board website, the site needs further source control and that additional sources are to be evaluated.¹ Additionally, the website states that “groundwater has already been impacted” and that residual contamination remains in groundwater. Review of files available online show that contaminants include the gasoline additive methyl tert butyl ether (MTBE) and gasoline, referred to as total petroleum hydrocarbons (gasoline) or TPH-g.

Failure to describe the open regulatory status of the site is inadequate disclosure under CEQA. A revised DEIR needs to be prepared to state that the site needs to undergo further regulatory review. Any measures necessary to obtain regulatory closure should also be documented in a revised DEIR.

¹ http://geotracker.swrcb.ca.gov/profile_report.asp?global_id=T0600102231

Potential Hazards Posed by Residual Contaminants have not been Addressed

Disclosure and any necessary mitigation of soil and groundwater contamination that is known to exist at the site are necessary to ensure protection of workers during construction of the project. Workers involved in soil excavation and grading activities, including excavation for subterranean parking, may be exposed to dusts and vapors that could contain contaminants at concentrations that would pose health risks. No discussion of potential construction worker exposure to contaminants in soil, dust, groundwater or through vapors is provided in the DEIR.

Releases of contaminants to soil and shallow groundwater at the Site have been documented.

A release of gasoline from the USTs at the Site occurred prior to 1997 when TPH-g was detected in water in the UST excavation pit at 6,100 ug/L. A release of gasoline from fuel dispensers or associated piping also occurred before 1997 when petroleum hydrocarbons and MTBE were detected beneath the western-most dispenser island.²

Two 12,000 gallon USTs were removed in March 1997, along with a 280-gallon waste oil tank. In March 1997, 516 tons of soil were removed and disposed offsite. In July 2000, 2.5 yards of soil were removed and disposed offsite. From August 2000 to September 2005, approximately 400 gallons of contaminated groundwater was treated and disposed offsite. Following groundwater treatment, TPH-gas remained in groundwater at a concentration of 200-300 ug/L and MTBE remained in groundwater at a concentration of 19 ug/L.³

In 2011, two USTs were removed from the Site, USTs that were installed in 1997 to replace those removed at that time. Two hydraulic hoists were also removed. No TPHg, TPHo or BTEX compounds were detected in soil samples collected in the area of the USTs following removal. One TPHd sample detected 1.3 mg/kg in soil. TPHd, TPHo, and hydraulic oil were detected in soil samples collected in the area of the hydraulic hoist removal, at concentrations below ESLs. No groundwater samples were collected in the area of the UST removal or the hoist removal.

In summary, releases from the USTs and the gas pumps or pipes were documented in 1997. Despite soil removal and groundwater treatment, residual contamination of TPH-g and MTBE was documented in groundwater in 2005. Sampling conducted in 2011 did not include the collection of on-Site groundwater samples; therefore, groundwater contamination may still be present beneath the site.

The most recent groundwater sampling, conducted at the Site in March 2010, detected contaminants in excess of health-protective screening levels. TPHg was detected at a maximum concentration of 320 ug/L, an increase from a maximum concentration of 62 ug/L in the same

² Need to ref: Site Concept Model

³ Need to ref: Case Closure 2005

well (MW-1) during the previous sampling event in September 2009.⁴ The detected concentration of TPHg (320 ug/L) exceeds the Bay Area Regional Water Quality Control Board screening level of 100 ug/L for groundwater.⁵

MTBE was detected at a maximum concentration of 11 ug/L in MW-1 during March 2010.⁶ The MTBE concentration of 11 ug/L exceeds the Bay Area Regional Water Quality Control Board groundwater screening level of 5 ug/L.

The releases, the attempt at groundwater treatment, and the existing groundwater contamination and were not disclosed in the Initial Study or the DEIR. A revised DEIR needs to be prepared to disclose the releases and the existing groundwater contamination. Any mitigation measures necessary to protect construction workers from exposure to groundwater (through dermal contact) or through inhalation of vapors needs to be included in the revised DEIR.

Not all Sources are Confirmed to have been Removed

A 2008 report documents USTs for which no removal records were found in searches on online records available at the California Regional Water Quality Control Board website. The 2008 report references a Union Oil Company of California drawing from 1962 that showed two 4,000 gallon and one 5,000 gallon USTs to be located in the southern corner of the site at that time.⁷

A 2009 report was conducted to investigate the presence of the USTs concluded that the USTs were “no longer present at the site, and that contamination beneath the former USTs is minimal.”⁸ The report relied upon the advancement of two soil borings in the general vicinity of the USTs in the southwestern area of the Site. No geophysical studies, typical in the investigation of suspected USTs, were conducted. No records of UST removal were included in the report.

In my opinion, the conclusion made in the 2010 report, that the USTs are no longer present at the Site, is poorly substantiated. To more conclusively determine the presence or absence of USTs at the Site, a geophysical investigation needs to be conducted using common techniques such as ground penetrating radar and electromagnetic induction. Use of these geophysical techniques, and others, is recommended in the Draft 2010, California State Water Resources Control Board Leaking Underground Fuel Tank Guidance Manual, which states:

⁴ http://geotracker.swrcb.ca.gov/esi/uploads/geo_report/3772958338/T0600102231.PDF

⁵ http://www.swrcb.ca.gov/sanfranciscobay/water_issues/available_documents/ESL_May_2008.pdf, groundwater deep or shallow soil sources, current or potential source of drinking water, Tables B and C.

⁶ http://geotracker.swrcb.ca.gov/esi/uploads/geo_report/3772958338/T0600102231.PDF

⁷ Site Conceptual Model

⁸ Additional Investigation Report and Request for Case Closure, report attached to a November 25, 2009 letter to the RWQCB http://geotracker.swrcb.ca.gov/esi/uploads/geo_report/2143960535/T0600102231.PDF

Surface geophysical surveys are generally conducted to better understand the location of USTs and associated piping at LUFT [leaking underground fuel tank] sites ...⁹

Finally, the absence of the USTs in the southern area of the site has not been confirmed by the Alameda County Department of Environmental Health. No regulatory determination of the presence or the absence of the USTs has been made to date.

USTs that may still be present at the Site would pose potential risks to construction workers involved in site grading and excavation. A geophysical study of the area, along with any necessary soil borings and soil sampling, needs to be conducted to conclusively determine if the USTs are present. The results of the study need to be included in a revised DEIR along with mitigation measures that would be necessary to protect construction worker safety.

A Vapor Intrusion Investigation needs to be Conducted

The potential for contaminants to move from groundwater into soil vapor, and in turn to indoor air, through a process commonly known as vapor intrusion, should be assessed prior to certification of an EIR. A vapor intrusion investigation has not been conducted to date.

Components of gasoline, which is known to have been released at the site, may pose a risk to workers in the new building. Of these, benzene is most toxic and may pose a health risk at low concentrations. Whereas benzene was not detected in groundwater during the most recent sampling event (March 2010), benzene may be present in soil vapor which has not been sampled at the Site.

In accordance with draft 2010 California guidance¹⁰, an investigation should be conducted at the Site, to include the collection of paired groundwater and soil vapor samples (at various depths) to assess the potential for vapor intrusion. The results of the study, along with an analysis of potential health risks, should be included in a revised DEIR.

Other Potential Toxics Sources on the Project Site

Review of a 1951 Sanborn map of the project site area (copy attached) indicates that additional potential sources of toxics, including several auto service departments and a spray painting service, were present on the project site. All of these uses antedate any effective tracking or regulation of toxic substances. Nor would there have been testing for toxics at the time the current Safeway store and its parking lot were constructed. Consequently, there is a significant risk that the proposed demolition and construction activities will unearth and potentially mobilize significant additional unidentified toxics, including petroleum products, heavy metals (from paint residues) and asbestos (from brake linings). The EIR needs to evaluate the risks involved and propose appropriate mitigation (e.g., testing of soil residues of potentially affected

⁹ http://www.swrcb.ca.gov/ust/luft_manual/guidance_manual_v2.pdf

¹⁰ http://www.dtsc.ca.gov/SiteCleanup/upload/SAG_Review_Drft.pdf

sites during demolition and excavation and appropriate treatment/containment/disposal of toxics to prevent their mobilization). The revised analysis should then be recirculated for public comment.

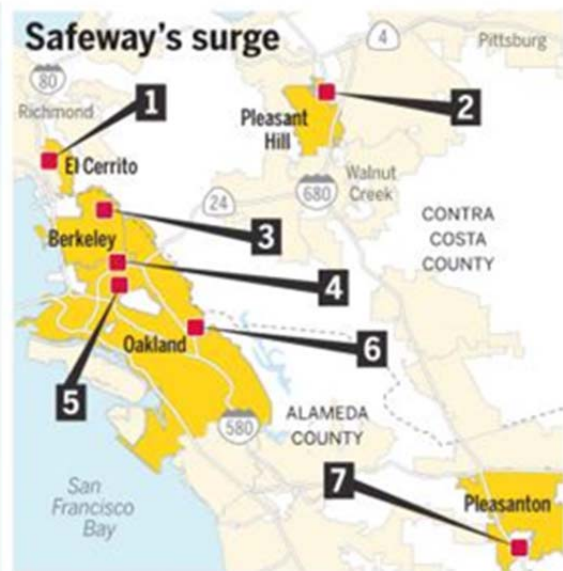
Cumulative Air and Water Quality Impacts have not been Identified

A recent newspaper article documents the following planned new and remodeled Safeway stores in the Bay Area.¹¹ The series of projects will create 13 new or revamped Safeway stores in the Bay Area, including those in the figure from the article below. In addition to the two Rockridge Safeway projects, another Safeway project on Redwood Road in Oakland, and projects in nearby Berkeley and Albany, the article specifically identifies projects in:

- Campbell
- Mountain View
- Los Gatos
- Burlingame
- Millbrae
- Pleasanton
- Daly City
- Pleasant Hill
- El Cerrito

Several of these projects, and specifically the Rockridge Shopping Center and Pleasanton projects, are even larger than the square footage identified in the article, as they include not only a new or enlarged Safeway store, but expansion of an entire shopping center through Safeway's Property Development Centers division.

¹¹ Safeway undertakes largest store replacement, revamp and new construction in Bay Area in years, Contra Costa Times, August 4, 2011 http://www.contracostatimes.com/ci_18610200?IADID=Search-www.contracostatimes.com-www.contracostatimes.com, attached



1. 11450 San Pablo Ave., **El Cerrito** — Safeway moved into a former Target store that is being completely remodeled.
2. 707 Contra Costa Blvd., **Pleasant Hill** — Safeway is moving into a former Mervyn's next to Sunvalley mall.
3. 1425 Henry St., **Berkeley** — A 29,000-square-foot Safeway will be expanded to 48,000 square feet.
4. College and Claremont avenues, **Oakland** — A 24,000-square-foot Safeway will be replaced by a 51,000-square-foot Safeway store. Eight small shops will be added.
5. 51st St. and Broadway, **Oakland** — A new Safeway will anchor a completely remodeled shopping center.
6. 4100 Redwood Road, **Oakland** — A 19,000-square-foot Safeway will be replaced by a 45,000-square-foot store.
7. Bernal Road near I-680, **Pleasanton** — Safeway is building a new store that will be part of a large shopping center.

BAY AREA NEWS GROUP

Assuming a 50/50 mix of new and revamped stores and, assuming an average project size of 25,000 square feet, the 13 stores represent, as a very conservative estimate, 325,000 square feet of new construction. When compared to Bay Area Air Quality Management District (BAAQMD) project screening size thresholds, the aggregate of these stores represents potentially significant cumulative air emissions of criteria air pollutants and greenhouse gas emissions. The BAAQMD CEQA guidance states that supermarket projects in excess of 42,000 square feet may emit criteria air pollutants (NOx) in excess of thresholds.¹² The BAAQMD also states that supermarket projects in excess of 8,000 square feet will emit greenhouse gasses in excess of the threshold. Finally, construction emissions for supermarket projects will exceed criteria pollutant thresholds (ROG) if greater than 277,000 square feet in size.

¹²<http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines%20May%202011.ashx>, Table 3-1

The project size we have estimated for the Safeway Bay Area initiative greatly exceeds the thresholds for operational emissions of criteria air pollutants and greenhouse gasses and somewhat exceeds the construction emissions threshold. A revised DEIR should be prepared to consider the cumulative impact of the Safeway project's air emissions and should identify any necessary mitigation measures identified in the BAAQMD CEQA guidance.

In addition to cumulative air quality impacts, the sum total of these Safeway projects may also result in cumulative water quality impacts. All of these projects are in watersheds that feed into San Francisco Bay. Consequently, given the total amount of construction, and the potential for additional pollution load (including pollutants contributed through project-associated vehicle trips), the EIR should have also have considered the cumulative water quality impacts on the Bay. Again, the EIR should be revised to consider and discuss the cumulative water quality impact and, if found significant, appropriate mitigation should be proposed.¹³

Sincerely,



Matt Hagemann, P.G., C.Hg.

¹³ Since the impact is cumulative, mitigation should be identified for this project's "fair share" contribution to the cumulative impact.

Safeway undertakes largest store replacement, revamp and new construction in Bay Area in years

By George Avalos
Contra Costa Times

Posted: 08/04/2011 06:32:06 AM PDT

Updated: 08/04/2011 12:02:08 PM PDT

Safeway is embarking on its most far-ranging effort in years to replace or rebuild aging or smaller stores, the Pleasanton-based retailer said Tuesday.

The series of projects will create 13 new or revamped Safeway stores in the Bay Area, where the retailer has 158 stores. Safeway's push comes amid the backdrop of an invasion by smaller rivals competing for shoppers' dollars in a region Safeway has long dominated.

"The economy has turned, and that has opened up more opportunities in urban areas," said Karl Schroeder, president of Safeway's Northern California Division. "Previously, a lot of the new stores were on the fringes of the division."

Schroeder added that this is the largest store replacement and reconstruction effort "in years."

Fresh & Easy, Whole Foods, Sprouts Farmers Market, Sunflower Farmers Market and Foods Co. have either disclosed or launched new grocery stores in the Bay Area lately.

"Our experience with our new East Bay and Bay Area locations is we have had very favorable customer reaction so far," said Brendan Wonnacott, a spokesman for Fresh & Easy. "Customers are looking for more fresh food options."

"The competition is getting more fierce," said Patricia Edwards, chief investment officer with Seattle-based Trutina Financial. "You have a lot of new players coming into the market, and some existing players ramping up their food offerings."

Target is adding grocery units in more of its

stores, Walgreens is adding a small food section in its drugstores, and Wal-Mart has been adding grocery operations in its outlets.

Safeway is also jumping into attractive locations that once were occupied by other retailers. In Campbell, Safeway just opened a store in a former Mervyn's; in Mountain View, the grocery giant has struck a deal to occupy a former Sears store at San Antonio Plaza.

A number of the projects will replace stores that have existed for decades.

"One of the big things with retail is you have to constantly refresh or go stale," Edwards said.

In Los Gatos, Safeway plans to replace an existing store. In Burlingame, Safeway has nearly completed construction of a big store that completely supplants a tiny, older store. In Millbrae, the grocery chain is planning to tear down and reconstruct an existing small store.

In some instances, a realty unit of Safeway, Property Development Centers, is building or reconstructing a shopping center that would have the supermarket as one of its primary tenants.

That's the case in Pleasanton, where Property Development is building a 58,000-square-foot Safeway that will anchor a mall that's also under construction.

In Oakland's Rockridge district, a large new Safeway



will be built at 51st and Broadway, and the surrounding shopping center will be completely remodeled.

Safeway may have little choice but to launch these upgrades and new stores.

"Safeway is being attacked on all sides because everyone thinks they can do grocery stores," Edwards said. "Safeway has to prove they can do it better than these up-and-comers."

Contact George Avalos at 925-977-8477.
Follow him at twitter.com/george_avalos.

Safeway expansion

Safeway is pushing ahead with new and revamped stores at several South Bay and Peninsula locations.

Mountain View: A new 65,000-square-foot Safeway store will be built on the site of an old Sears department store as part of a complete remodel of the San Antonio shopping center near the corner of San Antonio Road and El Camino Real.

Burlingame: A 52,000-square-foot Safeway will open in October replacing an existing small store at El Camino Real and Howard Avenue.

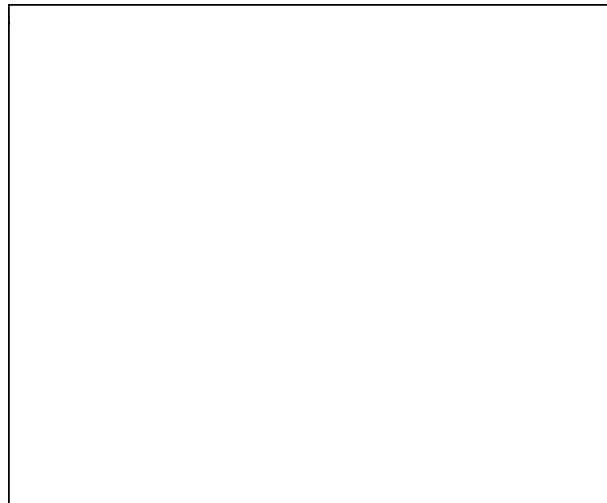
Los Gatos: A replacement of the existing store is nearly complete, and a 43,000-square-foot Safeway is due to open at 470 N. Santa Cruz Ave. on Aug. 25. The existing store is 24,000 square feet.

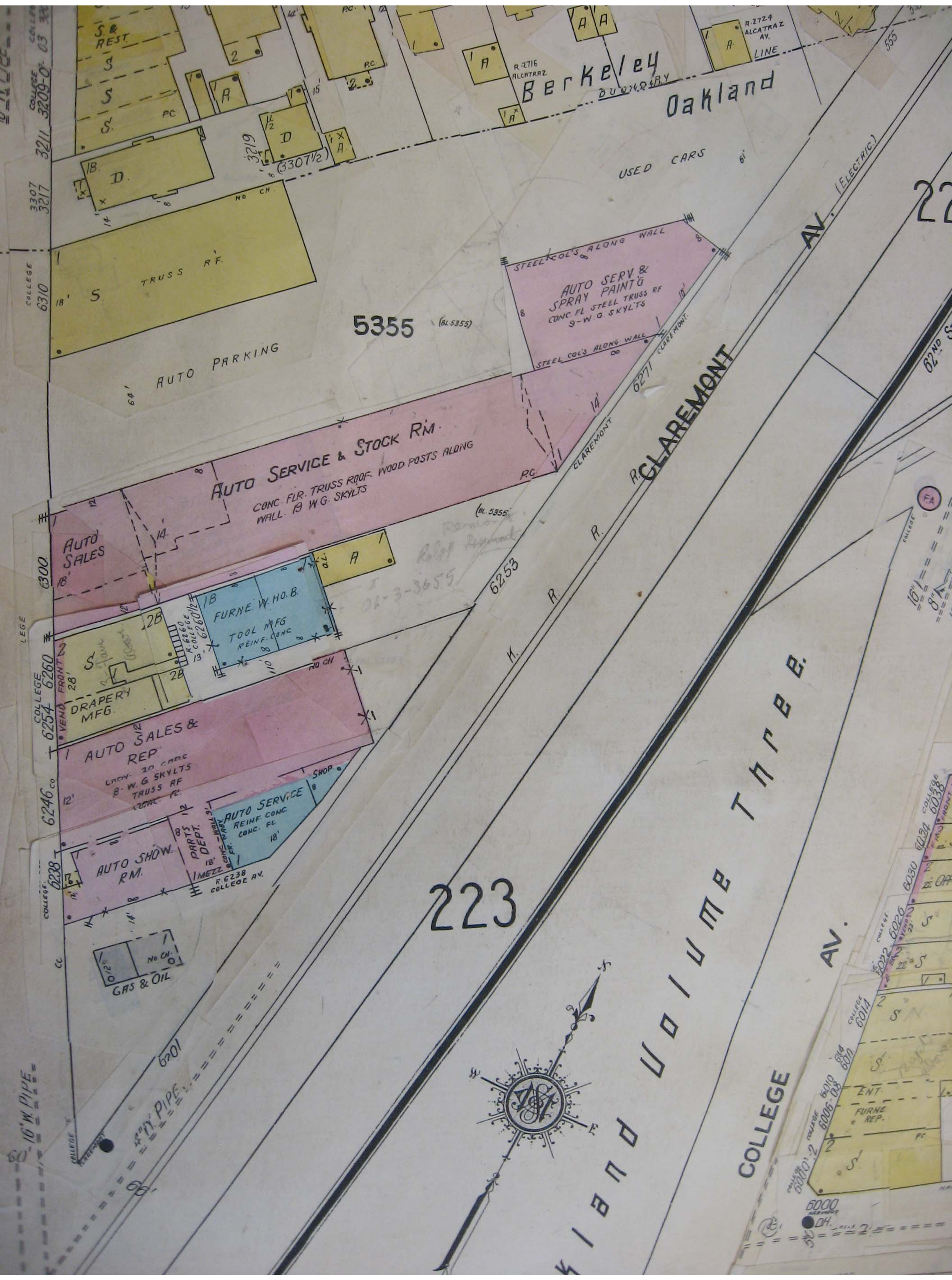
Daly City: Safeway is expanding its store at 601 Westlake Ave. The project should be complete by mid-September.

Millbrae: Safeway will build a new 59,000-square-foot store at the location of its existing 34,000-square-foot outlet at 525 El Camino Real. Construction should start in March 2012 and be complete by February 2013.

Campbell: Safeway recently moved into a onetime Mervyn's store at 950 W. Hamilton Ave., taking 56,000 square feet in a remodeled building. The project also includes an adjacent 19,000 square feet in a project that is called The Shops at Safeway Campbell.

Source: Safeway, Bay Area News Group research





Berkeley
Oakland

5355

AUTO SERVICE & STOCK RM.

CONC. FLR. TRUSS ROOF. WOOD POSTS ALONG WALL. 19 W.G. SKYLTS

AUTO SALES

FURNE. W.H.O.B.

TOOL MFG.

AUTO SALES & REP.

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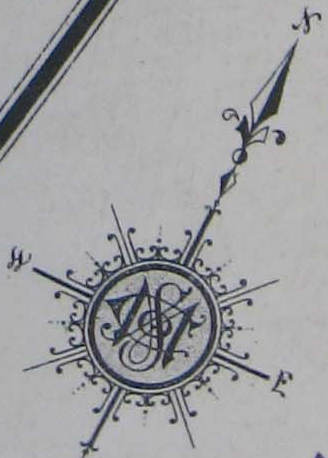
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COLLEGE AV.

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4" W. PIPE

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COLLEGE 6310

COLLEGE 6300

COLLEGE 6254 6260

COLLEGE 6246

COLLEGE 6238

COLLEGE 6001

COLLEGE 6000

COLLEGE 6006 6007 6010 6011 6012 6013 6014 6015 6016 6017 6018 6019 6020 6021 6022 6023 6024 6025 6026 6027 6028 6029 6030 6031 6032 6033 6034 6035 6036 6037 6038 6039 6040

COLLEGE 6000

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Exhibit B



CITY OF OAKLAND

Community and Economic Development Agency, Planning & Zoning Division
250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, 94612-2032

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SAFeway REDEVELOPMENT PROJECT (BROADWAY @ PLEASANT VALLEY AVE.)

The Oakland Community and Economic Development Agency, Planning and Zoning Division, is preparing a Draft Environmental Impact Report ("EIR") for the Safeway Redevelopment Project (Broadway @ Pleasant Valley Avenue) (the "Project") as identified below, and is requesting comments on the scope and content of the EIR. The EIR will address the potential physical, environmental effects for each of the environmental topics outlined in the California Environmental Quality Act ("CEQA"). The City has not prepared an Initial Study.

The City of Oakland is the Lead Agency for the Project and is the public agency with the greatest responsibility for approving the Project or carrying it out. This notice is being sent to Responsible Agencies and other interested parties. Responsible Agencies are those public agencies, besides the City of Oakland, that also have a role in approving or carrying out the Project. When the Draft EIR is published, it will be sent to all Responsible Agencies and to others who respond to this Notice of Preparation ("NOP") or who otherwise indicate that they would like to receive a copy. Responses to this NOP and any questions or comments should be directed in writing to: Darin Ranelletti, Planner III, City of Oakland, Community and Economic Development Agency, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612; (510) 238-3663 (phone); (510) 238-6538 (fax); or dranelletti@oaklandnet.com (e-mail). Comments on the NOP must be received at the above mailing, fax, or e-mail address **by 5:00 p.m. on July 27, 2009**. Please reference case number ER09-007 in all correspondence. In addition, comments may be provided at the EIR Scoping Meeting to be held before the City Planning Commission. Comments should focus on discussing possible impacts on the physical environment, ways in which potential adverse effects might be minimized, and alternatives to the project in light of the EIR's purpose to provide useful and accurate information about such factors.

PUBLIC HEARING: The City Planning Commission will conduct a public hearing on the scope of the EIR for the Project on **July 15, 2009**, at **6:00 p.m.** in Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza, Oakland, CA.

PROJECT TITLE: Safeway Redevelopment Project (Broadway @ Pleasant Valley Avenue)

PROJECT LOCATION: 5050-5100 Broadway, Oakland, CA (APN 014-1242-002-03 & 014-1242-005-07) (located at the northeast corner of Broadway and Pleasant Valley Avenue) (see map on reverse)

PROJECT SPONSOR: Safeway, Inc., Northern California Division

EXISTING CONDITIONS: The 15.4-acre project site is the location of the existing Rockridge Shopping Center, which contains several retail stores including Safeway, Long's Drugs (now CVS), and others totaling approximately 185,000 square feet of commercial space. The site is not listed on the Cortese List of hazardous waste sites.

PROJECT DESCRIPTION: The Project includes the demolition of the Safeway and Long's Drugs stores, along with other adjacent stores, and the redevelopment and remodeling of the site with the construction of a new Safeway store, a new CVS store, and other commercial buildings. The project would contain a total of approximately 304,000 square feet of commercial space and 1,006 parking spaces. Also proposed are modifications to adjacent streets including additional vehicle travel lanes and/or turn lanes.

PROBABLE ENVIRONMENTAL EFFECTS: It is anticipated that the Project may have environmental impacts on aesthetics, traffic/circulation, air quality, noise, geology/soils, hazards/hazardous materials, hydrology/water quality, utilities/service systems and biological resources. It is anticipated that the Project will not have significant environmental impacts on agricultural resources, cultural resources; land use plans and policies; mineral resources; population and housing; public services, recreation and cumulative growth. Nevertheless, these environmental factors will be analyzed in the EIR.

The Draft EIR will also examine a reasonable range of alternatives to the Project, including the CEQA-mandated No Project Alternative, and other potential alternatives that may be capable of reducing or avoiding potential environmental effects.

June 26, 2009
File Number: ER09-007

Eric Angstadt
Deputy Director, Community and Economic Development Agency
Environmental Review Officer

Exhibit C



Z O N I N G A D J U S T M E N T S B O A R D S T A F F R E P O R T

FOR BOARD ACTION
SEPTEMBER 9, 2010

1444 Shattuck Place/1425 Henry Street - North Shattuck Safeway Use Permit #09-10000104 to modify an existing Use Permit, remodel an existing 28,250 square foot grocery store, construct 17,250 square feet of new floor area, and extend the hours of operation for the store.

I. Application Basics

A. Land Use Designations:

- General Plan: Neighborhood Commercial and Medium Density Residential
- Zoning: C-NS, North Shattuck Commercial and R-2A, Restricted Multiple Family Residential

B. Zoning Permits Required:

- Use Permit to modify Use Permit #A904 to expand the hours of operation and floor/site plan, under BMC Section 23B.56.020;
- Use Permit to reduce a required setback from 15-feet along Henry Street, under BMC Section 23E.04.050.D;
- Use Permit to reduce a required setback from 5-feet adjacent to a Residential District, under BMC Section 23E.04.050.D;
- Administrative Use Permit to allow a fence over 6-feet (9'-5"), under BMC Section 23D.08.060.A;
- Use Permit to vertically extend a non-conforming setback adjacent to a Residential District, under BMC Section 23C.04.070.B;
- Use Permit to allow an addition exceeding 2,000 square feet, under BMC Section 23E.48.050; and
- Administrative Use Permit to allow outdoor seating, under BMC Section 23E.48.030.

C. CEQA Determination: Categorically exempt pursuant to Section 15332 of the CEQA Guidelines ("Class 32, In-Fill Development Projects").

D. Applicant: Lowney Architecture, 360 17th Street, Oakland, CA 94612

II. Background

The Zoning Adjustments Board held a public hearing to preview this project at its August 12, 2010 meeting. At that time action by the ZAB was not possible as Preliminary Design Review was not yet complete. At the August 12 ZAB meeting, the applicant provided an overview of the project, members of the public presented comments and concerns, and the ZAB discussed the project and asked questions of the applicant. Following the public hearing, the ZAB identified areas of concern and set the matter for a public hearing for Thursday, September 9, 2010.

Since that time, the Design Review Committee conditionally approved the project's preliminary design (See Section III of this report and Attachment 4.) Following Preliminary Design Review approval, the applicant made further changes to the project.

Staff recommends the ZAB bring the August 12 ZAB staff report to refer to for project analysis and additional project background as needed

III. Summary of Recent Changes

The applicant has made a number of changes to the project since the ZAB's August 12 meeting. 'A' and 'B' below summarize changes made to the project to respond to comments offered by the ZAB and DRC that have preliminary approval from the DRC. 'C' summarizes recent changes made by the applicant that have not been reviewed by the DRC.

A. ZAB-directed changes:

- 1) Added windows at ground level on southwest corner of structure; and
- 2) Increased height of Henry St. headlight wall to 4 feet above parking lot surface.

B. DRC-directed changes:

- 1) Increased fence height along Henry Street and added outward-leaning fence cap to deter climbing for increased security along Henry Street;
- 2) Added two (2) new Deodar Cedar trees below existing Monterey Pines at the North End of the site to provide a continuity of evergreen trees when the Pines are deceased; and
- 3) Altered landscaping and trees, as follows
- 4) Removing existing plum trees along Shattuck to make room for appropriate spacing of new trees between existing ginkgos (#30, #32, #34, #36, #38)
- 5) Removing one additional tree southwest portion of lot adjacent to 1451 Henry (preserving Trees #10, #9, #1)
- 6) Preserving and relocating one (1) existing Sycamore in parking lot (#56)
- 7) Revised Tree Species in Plant list
- 8) Added triangular planting areas along East side of Henry Street headlight wall, for planting shrubs to help diffuse headlight glow
- 9) Replacing Elderberry tree at southwest corner of site with River Birch tree
- 10) Added five (5) new flowering pear trees along the drive aisle parallel to the front (North) façade of the store.

C. Changes not reviewed by the DRC:

- 1) Enlarged the northern parking garage access by 5' to allow ADA-accessible pedestrian/bicyclist access to underground garage, per ZAB's request;
- 2) Increased the height of the fence facing Henry Street to 9 feet 6 inches for security and safety reasons;
- 3) Decreased the height of the fence along the southerly property line to 6 feet to improve northern view of neighbor at 1451 Henry Street.

IV. Design Review Committee

At its August 19, 2010 meeting, the DRC approved the Preliminary Design for the proposed project, subject to the following conditions:

- 1) Remove every other window on the ground floor of the south elevation.
- 2) Review a revised, more specific, planting plan with the City Forester and Design Review Staff before Final Design Review (FDR) to ensure that the following landscape objectives are met:
 - Greater amount of parking lot shade coverage is established within a reasonable amount of time. Add more trees in parking area where possible.
 - On-site planting plan respects new and existing street trees.
 - Plant large-scale coniferous trees under the two existing Monterey pines that will eventually make the same evergreen statement that exists now. Existing pine trees should be monitored for safety.
 - Continue line of sycamores for street trees on Henry where space allows.
 - Vines on the trellis should screen the cars on the ramp.

V. Issues and Analysis

Several issues were raised at the August 12 meeting that required additional consultation with the applicant and research to provide a response to the ZAB. Staff's response follows:

- A. Notice board missing.** The ZAB was concerned that the public was not being made aware of the project via the Pre-application, or Yellow poster. When the City posted the public hearing notice for the project on August 26, 2010, the two large yellow signs were in place.
- B. Excessive Noise from garbage pick-up.** The ZAB was concerned that the proposed plan to relocate the garbage storage and pick up area would create new impacts to the Henry Street residences. Presently, garbage is stored near Shattuck Place, and is stored in one large dumpster, which is emptied four (4) times each week at 8 AM (Monday, Wednesday, Friday and Saturday), via City trucks that access the site from Shattuck Place. According to the applicant, approximately 50% of its collected refuse stems from illegal dumping. Under the proposed plan, garbage would be stored within a new enclosure that would accommodate 2 smaller dumpsters that would be collected with the same frequency (4 times per week) and would only be removed via City trucks that access the site from Shattuck Place. To

reduce the potential for early-morning noise, the City and Safeway are in negotiations to allow for a later pick-up time. In addition, the City's Solid Waste staff is reviewing the proposal to confirm that the loading dock may be used to pick-up garbage. Staff will provide an update to the ZAB, if available, at the meeting.

C. Interior Lighting. The ZAB directed the applicant to include measures that limit off-site glare. For the retail floor area, the proposed project would replace approximately 75% of the store's fixtures with new diffused, downward-directed light fixtures designed to minimize exterior light spillage. The remaining fixtures will be replaced a combination of track/spot lights and pendant lights designed to soften and highlight the perimeter. The above-mentioned measures to address interior light sources, along with a standard condition regarding exterior lighting (Condition of Approval #68) will ensure that light levels from the proposed store are consistent with City standards regarding light and glare.

For the storage and offices to be located along Henry Street, tinted glass would be installed to minimize interior heat gain and to reduce the potential for nighttime light and glare.

D. Privacy Screening, Landscaping, and Buffer to Residence at 1451 Henry. ZAB raised concerns about security and safety issues about the proposed 8'6" fence along the southern property line and also requested possible measures to provide a landscaped edge for the neighboring residence at 1451 Henry Street. The applicant considered moving the fence but was concerned about maintenance, liability and property line issues. The applicant also considered a double-fencing system (the higher fence set back from the property line with a 6-foot fence along the property line itself), but felt this would interrupt the proposed landscaping plan for the area and present a maintenance issue. Instead of proposing either option, the applicant decreased the height of the fence along the southern property line to 6 feet, consistent with zoning. As noted previously in this report, the DRC has not reviewed this part of the plan.

E. Loading Dock and Vehicles. The ZAB expressed a concern regarding noise associated with store deliveries. Unlike the existing store, the proposed project would move most of the loading activities into an enclosed space that would lessen potential noise impacts. Regarding on-site maneuvering, according to the applicant, Safeway's vehicles do not utilize back-up sound alarms, but that outside vendors may do so. Safeway also informed the City that they expect the following to occur with the new store:

- Three (3) to fifteen (15) vendor trucks currently deliver product to the store 7 days per week; 1-2 deliveries are made on Sunday.
- Vendor delivery times occur between 7 A.M. and 2 P.M.
- Trucks range in size from small vans to full-size trailers, depending on the product.
- Small vendor trucks/vans are currently required to park on the Shattuck side of the store in the existing small parking lot area adjacent to an exterior vendor loading dock door.

- Large vendor trailer trucks currently use the full size loading dock at the Henry Street side of the building.
- Some small vendor truck deliveries are brought in through the store entries.
- With the store expansion, all vendor truck deliveries will occur at the enclosed loading dock, which is designed with a sound barrier wall.

A condition of approval will require that Safeway prepare a plan, for approval by the City prior to completion of construction, to address the timing and number of Safeway and Vendor trucks, to limit on site congestion and noise.

F. Graffiti removal plan. The ZAB expressed a concern regarding the continued presence of graffiti on the existing building. Staff has proposed several conditions of approval to address graffiti to require the applicant to identify a contact person for the community to use to inform Safeway of graffiti and that graffiti be removed within 72 hours. (See Conditions 47-48)

G. Windows along ground floor facing Henry Street. To appear more residential, the ZAB asked that additional windows be proposed for the Henry Street addition. As mentioned previously in this report, the present plan includes additional windows. To address potential exterior light spillage, Safeway will install tinted glass. (See Conditions 65-66).

H. Use of Safeway Parking Garage as Satellite Parking for Temple Beth El. During the August 12, 2010 meeting, a member of the public indicated that Safeway had entered into a parking arrangement with Temple Beth El, and that the proposed project would create a conflict with the use permit granted to Beth El. To assess the potential for a conflict between the proposed project and any condition of approval for Beth El, staff reviewed Beth El's use permit conditions to find the following:

"C. Satellite Parking. Beth El has received permission for off-site satellite parking at several different locations, as shown in Appendix 2-A. Of necessity, permission is subject to various reasonable restrictions for the host organization's use of its own parking lot. If the locations listed in Appendix 2-A are not available, Beth El will use best efforts to find other arrangements for satellite parking. Attached as Appendix 2-B is a list of the currently known events or religious services anticipated to have attendance in excess of 150 people, and showing the currently anticipated off-site parking arranged. Beth El is continuing to explore other options for off-site parking, and the availability of the specific locations listed is subject to the future needs of the host organization."

An excerpt of the agreement between Safeway and Beth El follows:

"The Shattuck Avenue Safeway underground garage. This lot, which has a total of approximately 47 parking spaces, is available to Beth El on an as-needed basis. The actual number of spaces available to Beth El will vary depending upon the use to which the garage is put by Safeway customers. The agreement between Beth El and Safeway is attached as Exhibit H."

The use permit granted to Beth EI did not provide a minimum number of spaces that must be found at off-site locations nor did it specifically name potential locations. Should Safeway modify or rescind its offer regarding parking for Beth EI, the use permit granted to Beth EI would only require that parking be found elsewhere, as needed. The ZAB's consideration of the use permit for Safeway is not bound by the Beth EI's use permit or the private agreement. Nevertheless, the plan proposed by Safeway would continue to potentially provide surplus parking to allow the use by Beth EI.

- I. **Retain open windows.** The ZAB was concerned that Safeway would place store fixtures adjacent to storefront windows that would block views into the store. To address this concern, staff has added a condition to prevent the location of stocking or shelving near any window. Condition of Approval #68 addresses this issue.
- J. **Landscaping maintenance.** The ZAB was concerned that, like today, Safeway would not maintain the landscaping. To address this concern, staff has added a condition to require irrigation and maintenance. Condition of Approval #69 addresses this issue.
- K. **No employee use of R-2A zoned area.** The ZAB was concerned that the 20' by 100' yard adjacent to the southern elevation would be used by employees which could create detrimental noise impacts to 1451 Henry Street. To address this concern, staff has added a condition to prevent any use of this area, beyond maintenance. Condition of Approval #70 addresses this issue.
- L. **Shift change "noises".** The ZAB asked that Safeway review their employee practices regarding end of shift noise. On most permits, the City places a condition on the permit to address noise related to employees (COA #83) Regarding "people" noise, Safeway will have employees exit via the front of the store or via interior stairways directly to the enclosed parking garage. Regarding vehicular noise, Safeway will require employees who drive to work to only park in the garage.

VI. Remaining Issues

As discussed above, there are four remaining issues that have not been fully resolved, as follows:

- A. **Widened parking garage opening.** To provide the pathway requested by the ZAB, the applicant proposes a 5'-wide ADA-accessible pathway that will widen the northern access drive to the parking garage on Henry Street. During preliminary design review by the DRC, efforts were made to limit the width of the driveways to help screen the cars and to limit the potential disruption to the sidewalk. While the added width is minimal, Staff asks that the ZAB weigh the benefit of the improved access for pedestrians with mobility difficulties and for bicycle access with past efforts by the DRC.

B. Fence Height Change. Independent of direction from the DRC or the ZAB, the applicant revised the fence height along Henry Street to increasing the height by 18" to 9'-4". To address security concerns, the DRC directed that the applicant angle the top of the fence outward to increase its security and deter climbing. However, the DRC did not consider a fence taller than 8'4". Applicant added the additional height to make it more difficult for trespassers to climb over the fence. The current 8'4" sits on a concrete block foundation and would be easier to climb over.

Staff requests the ZAB discuss the above issues to determine if further changes should be made to the project, if the conditions of approval should be revised, or if the project requires these design changes require DRC review now, prior to ZAB taking action on the project.

VII. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, Staff recommends that the Zoning Adjustments Board:

A. APPROVE Use Permit #09-10000104 pursuant to Section 23B.32.040 and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, received September 2, 2010,
3. Notice of Public Hearing
4. DRC Summary, August 19, 2010
5. Correspondence Received

Staff Planner: Greg Powell, GPowell@ci.berkeley.ca.us, (510) 981-7414

Exhibit D

**CITY OF ALBANY
PLANNING AND ZONING AGENDA
STAFF REPORT**

Agenda date: March 22, 2011
Prepared by: Diane Henderson

ITEM/ **6c**

SUBJECT: 1500 Solano. Planning Application #08-031 - Study Session

A study session to review an alternative design concept associated with an application from Safeway to construct a new grocery store and retail shops totaling approximately 63,411 square feet. The Planning and Zoning Commission will make no final decisions regarding the proposed development in the study session.

SITE: 1500 Solano Avenue

APPLICANT/OWNER: Safeway

ZONING: SC (Solano Commercial)

Recommendation

Staff recommends that the Planning and Zoning Commission review the revised design concept, take testimony from the public, and provide the applicant with direction regarding project design. No formal action by the Commission will be taken at this meeting.

Background

To date, the key issues surrounding the development of a new Safeway store center mainly trade-offs between auto and truck circulation, building height, and treatment at the rear of the site. The Commission has held numerous study sessions and Safeway has prepared numerous alternatives. During a Commission meeting in June, an idea arose of involving other professionals to help brainstorm optional approaches. This idea took shape this past fall when City staff and Safeway agreed that Ken Lowney (Lowney Architecture) and John Ciccarelli (Bicycle Solutions) be asked to look at new approaches to this site. As way of background, Lowney has his own architectural firm, which, among other projects, designs grocery stores. His clients include Whole Foods, Safeway, People's Community Market, and a number of other independent markets. John Ciccarelli is a member of the team currently preparing the City's Pedestrian Master Plan and Bicycle Master Plan update. Mr. Ciccarelli deals with the broader issues of circulation and offered helpful comments during the Traffic and Safety Commission's review of the Safeway project.

Three design options that came out of the brainstorming sessions were presented to the Planning and Zoning Commission at a study session on December 14, 2011. The three design options that were presented at that study session were strictly conceptual in nature and not intended to answer every issue. They were intended to generate conversation and solicit input from the community and the Commission to help foster ideas that might lead to an acceptable project design. The three options included Option 1, "Taking Over the Street" with residential at the rear; Option 2,

subterranean store with parking deck on top; and Option 3, "Rear Loading" modified Safeway proposal (please see the attached staff report dated December 14, 2010, for a detailed discussion of the three alternatives.) As described in the attached minutes from that meeting, the study session provided the Commission, members of the public and the project applicant to discuss pros and cons of various design options. At the close of the study session, the applicant reviewed the issues that were raised and prepared a revised plan to address those concerns.

Project Goals as Expressed by Various Interest Groups

Based on verbal and written testimony at public meetings, different groups have different goals for this project. Staff has attempted to summarize some of these goals in no order of priority.

- Construct a larger, more contemporary grocery store with expanded services.
- Reduce store size.
- Create a vibrant street presence.
- Be pedestrian and bicycle friendly.
- Accommodate large truck deliveries.
- Use smaller trucks.
- Locate auto and truck access close to Solano Avenue; minimize traffic impacts on neighborhood.
- Attractive design.
- Remodel existing store.
- At the rear, provide large building setback, low building height; do not use rear area for trucks or autos; provide buffer between building and residents.
- Minimize interruption to Solano sidewalk pedestrian traffic.
- Well-functioning store with good variety and quality.
- Avoid attractive nuisance (e.g., loitering at rear).
- No increase in traffic on residential streets.

Revised Submittal

Following the December 14, 2010 study session, the applicant reviewed the comments that were raised and prepared revised plans in an effort to address those concerns. The revised conceptual drawings include a 56,111 square foot grocery store and 7,300 square feet of retail shops in a three-story building. At the Solano Avenue frontage, the building would appear to be two stories, with retail shops along the ground-level street frontage and a parking garage behind. An additional level of parking would be located one level below, and the Safeway store would be located one level above, on the top (third) floor.

The retail shops at the street level would all orient towards the Solano Avenue frontage. Access to Safeway would be from a ground level lobby at the corner of Solano Avenue and Neilson Street. The upper floor grocery store would be oriented with the front of the store facing Neilson Street and the back of the store adjacent to Curtis Street. The structure would be located eight feet from the Solano Avenue property line, on the Neilson Street property line and within five feet of the property line along the first 68 feet of Curtis Street and then setback 15 feet. At the rear of the building, the two lower parking levels would be located within 15 feet of the rear property line and

the upper floor grocery would be setback 30 feet from the property line. Due to the sloping terrain of the site, the height of the structure would vary with a maximum height of 55'.

The site plan has been completely reworked from previous submittals to address the very difficult circulation issues. Under the revised plan, delivery trucks would enter the site traveling south on Curtis Street to a new driveway located approximately 110 feet south of the intersection of Solano Avenue and Curtis Street, travelling in a forward direction to the middle of the property and then backing into the loading dock area. Once trucks are unloaded, they would proceed in a forward motion, exiting left onto Neilson Street, to travel north to Solano Avenue. Vehicular traffic could enter and exit the site from the Curtis Street driveway or the Neilson Street driveway, and then turn south into the street level parking garage. At the street (upper) level of the garage, 77 parking spaces for vehicles as well as bicycle parking would be provided. An interior ramp adjacent to the Curtis Street frontage would provide vehicular access to a lower level of parking for an additional 78 cars. A second driveway on Neilson Street at the rear of the site would provide ingress and egress to the lowest level. This solution has reduces the number of neighboring residences impacted by traffic on residential streets, and staff believes the approach to handling trucks is a superior solution to earlier submittals.

Preliminary perspective drawings have been included to demonstrate how the project would incorporate architectural detail and landscaping to provide attractive street designs. The retail shops at the Solano Avenue frontage would create a vibrant presence along that frontage. Angled parking and the bus stop could be retained along the Solano Avenue frontage.

Staff has met with several residents in the area to discuss the new plans. As a result of the discussion, attached correspondence has been received from a nearby Nielson Street resident.

Next Steps

During the brainstorm sessions of recent months, staff has put the City's environmental impact report (EIR) consultant on hold until the basic design concept is established. Subject to Commission feedback, the next step in the formal processing of the application would be to authorize the consultant to start the environmental studies. At a Commission meeting in the near future, a formal hearing would be held on the scope of the environmental review to provide members of the public an opportunity to identify specific items that should be evaluated.

Attachments:

1. Safeway proposal, March 9, 2011
2. Staff Report to the Planning and Zoning Commission, December 14, 2010
3. Planning and Zoning Commission Minutes, December 14, 2010

**CITY OF ALBANY
PLANNING AND ZONING AGENDA
STAFF REPORT**

Agenda date: December 14, 2010
Prepared by: Ann Chaney

ITEM/ 6b

SUBJECT: 1500 Solano. Planning Application #08-031 – Study Session

A study session to review alternative design concepts associated with an application from Safeway to construct a new store totaling approximately 52,000 square feet. The Planning and Zoning Commission will make no final decisions regarding the proposed development in the study session.

SITE: 1500 Solano Avenue

APPLICANT/OWNER: Safeway

ZONING: SC (Solano Commercial)

Recommendation

Staff recommends that the Planning and Zoning Commission review alternative design concepts, take testimony from the public, and provide the applicant with direction regarding project design. No formal action by the Commission will be taken at this meeting.

Background

The key issues surrounding the development of a new Safeway store appear to center mainly on auto and truck circulation, height, and treatment at the rear of the site. The Commission has held numerous study sessions and Safeway has prepared a numerous alternatives. During a P&Z Commission meeting in June, an idea arose of involving other professionals to help brainstorm optional approaches. This idea took shape this past fall when City staff and Safeway agreed that Ken Lowney (Lowney Architecture) and John Ciccarelli (Bicycle Solutions) be asked to look at new approaches to this site. As way of background, Lowney has his own architectural firm which, among other project, designs grocery stores. His clients include Whole Foods, Safeway, People's Community Market, and a number of other independent markets. John Ciccarelli is a member of the team currently preparing the City's Pedestrian Master Plan and Bicycle Master Plan update. Mr. Ciccarelli deals with the broader issues of circulation and offered helpful comments during the Traffic and Safety Commission's review of the Safeway project.

Staff and Safeway agreed that the brainstorming be done as an independent exercise without Safeway's architectural team present. It was agreed however, that Barbara Ellis attend. Ms. Ellis is Safeway's community liaison. Two brainstorming sessions were held with City staff, Lowney, Ciccarelli and Ellis. The results are presented below. A third session was held with Safeway staff to present the brainstorming results.

The design options are strictly conceptual in nature and not intended to answer every issue. For example, issues of exterior design, bicycle access/parking, and specific landscape treatments were not explicitly addressed. It should be recognized that some of the options are unacceptable to Safeway for various reasons. Ultimately a project must be satisfactory to the applicant/owner, and to the City for permitting purposes. The intent of this exercise is to help foster ideas that might lead to an acceptable project design.

A Word about Truck Loading

The last P&Z Commission meeting on the Safeway project was on July 27, 2010. One issue that seems most challenging, and influences other decisions, involves truck circulation. Last spring, the applicant presented three new alternatives to the truck loading area. Because these options required the trucks to either backup onto city streets or cross heavily used sidewalks, City staff and Planning commissioners were unable to support the concepts. Traffic and Safety Commission did express a preference for Alternative A. These alternatives are not attached to this report, but will be available at the upcoming meeting if needed.

Project Goals as Expressed by Various Interest Groups

Based on verbal and written testimony at public meeting, different groups have different goals for this project. Staff has attempted to generally summarize some of these goals in no order of priority.

- Construct a larger, more contemporary grocery store with expanded services
- Reduce store size
- Create a vibrant street presence.
- Be pedestrian and bicycle friendly
- Accommodate large truck deliveries
- Use smaller trucks
- Locate auto and truck access close to Solano Avenue; minimize traffic impacts on neighborhood
- Attractive design
- Remodel existing store
- At the rear, provide large building setback, low building height; do not use rear area for trucks or autos; provide buffer between building and residents.
- Minimize interruption to Solano sidewalk pedestrian traffic
- Well functioning store with good variety and quality.
- Avoid attractive nuisance (e.g., loitering at rear)
- No increase in traffic on residential streets

Brainstorming results

To assist in reviewing the concept plans, Options 1, 2, and 3, staff has attempted to summarize key features of each Option below. In addition, attached is a matrix that attempts to compare aspects of the three options with the existing Safeway store and the new Safeway proposal (as of 7/27/10).

Option 1: “Taking Over the Street” w/ Residential at Rear

Entrance and Exit

- One-way entrance and exit
- Trucks/autos share entrance from Curtis Street (approx. 188’ south of Solano)
- Trucks/autos share exit onto Neilson Street (approx. 185’ south of Solano)
- Autos only could also use entrance directly off Solano

Truck loading

- Trucks unload inside subterranean parking area at rear of store
- Merchandise reaches store level via elevator

Uses Neilson Right-of-Way as part of project site

- Portions of store encroach into Neilson right-of-way
- Portion of Neilson St. (next to Safeway) narrows to one-way northbound

Residential

- New residential use located at rear of site
- Units face south onto new private street (“mew”)
- Residents would use access into residential Parking located inside Safeway parking lot
- Wall separates private street from existing residential units

Pros	Cons
Creates one-way circulation in an effort to distribute traffic on side streets more evenly.	Car ramp off Solano interferes with pedestrian traffic; breaks up urban streetscape
Widened store could have benefits to the store layout; function and flow.	Safeway finds the inadequate amount of parking (75 stalls) to be unacceptable.
Loading occurs within parking garage	Trucks enter at rear across from residences
Trucks exit across from B of A parking lot	Residential front doors face parking structure
Places residential immediately next to R-1 zone	Residents would use garage to access units
Places private street/path between existing residents and new residential – 48’ rear setback	Difficult to prevent non-residents from using private street
Lessens traffic volume on Neilson, south of the Safeway store.	Raises policy issue regarding private use of public r-o-w.
	A larger store may not necessarily need more parking; however may result in lower turnover.
	Safeway concerned about adding residential with usage of garage parking; parties, increased visitors using garage.
	Increased height at rear due to residential – 35’

Option 2: Subterranean Store (Parking Deck on top)

Entrance and Exit

- Vehicles enter and exit from both Curtis and Neilson streets 60’ south of Solano Avenue.
- Vehicles enter and exit directly from/to Solano
- Trucks enter from Curtis Street (approx. 250’ south of Solano)
- Trucks exit onto Neilson Street (approx. 224’ south of Solano)
- Vehicles park on roof deck; customers use stairs or elevations to the store below

Truck loading

- Trucks unload at rear of store within a fully enclosed area.
- Entrance and exit set back from street to lessen visual impact on residences.
- Possible use of gate operating system that gives truck drivers access; gate closes behind.

View from Streets

- Two “glass-enclosed entry vestibules” housing stairwells and two-sided elevators; located adjacent to Solano Avenue (see photo insert on plan of the Apple Store in NYC)
- Add pavilions on Solano Avenue
- Landscaped areas at either end of glass enclosures (approx. 1,000 sq. ft. each).
- Parking lot behind the glass enclosures with perimeter and internal landscaping.
- Internal and/or perimeter landscaping; trees in large containers at edges; trellis with climbing vegetation in central part of parking (above-ground planters only allowed).
- Add “live wall” on Curtis and Neilson side, plus street trees
- Low level lighting (Designers believe that ground mounted lighting would meet safety lighting standards without having appearance of a suburban-style parking lot.)

View from Rear

- 13’-15’ high building wall of loading area.
- 10’ rear setback; could accommodate landscape screening.
- Parking deck on top of roof

View from Inside Store

- Natural light into the store via skylights and glass-enclosed vestibules (possibly clerestory windows)
- Customers could see people walking along the street above

Pros	Cons
Design is innovative; could prove inviting and offer customers an exciting experience	From the street, design concept could feel too much like a parking lot/deck
Auto access concentrated near Solano; reduces traffic impacts on Curtis/Neilson neighbors	May need to widen Curtis near Solano to create separate turn lane onto roof parking
Truck loading area fully enclosed if roll-up or bi-fold doors added; reduces noise	Trucks would use northern portion of Curtis and Neilson for entry and departure (respectively)

Roll-up doors, or similar treatment, help block view of loading area from neighbors	Need to address how to handle fumes within enclosed truck area
Parking deck could hypothetically provide space for public uses (e.g., farmer's market)	Need to address headlights on parking deck
	Concept generally unacceptable to Safeway due to lack of physical connection with street, street view is pedestrian unfriendly, requires customers to shop underground

Option 3: “Rear Loading” (Modified Safeway proposal)

Entrance and Exit

- Drive aisle at rear (open to above) ramps down from Neilson; ramps up to Curtis.
- Vehicles and trucks enter from Neilson; approx. 260’ south of Solano
- Vehicles and trucks exit onto Curtis; approx. 300’ south of Solano
- Vehicles park in subterranean garage; take elevators up to store level
 Note: Parking stalls are 9’ wide; Safeway using 8 ½’ width

Truck Loading

- Trucks unload at rear and back into enclosed truck dock area
- Merchandise reaches store level via elevator

Street View

- Building extends to property line, except where pulled back along Solano Ave. for store entrance and outdoor seating
- Curtis and Neilson includes 10’ of landscaping next to building; and street trees

Rear View (Staff is seeking clarification from concept designer)

27’ setback between building and rear property; assumes drive aisle is not enclosed
 10’ setback between drive aisle structure and rear property; if drive aisle partially enclosed

Pros	Cons
Encloses truck loading area to mitigate noise	Loading gate relies on internal staff to control
One-way circulation distributes traffic equally between Neilson and Curtis	Trucks enter and exit at rear of building
	Autos enter and exit at rear of building
	Height needs daylight plane?

Attachments:

1. Option 1: “Taking Over the Street”
2. Option 2: “Subterranean Store”
3. Option 3: “Rear Loading” (modified Safeway proposal)
4. Safeway proposal as of 7/27/10
5. Comparison of Concept Options, Safeway Proposal, and Existing Conditions