

Delivery By Hand

August 15, 2011

5874 Birch Court
Oakland, CA 94618

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, Case Number ER09-0006

Thank you for the opportunity to submit comments on the above-referenced Draft Environmental Impact Report (“DEIR”).

The DEIR appears to have understated or omitted numerous significant environmental and land use impacts. In addition, the DEIR fails to identify feasible mitigation measures. In support of my comments, I have appended images of Sanborn maps from the Berkeley Book, Vol. 2, Page 223 dated 1911, 1911 (updated to 1929), 1950, 1951 and an Overlay Map with a base from 1953 overlaid with a map from the late 1960’s which shows the site in its current state.

SITE ASSESSMENT

The current Safeway store was built in 1964 on the site of the original Safeway store at 6310 College Avenue, formerly a Hagstrom’s Food Store. At that time, Safeway purchased the three abutting and contiguous properties between the original Safeway property and the Union 76 gas station. Portions of the entire current project site have been in use since 1880.

The Initial Study found the project would result in less than significant impacts for hazards and hazardous materials (p. 42). Therefore, the DEIR did not include any description of the potential for soil or groundwater contaminants associated with former land uses at the project site. These uses include, but may not be limited to, the Claremont Battery and Electric Company¹ at 6238 College Avenue, the Claremont Auto Center Garage² at 6246 College Avenue, a paint store at 6260 College Avenue³ with a separate paint storage facility at 6260½ College in the rear⁴, and an

¹ Sanborn map, Berkeley Book, Vol. 2, pg. 223, 1929 The business name is listed in the 1925 Oakland City Directory

² Sanborn map, Berkeley Book, Vol. 2, pg. 223, 1929

³ Sanborn map, Berkeley Book, Vol. 2, pg. 223, 1929

⁴ Address obtained from the 1951 Sanborn map, Berkeley Book, Vol. 2, pg. 223

auto showroom with a very large auto repair shop running between College and Claremont Avenues at 6300 College Avenue⁵.

By 1951⁶, several of these parcels had expanded building footprints, but continued in predominantly automotive or light manufacturing uses. The Claremont Battery and Electric manufacturing site (6238 College) became part of the Don Marquis Dodge dealership⁷ as a showroom, and a service department had been added that continued the building from mid-parcel to Claremont Avenue. The former Claremont Auto Center Garage repair shop (6246 College) was added to the Don Marquis Dodge dealership as a showroom and large service department. The paint storage building at 6260½ College became a tool manufacturing shop. The auto showroom and repair facility at 6300 College Avenue was expanded significantly on the Claremont end of the building (NW on site) to include an auto body repair and auto painting shop which covered the 1880 site of the Peralta Annex Elementary School, a one-room school house that by 1911 (Image 1) contained heat, gas and electricity. A portion of the 6300 College Avenue building's footprint is covered by the current 1964 Safeway building.⁸

No assessment has been made of the impacts from multiple auto repair activities, battery and electrical manufacturing, tool manufacturing or paint manufacture and/or sales. The DEIR is deficient in its failure to identify the impact, if any, of previous uses to the public, construction workers and workers in the new project based on its total silence on the topic of previous uses on all parts of the site exclusive of the former Union 76 gas station.

The DEIR needs to be revised to consider and address these site assessment issues and then recirculated to allow public comment on the adequacy of the analysis and of proposed mitigation measures.

POTENTIAL HAZARDS POSED BY RESIDUAL CONTAMINANTS

The DEIR states, with respect to hazardous substances, that only the southern corner of the site is occupied by the former Union 76 gasoline station and auto repair garage, consisting 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.

There is no discussion of potential hazards posed by the additional automotive and light manufacturing uses present on the site since at least the early 1920's. These hazards include, but are not limited to, building demolition construction materials present in the soil from wood, brick and cement and steel structures such as potential for buried debris, fly ash and/or impacted fill, asbestos particles from heat runs and other building materials, asbestos from brake linings,

⁵ Sanborn map, Berkeley Book, Vol. 2, pg. 223, 1929

⁶ Sanborn map, Berkeley Book, Vol. 2, pg. 223, 1951

⁷ Images of America, ROCKRIDGE, Robin and Tom Wolf, Arcadia Publishing, 2007, pg. 94

⁸ Sanborn map, Berkeley Book, Vol. 2, pg 223, 1953 overlay map updated to the late 1960's per Betty Marvin, Oakland Cultural Heritage Survey

gaskets and clutches, lead paint, or battery acid, petrochemicals and oil, MTBE and other Volatile Organic Compounds (VOCs) found in gasoline and automotive and machine lubricants.

There is no discussion of the potential hazards posed by the presumably unremediated remnants of the manufacturing and auto repair services performed on the site for approximately four decades. The auto repair businesses pose a potential for containing multiple hydraulic lift reservoirs and/or deep soil contamination from below-grade auto repair mechanic's pits. The paint store may also have manufactured paints, paint thinners, lacquer and lacquer thinners. The manufacture of paint in the 1920's is most likely to have been lead and oil based. Additionally, there is potential for undiscovered Underground Storage Tanks (USTs) from in-shop gas pumps and associated soil and ground water contamination. The site should be surveyed for undiscovered and undisclosed USTs.

Further, site dumping directly into the soil of used oil and lubricants may have occurred during the earliest days of automotive repair, prior to the establishment of routine commercial oil recycling, and should be assessed. No assessment has been made of the various petrochemical compounds, fluid or solid, or the acids used to clean auto parts and machined tool pieces, or of the lead and acids from the battery manufacturing on site. Solvents disposed of in the soil, or contaminating the soil from spillage, can include numerous heavy metals, and a site assessment of those should be also be made. Residual contaminants from the auto body repair and painting shop are likely to contain heavy metals from welding operations.

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.

TRAFFIC

I have resided at 5874 Birch Court, Oakland, since November, 1981. Birch Court, along with Armanino Court, has the distinction of being a cul-de-sac, and therefore has only a single point of entry and exit, College Avenue. It has been my experience that, at peak traffic periods, it is possible to wait up to five minutes just to be able to make a right turn onto College Avenue. At most times of day, it is futile to even attempt a left turn onto College.

I observed a significant increase in wait times, and subsequent idling, when the Dreyer's building was built and again when Trader Joe's opened. Both projects bring a significant number of cars from out of the area that exit westbound on Highway 24 at the College Avenue exit onto Miles Avenue, from which they turn right at the signal northbound onto College and either pass Birch Court en route to the Chabot Road Dreyer's parking lot or Trader Joe's. As these cars continue to the intersection of College and Oak Grove, they block Birch Court as some wait to make left turns at Oak Grove.

The resultant traffic bottleneck extends from Miles Avenue to Chabot Road at numerous times of day and is exacerbated by double parked delivery trucks of varying sizes in the stretch of College Avenue between Birch Court and Chabot Road. These trucks double park in both northbound and southbound directions.

As difficult as it is for residents to enter and exit, it can be even more difficult for emergency vehicles to gain access at this critical bottleneck, or pass through it. Traffic is blocked and at a crawl in both directions for these blocks. No assessment of the traffic impact of the proposed Safeway project on Birch Court ingress/egress is made in the DEIR, or specifically of emergency vehicle access in this section of College Avenue at peak traffic periods. Individuals assigned to Engine 19, the Miles Avenue Fire Station, should be interviewed.

In addition, a similar situation exists for the residents of Armanino Court, just south of the Claremont/Florio/62nd Street and College Avenue intersection, which also has not been assessed.

The DEIR needs to be revised to consider and address these traffic issues and then recirculated to allow public comment on the adequacy of the analysis and of proposed mitigation measures.

Land Use and Transportation Element

As stated in the DEIR Appendices, pages 835 and 836:

The EIR must discuss the consistency of the proposed project with the letter and intent of the current zoning and general plan land-use designation for the site. As the C-31 zoning indicates, the Rockridge/Elmwood neighborhood in which the proposed project would occur is one of the most desirable in the East Bay due to its existing residential and pedestrian character and its small and unique neighborhood-serving businesses. The sheer size of the proposed project and the increased vehicle traffic that it will inevitably bring raise serious questions about whether the project complies with the intent, if not the express criteria, of the zoning. As the I.S. points out, the project would result in a “taller, more massive, and more intensively developed commercial center.”

The DEIR itself states that:

According to the *General Plan*, the intent and desired character of this designation is the following:

*“The Neighborhood Center Mixed Use classification is intended to identify, create, maintain and enhance mixed-use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office active open space, eating and drinking places, personal and business services, or smaller scale educational, cultural or entertainment uses. Future development within this classification should be commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial”.*⁹

It is simply not credible 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” to at one and the same time state that “the Rockridge/Elmwood neighborhood in which the proposed project would occur is one of the most desirable in the East Bay due to its existing residential and

⁹ DEIR 4.1-3

pedestrian character and its small and unique neighborhood-serving businesses” and then assert that a “taller, more massive, and more intensively developed commercial center” would not adversely impact that character. The C-31 zoning requires a CUP for any use over 7,500 sq.ft., and the revised standard in the newly adopted CN-1 downsizes that CUP trigger to 5,000 sq.ft. The proposed Safeway store is in excess of ten times that newly adopted standard. How that can be compatible with the “maintain and enhance” designation in the General Plan is a mystery, and stretches credulity.

The DEIR goes on to assert that “although much larger than the existing Safeway store, the proposed store would continue to primarily stock groceries, which are typically replenished by households on a weekly or more frequent basis (short-term). The store would not be focused on a regional market (a characteristic of large-scale commercial).”¹⁰ This is a fallacy on several levels: the store is regional in character by its very size and car-oriented nature, and the purpose of the greatly expanded store is not to “primarily stock groceries,” but to add a host of non-grocery food and business services to the existing grocery store.

The reality of the multinational development model of Safeway Lifestyle Stores is that a great deal of the space is not given over to traditional grocery items, but instead to a greatly enlarged wine and liquor department, a Starbucks coffee shop, a café/deli with seating, a sushi bar, a greatly enlarged floral department, a 1-Hour photo department and a greatly enlarged pharmacy with a large card and gift wrap department, a bank branch and other non-pharmacy and non-grocery items. (See chart following page.)

This is the liquor and wine department of the Admiral Safeway Lifestyle store in Seattle, which opened August 11, 2011 with a wine cellar and a wine steward’s station with wine tastings.¹¹

Note that this department appears to be about three times the size of VINO! on College Avenue, a single aisle store measuring approximately 850 sq.ft.¹²



¹⁰ DEIR 4.1-4

¹¹ <http://www.westseattleherald.com/2011/03/03/news/admiral-safeway-projected-august-completion-west->

¹² <http://www.westseattleherald.com/2011/08/07/news/slideshow-new-admiral-safeway-advance-look>

Store Details

Safeway Store - Dublin, CA

Your local Safeway is the place to shop! Come in and be inspired, your favorites are always in stock. We promise low prices and great quality, and we're right in your neighborhood.

Address

7499 Dublin Blvd
Dublin, CA 94568

Store Hours

Open 24 hours

Phone

Store Phone: 925-556-4034
Pharmacy Phone:

Pharmacy Hours

Mon-Fri 9:00AM-8:00PM
Sat-Sun 9:00AM-5:30PM

Store Features

<p>▼ Bakery: A complete selection of premium birthday and wedding cakes, pies, desserts and cookies for all occasions.</p>	✓	<p>▼ Deli: Freshly made hot and cold deli sandwiches, soups, pizza, paninis, ribs, salads, and deli trays for any occasions.</p>	✓
<p>▶ Floral:</p>	✓	<p>▶ Fish Market:</p>	✓
<p>▶ Carving Station:</p>		<p>▶ Movie Rentals</p>	
<p>▶ Pharmacy:</p>	✓	<p>▶ Fuel Station:</p>	✓
<p>▶ Starbucks:</p>	✓	<p>▶ Jamba Juice:</p>	
<p>▶ Pizzeria:</p>		<p>▶ Sushi Bar:</p>	✓
<p>▶ Liquor:</p>	✓	<p>▶ 1-Hour Photo:</p>	✓
<p>▶ Dry Cleaners:</p>		<p>▶ Olive Bar:</p>	
<p>▶ Natural Market:</p>		<p>▶ Online Grocery Delivery:</p>	✓
<p>Bank: U.S. Bank Branch</p>			✓

This is the Safeway “Store Details” grid for all Safeway stores online. The grid illustrates the types of business services Safeway expects to include in a standard Lifestyle Store.

Note that in addition to groceries and take-out food items, a full service on-site bakery, floral shop, pharmacy, pizzeria, liquor store, dry cleaners, fuel station, Sushi Bar, 1-Hour Photo, Movie Rentals, eat-in as well as take-out deli, Jamba Juice and Starbucks coffee shop and a bank branch are all considered standard offerings.

<http://local.safeway.com/ca/dublin-1953.html>

This is the expanded card shop and gift wrapping store component of the Admiral Safeway Lifestyle Store pharmacy in Seattle, Washington, which opened August 11, 2011.¹³



The title of the DEIR, “SAFEWAY SHOPPING CENTER – COLLEGE AND CLAREMONT AVENUES” is, in fact, not a misnomer. The 51,500 sq.ft. grocery store component, exclusive of the 8 retail stores, is in itself a shopping center. By calling it a grocery store, Safeway avoids the regulatory CUP and community input requirements for adding several sit-down and take-out food uses as well as a far larger liquor store. No analysis is made of what percentage of the square footage is actually devoted to traditional grocery items versus the multiple auxiliary uses.

More importantly, no trip generation data has been generated for the auxiliary uses exclusive of the grocery store. It seems highly likely that these uses will attract shoppers of their own, who do not also shop for groceries. Many of the auxiliary uses appear to be destination businesses on their own merits.

In addition, the size is considered by New Urbanists to be incompatible with a “Natural Cultural District,” defined as “a geographically-defined social network created by the presence of a density of cultural assets in a particular neighborhood. Descriptively, a “natural” cultural district simply identifies a neighborhood that has naturally, organically spawned a density of unique cultural assets - organizations, businesses, participants, and artists - that sets it apart from other neighborhoods.”¹⁴ This is the quintessential description of Oakland’s Rockridge district.

¹³ <http://www.westseattleherald.com/2011/08/07/news/slideshow-new-admiral-safeway-advance-look>

¹⁴ <http://www.cooltownstudios.com/2008/01/07/the-impact-of-natural-cultural-districts>

In his Cooltown Studios Blog, a blog/news site that attracts 40,000 unique visitors a month and has been featured in Architect Magazine and the Urban Land Institute's annual developers conference, Neil Takemoto takes on the place of grocery stores in "natural" cultural districts (see sidebar¹⁵).

Takemoto is the founding director of Cooltown Beta Communities a crowdsourced-based placemaking and economic development firm codeveloping natural cultural districts with creatives. His work over the last 14 years has been committed to the development of places with significant economic, environmental and social benefit, currently working in Syracuse, New Orleans and Washington DC.

Takemoto's focus on natural cultural districts owes much to the work of Professor Mark Stern, Co-Director of the Urban Studies Program at the University of Pennsylvania, and his paper "Cultivating Natural Cultural Districts" wherein he lays out the social and economic benefits of such districts.

Like Rockridge, "*What is striking about this phenomenon is that it occurs **without policy intent**.*"¹⁶

In the early 1970's, a resurrected Rockridge Community Planning Council (RCPC) led the way to obtaining funding from the Department of Housing and Urban Development (HUD) for planning studies. As a result, the City of Oakland adopted a new zoning designation, C-31, for College Avenue in 1973, consisting of pedestrian oriented retail with mixed use upper stories. Rockridge is studied as a Model Urban Area by numerous land use planning departments, including UC Berkeley. The unique mix of College Avenue retail has made it a top business tax generator in Oakland for decades, and made Rockridge a destination for tourists, as it has been profiled in numerous national magazine and newspaper articles as well as featured in travel guides to the East Bay.

RCPC is itself a signature organization of the type that identifies a natural cultural district. In addition to its role in the community as a voice in planning and zoning matters, it has originated

5000 - 15,000 s.f. cafe supermarkets, neighborhood supermarkets, co-ops, food halls: This is that sweet spot in size where the average urban dweller can do most of their shopping, and where it becomes so difficult to compete with economies of scale that these stores are typically regional chains, unless it's a co-op, an extraordinary community asset when it exists. On the chain side of things, Trader Joe's and Fresh & Easy Market at least create their own brands, emphasizing affordability, healthy eating and a friendly atmosphere.

20,000 - 40,000 s.f. destination supermarkets This is the maximum size a neighborhood supermarket should be in natural cultural districts, and even mega-chains like Wal-Mart understand this, though yes, it's still Wal-Mart. At this size, there's an opportunity to not only provide a full-sized cafe and specialty food stations, but even reorganize the entire store as a food hall, a fast-growing trend.

50,000 and up In those increasingly rarer instances when national chains won't size down their 50,000 to 60,000 supermarkets, they can be located in corporate retail districts, which should be distinct and separate from natural cultural districts. On the positive end for pedestrians, auto parking is completely hidden underground, to the side or above.

¹⁵ <http://urbanland.uli.org/Articles/2011/Mar/NewbergGrocery>

<http://www.cooltownstudios.com/2011/04/12/sizing-down-next-gen-urban-grocery-stores-2011>

¹⁶ <http://www.trfund.com/resource/downloads/creativity/NaturalCulturalDistricts.pdf>

and taken the lead on public benefit projects as diverse as the building of the Rockridge Branch of the Oakland Public Library,¹⁷ the Hardy Dog Park (Oakland's first off-leash dog park), FROG Park, Friends of the Rockridge Library, Locksley Gardens and the Rockridge DVD Project. All those projects and organizations are fiscally sponsored by RCPC, which was also instrumental in securing \$3 million in mitigation funds for Claremont Middle School and Chabot Elementary School from CalTrans as part of the 4th Bore Coalition.

Natural cultural districts are social networks built by creatives of all types: "cultural creatives" as defined by authors Paul Ray and Sherry Anderson in *The Cultural Creatives: How 50 Million People Are Changing the World* as well as the "creative class" the 38 million in the U.S. representing the creative industry workforce in science, engineering, architecture, design, education, arts, music and entertainment. Based on research by Richard Florida, author of *Rise of the Creative Class: And How It's Transforming Work, Leisure, Community and Everyday Life*, and its sequel *Flight of the Creative Class*, their presence is directly tied to economic prosperity.¹⁸

Rockridge is home to a large number of both creative types, including published authors in all genres, filmmakers, many artists on the annual Pro Arts tour, nationally acclaimed architects and designers and innovators in local business.

The DEIR does not address Rockridge as a unique natural cultural district and Oakland community resource, merely noting that, along with Berkeley's Elmwood district it "is one of the most desirable in the East Bay due to its existing residential and pedestrian character and its small and unique neighborhood-serving businesses."¹⁹ No serious analysis is made of the impact that a corporate retail district scaled project would have on such a unique neighborhood and city asset.

The DEIR is flawed from the outset by its focus on the objectives of the applicant, Safeway, rather than a focus on the impacts and implications of the project for the Rockridge neighborhood and the City of Oakland.

Sincerely,

Annette R. Floystrup

510.652.6794
arf@bharf.com

¹⁷ Dedicated in 1996 and opened by California State Librarian, Kevin Starr, who noted it was the only neighborhood built library in California, if not the nation, in modern times.

¹⁸ <http://www.cooltownstudios.com/2007/11/02/the-creatives-rengen-cultural-creatives-creative-class>

¹⁹ As stated in the DEIR Appendices, pages 835 and 836