



Gordon Wozniak  
Councilmember District 8

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Peterson Z. Vollmann, Planner III  
Planning Division, City of Oakland  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland, CA 94612-2031

Re: Comments on the DEIR: Safeway Project at 6310 College Ave., Oakland, Case Number ER09-0006

Dear Mr. Vollmann:

I am writing this letter on the behalf of the residents of District 8, to comment on the Draft Environmental Impact Report ("DEIR") for the proposed large-scale build-out of the Safeway and gas station properties at College and Claremont Avenues in Oakland. District 8 consists of the southeast section of Berkeley and borders the proposed project.

As the City Councilperson for District 8, I represent Berkeley residents, who reside to the north of the proposed Safeway project. Although the proposed project is entirely in Oakland, its impacts will extend into Berkeley and many of these residents will be strongly impacted due to their proximity to the project.

I have had an opportunity to review the DEIR that supports the full-build project and the Variance Applications. It is my opinion that the DEIR is inadequate and incomplete. The full-build design is ranked 4<sup>th</sup> in terms of minimizing environmental impact. The full-build Safeway store will not be a green building or a green business, since the associated Greenhouse Gas Emissions for operations will increase by 46%. The full-build option will increase the site lot coverage by a factor of three and the building size by a factor of five, yet these dramatic increases in bulk and scale are deemed insignificant. Furthermore, almost all of the significant and unavoidable traffic impacts are in Berkeley, which is in the early stages of a public process to consider the proposed mitigations.

Since there are a number of critical issues that the DEIR fails to adequately address, the Planning Commission should reject the current Safeway expansion design and not certify the EIR.

### Issues with the Draft Environmental Impact Report:

1. *Pursuant to the CEQA Guidelines Section 15091, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects of the project.*
  - a. Since the DEIR has identified numerous significant & unavoidable traffic impacts in Berkeley, Oakland should delay certification of the EIR until the Berkeley City Council has an opportunity for a public review of the traffic impacts and the proposed mitigations.
2. The proposed Safeway expansion does not provide a building mass in scale with its location and inadequately describes the bulk of the project. For the full-build option, the new building will have an area of about 140,000 ft<sup>2</sup> (two floors) and greater than 90% lot coverage.
  - a. The existing 90,000 ft<sup>2</sup> site contains a total of 25,389 ft<sup>2</sup> of structures (24,269 ft<sup>2</sup> single-story store and a 1,120 ft<sup>2</sup> gas station service building) for a total lot coverage of only 30%. The full-build project is described as having 62,167 ft<sup>2</sup> of retail floor area, but the DEIR does not describe the building area devoted to enclosed parking, which represents a comparable or larger floor area. The entire two-story structure will enclose almost all of the ground floor and about two-thirds of the 2<sup>nd</sup> floor of the 90,000 ft<sup>2</sup> site for a total structure of about 140,000 ft<sup>2</sup>. Thus, the lot coverage will increase a factor of three from 30% to 90% and the building size will increase by a factor of over five from 25,000 ft<sup>2</sup> to 140,000 ft<sup>2</sup>.
  - b. **This dramatic increase in both lot coverage and building mass and their impacts on the surrounding neighborhoods is not adequately discussed or evaluated in the DEIR.**
3. Parking
  - a. Although the proposed project will provide a total of 171 parking spaces, this is 15 spaces short of the parking required for a project of this configuration. Eight spaces, or 5% of the total, will be sized for compact cars, whereas, 95% of the spaces will be sized for SUVs and full sized cars. Since a majority of East Bay residents drive sub-compact or compact cars, a substantial amount of space is wasted on extra-large parking spaces. The DEIR should analyze whether 15 additional spaces could be generated with a floor plan containing 50/50 mixture of large and compact vehicles. To determine what the actual demand is for different sized parking spaces, Safeway should measure the distribution of different sized vehicles (sub-compact, compact, full sized, SUV, and pickup) in its current parking lot.
  - b. To make the Safeway a green project:
    - i. Electric vehicles should be encouraged by providing 10% of the parking spaces with charging facilities.

- ii. In addition, several parking spaces should be dedicated to car sharing.
  - iii. The outdoor employee parking lot should utilize dual-intensity energy efficient lighting with motion detectors. The Mondavi Center at UC Davis has such a lighting system for its parking lot and has reduced its electrical use by over 75%.
  - iv. Rain water from the roofs should be collected and used for landscaping.
- 4. Conditional Use Permit for a store size in excess of 7,500 ft<sup>2</sup>.
  - a. The project site is within the C-31 Special Retail Commercial Zone. The C-31 Zone is *"intended to create, preserve, and enhance areas with a wide range of retail establishments ...."*
  - b. For the full-build option store of 51,000 ft<sup>2</sup> and an additional 10,000 ft<sup>2</sup> of small retail, this store will be an order of magnitude larger than the next largest store in the district. It will dominate this business district which has only very limited on-street parking. Furthermore, Safeway will have 144-parking spaces on site for its customers and the customers of its eight-commercial tenants. Although in the past and present, Safeway has generously allowed its customers to park in its parking lot and shop at other businesses in the district, this policy has never been formalized. Because on-street parking is scarce, the Safeway's commercial tenants will have a significant advantage over other businesses in the district.
  - c. In effect, Safeway is similar to an anchor tenant in a mall, but, in contrast, it controls access to the parking for the entire mall, giving it a significant advantage in addition to its large size. To have a healthy shopping district, it is important that all customers have equal access to parking, regardless of which individual business they choose to patronize on a particular trip.
  - d. One of the conditions of the Use Permit, should be to allow equal access to the Safeway parking lot, subject to reasonable restrictions. Such a condition would be consistent with Policy N1.1 *"...provide opportunities for small scale, neighborhood-oriented retail."*
  - e. Furthermore, page 4.1-8 of the DEIR states *"While the proposed parking would primarily support shopping at Safeway, its layout and proximity to the new and existing small commercial shops on College would effectively promote parking once and walking to multiple destinations."* This current practice should be included as a condition in the Use Permit.
- 5. Consistency with Oakland's General Plan and Land Use and Transportation Element (LUTE)
  - a. Policy N1.4 Locating Large-Scale Commercial Activities. *Commercial uses which serve ..... regional consumers and which primarily offer high volume goods should be located in areas amenable to high volumes of traffic ...*

- i. Classifying the proposed full-build option Safeway store of 51,000 ft<sup>2</sup> as a small-scale neighborhood commercial retail is not justified on the basis of the evidence presented and not a credible classification. This classification is not supported by any facts or analysis. The proposed store is an order of magnitude larger than any other store in the business district.
  - ii. Furthermore, it will draw the majority of its customers from outside of the neighborhood. The proposed store is more properly classified as a large-scale commercial retail store. Safeway should survey where its current customers reside and analyze this data in the DEIR.
  - iii. If full-build store is approved, as proposed, then there should be additional mitigations to offset the detriment to the neighborhood, such as undergrounding all utilities on Claremont, College & Alcatraz as well as installing pedestrian scale street lamps. In addition, a Business Improvement District should be created to promote, beautify and maintain the commercial district.
  - iv. Additional analysis needs to be performed to demonstrate how such a large-scale store will fit into the ecology of the district without damaging the existing small businesses.
- b. Policy N1.8: Making Compatible Development. *“The height and bulk of commercial development in ‘Neighborhood Mixed-use Center’ and ‘Community Commercial’ areas should be compatible with that which is allowed for residential development.”*
- I. The ground-floor of the proposed full-build project will occupy 90% of the 90,000 ft<sup>2</sup> site and the 2<sup>nd</sup> floor will occupy more than 50% of the site. To claim that the FAR is only 0.72 substantially understates the bulk of the building. The underground parking should be included in the FAR estimates.
  - II. In addition, the lot coverage is 90%, which is substantially greater than what is allowed in the adjacent residential zoning. This impact is not analyzed in the DEIR.
  - III. Additional analysis needs to be done considering both the lot coverage and the FAR for the entire structure, including parking to determine whether or not this development is compatible with adjacent residential and commercial activities.
- c. Policy N5.2: *Buffering Residential Areas. Residential areas should be buffered and reinforced from conflicting uses through the establishment of performance-based regulations, the removal of non-conforming uses and other tools.*



above capacity. Thus, the loss of these parking spaces would contribute to the expected parking shortage in the area (see page 4.3-12).”

- b. To mitigate this loss of parking, Safeway should provide customers of these businesses access to its off-street parking garage.
  - c. In addition, Safeway should underground the utilities on Alcatraz and pay for the installation of pedestrian-scale street lamps in this area.
8. Greenhouse Gas (GHG) Emissions
- The proposed full-build project is not a green project. According to Table 4.5-3, the proposed full-build project will increase GHGs by 45% over current operations. This increase is contrary to the draft Oakland Energy and Climate Action Plan, which calls for a reduction of city-wide GHG emissions by 36% by 2020.
- a. Although Policy CO-13.4 calls for the *“use of alternative energy resources, including solar energy and technologies which convert waste or industrial byproducts to energy, ...”*, no analysis of the impact of cool roofs or photovoltaic roof arrays on GHG emissions are presented.
  - b. The full-build project is assigned to not have a significant impact on the environment only after inclusion of the GHG emission associated with the refrigeration leaks, even though the inclusion of refrigeration leaks *“is inconsistent with BAAQMD’s justification for deriving the 1,100 metric ton threshold of significance ...”* Safeway should present a green store that does not have to resort to such subterfuge avoid a significant finding.
  - c. Utilizing solar panels of the roof of the project could reduce electrical consumption by 478 MtCO<sub>2</sub>/year, dramatically decreasing the project’s GHG emissions. Solar panels should be evaluated and included in the final design.
  - d. The DEIR analysis should consider the improvements required for the project to achieve a zero-net-energy operation.
  - e. Since over 90% of the full-build projects GHG emissions are associated with traffic, Safeway should consider scaling back the size of the project to reduce the associated GHG emissions. Alternatively, it should introduce sufficient mitigations to cap the traffic emissions at the 2009 values, such as incentives to use:
    - i. electric vehicles or high-mileage vehicles,
    - ii. car shares,
    - iii. mass transit,
    - iv. a grocery delivery service
    - v. and bicycles.

- f. The construction-generated GHG emissions from the project are not properly accounted for. Construction emissions occur at the beginning of the project, before operations begin. Since CO<sub>2</sub> has a residency in the atmosphere of hundreds of years, annualizing the construction-generated GHG emission is the wrong approach and grossly underestimates their impact. For example, in Year 1 the construction-generated GHGs are 387 US tons of CO<sub>2</sub>, whereas the DEIR assumes that only 9 tons are emitted by operation in Year 1 using the annualized methodology. Using this flawed methodology, it takes 40 years for the DEIR estimates to reach the level of 387 tons emitted in the first year by construction. Clearly, this methodology is flawed, grossly underestimates the impact of the actual GHGs emitted by construction activities and should not be utilized.

For all of the above reasons, the conclusion of the DEIR that “the project would not result in a cumulatively considerable contribution of GHG emissions ...” is not justified!  
The DEIR analysis of GHG emissions needs to be redone with realistic assumptions.

## 9. Environmentally Superior Alternatives

### a. The DEIR analysis designates:

- i. The No Project Alternative as the environmentally superior alternative.
- ii. Alternative 2b, the 25,250 ft<sup>2</sup> Reduce Size Project as 2<sup>nd</sup> place runner up.
- iii. Alternative 2, the 40,000 ft<sup>2</sup> Reduced Size Project is the 3<sup>rd</sup> place runner up.
- iv. The Full-build option does not even place as a runner-up.

Safeway should revise its design for the proposed store to make it a green building of significance. The goal should be a store with zero-energy operations and substantially reduced GHG emissions from transportation. In addition, it should have a goal as a zero-waste store. With a proper redesign, Safeway can create both a green store and one that enhances the ambiance and enriches the ecology of this jewel of a business district.

Sincerely,

Gordon Wozniak  
Berkeley City Council – District 8