

September 17, 2013

Darin Ranelletti, Planner III
City of Oakland
Department of Planning, Building, and
Neighborhood Preservation
Planning and Zoning Division
BY HAND



Re: Safeway Redevelopment Project (Broadway at
Pleasant Valley Avenue)
Case File No. CMDV09-005-135; CP09-090; ER09-007

Dear Mr. Ranelletti:

As PANIL has informally indicated, we are pleased with the many efforts that the project applicant has made to improve the aesthetics and functionality of the project. We are more convinced the new center will be an asset to Oakland. Nonetheless, we remain quite concerned that the safety of our streets will be severely impacted by increased traffic in the area. Accordingly, we start off our EIR comments on that subject. But, first, we want to state how dismayed we are that we do not have a meaningful opportunity to review and comment on the staff report. We will first see it on 9/20, a mere five days before the Commission hearing, at which time we will have our *first* opportunity to see the staff's specific recommendations about mitigation bonds and other matters near and dear to our heart. This severely diminishes our ability to analyze it and communicate any concerns to the Commission if the Commission makes its decision on 9/25 as planned.

MASTER RESPONSE #6 - CUT-THROUGH TRAFFIC (p.4-20)

The City does not believe that cut-through traffic will be as severe a problem as the community thinks it will be. This conclusion appears to be based on three major factors: the absence of data demonstrating a problem, the assertion that travel times “are expected to generally remain similar or better to current conditions” along Broadway/Pleasant Valley/51st, and the belief that most drivers will either not be familiar with cut-through routes or not find them to save travel time.

It is hard for PANIL to accept the City's conclusion in the absence of supporting data. As noted by PANIL and RCPC in our DEIR comments, this was not studied in the draft EIR or backed by evidence. While the City has done additional analysis to respond to our comments, it has not collected significant new data, i.e., the type of data discussed in Recommendation TRANS-26. Instead, the City relies on its analysis being based on “standard transportation engineering best-practices and City of Oakland guidelines and requirements”(p.5-100) even when those practices are clearly deficient in assessing cut-through traffic. Had further analysis been done in response to public comments, we would now have a much more thorough understanding of current traffic volume and speed and a better ability to assess the need/type of traffic mitigation measures.

Compounding our frustration on the data issue is a fundamental disconnect between PANIL and the City—we find it incomprehensible that travel times along the major routes will remain

the same or improve, reducing the need for cut-through traffic. The EIR acknowledges unavoidable degradation to the Levels of Service at 51/Broadway/Pleasant Valley, Howe/Pleasant Valley, and Piedmont/Pleasant Valley intersections, in some cases from D to F on a scale of A–F, and does not directly address the Gilbert/Pleasant Valley/Shopping Center Entrance traffic increases. How can these projected increases in delays combined with the increase in quantity of traffic signals *not* increase drive times and push vehicular traffic to explore alternate routes? Further, the new projects on the west side of Broadway, while welcomed, will add to the volume of traffic.

We also note that the City states on p. 4-20 that an increase in cut-through traffic on residential streets might reduce the impacts and need for mitigation on the major streets. We dispute that assertion. A modest increase of traffic on smaller residential streets will have a much greater impact than the same decrease on major streets. The major streets will still need mitigations. Further, the City has already stated that not all the traffic impacts on the major streets can be mitigated, making mitigation essential in any case.

That said, if the City will not require mitigation measures now, we support the concept of Recommendation TRANS-26. However, we are very much stymied at the moment because of our need to submit these comments prior to seeing the 9/20/13 staff report that will identify the proposed bond approach and other details in specificity. We fear our ability to comment and affect the outcome will be severely hampered by this timing constraint. Doing the best we can with what we know, it is essential that the following matters be addressed prior to project approval:

- We are told that Safeway will be required to post a bond to pay for future mitigation. Neighbors require assurance that (1) the requirement is clearly enforceable with meaningful sanctions for non-compliance and (2) the money set aside in the bond will be adequate to finance any required mitigation. A neighborhood resident who is a planner in a neighboring jurisdiction roughly estimates that \$4-\$5 million would need to be put aside to assure funding would be adequate. Further, we also want to make sure that Safeway does not disclaim full responsibility for mitigation because of the other possible projects on the west side of Broadway/College, for which there is no formal application yet.
- While Safeway must fund the study, the City, not Safeway, must have responsibility for project management. The City must utilize the same type of arrangement as it had with Fehr and Peers for the EIR and not turn over management to the project developer.
- The City and its consultant, in consultation with PANIL and RCPC, must decide the dates and times to collect the data, not Safeway. (Data was collected for the DEIR on the date of the Piedmont Avenue Halloween Parade, when the Avenue is closed to traffic. The neighborhood will be aware of such atypical traffic days.) Is 7 days an adequate sampling time? Is that standard?
- The City must specify how “80% or more occupancy” is defined. Is that 80% of the project square footage, including offices, or 80% of the retail businesses, regardless of the square footage, or something else? Restaurants and retail stores will generate more traffic per square foot than offices, and the occupancy definition should reflect that.
- The City has explained its rationale for the light phasing and lanes at the complex Gilbert/Pleasant Valley intersection. The proposed approach may well prove to be the best, but we suggest that this intersection be included in the “after” study to see if the traffic pattern is working as projected. If not, changes/improvements can be considered with the new data.

- Completion of the study and implementation of any necessary mitigation measures will take years. If any pressing problem (attributable to Safeway) emerges in the interim that can be remedied in the short-term (with the awareness of secondary effects), the City must have the ability to direct some bond money to such fixes and the bond must be sufficient to allow such contingencies.
- We also note that the EIR concludes that parking will be adequate except during the December holidays and that shoppers are unlikely to use neighborhood streets because of the need to carry packages. That conclusion is necessarily a question mark, especially when the original survey of available parking spaces was done during the recession before business picked up on Piedmont Avenue, causing more employee and customer parking on the side streets. Moreover, as Safeway mentioned in its meeting with the community on 9/3, they hope the Project will support a contiguous shopping area encompassing the Center, Piedmont Ave, and College Avenue. This comment made us realize that new shoppers may start using Piedmont and College Avenues. That is wonderful for the local economy but also bound to lead to more customers looking for parking in the neighborhood. As we stated in our comments on the DEIR and believe even more strongly now, a survey of parking spillover after occupancy is essential. Since the City already proposes to require study of cut-through traffic, analysis of parking could easily be added to the study. If the results show impacts, then Safeway must be required to pay to extend the residential parking program to the blocks of Howe, Montgomery, Gilbert and Mather that do not have two hour restrictions now.

MASTER RESPONSE #8 Pedestrian Crossing on Pleasant Valley Avenue (p.4-36)

We appreciate the City's proposal to address this issue in Recommendation TRANS-20B. Since most residents are not familiar with the improvement measures, especially RRFBs, it would be very helpful if the City could provide more detailed information for us to look at prior to implementation.

The rationale for placing priority on the Montgomery intersection makes sense. Nevertheless, an improvement to the Howe intersection is critical as well. There is no crosswalk or KEEP CLEAR warning at that intersection. Painting them on would be easy to do and promote pedestrian safety even if not to the degree of the Montgomery intersection.

RESPONSE TO PANIL COMMENTS 6-9 (p.5-40)

We do not think the absence of a reported collision in recent years indicates that the eastern driveway is safe. We know from discussions of neighborhood crime in our PANIL meetings and neighborhood yahoo groups that it is common for incidents to not be officially reported. In any event "close calls" (which many of us have had) would not be reported but indicate cause for concern. We still urge the City to refigure the driveway to improve the sight-lines.

RESPONSE TO PANIL COMMENT 6-16 (p.5-42)

Both PANIL and RCPC recommended shuttle services to reduce auto demand. Safeway is considering partnering with Kaiser, a holiday shuttle, and other options. As we contemplate this issue further, it behooves us not to replicate what AC Transit already provides. The 51A bus goes directly to Rockridge BART so that route is already well served. Staff and the applicant should consider establishing a program whereby persons who can show that they arrived by AC Transit (either by showing a transfer or having an indication on their Clipper Card) should receive reimbursement either in the form of an AC Transit single use pass or credit on his or her Clipper Card.

The need for a shuttle may be greater for MacArthur BART since there is no direct connection from the Safeway Center after the rerouting of the 12 bus several years ago. (If the Kaiser shuttle is extended, the route should be on the arterials, not side streets.) What does appear to be critical is an internal shuttle, especially during the holidays, given the long distance from Safeway and some of the retail to the bus stops.

PEDESTRIAN SAFETY AT 51/BROADWAY/PLEASANT VALLEY

We urge that tight corner radii be established at the Broadway/Pleasant Valley/College intersection to slow the speed of turning traffic and minimize pedestrian crossing distances.

We also note that the EIR (p. 5-63) states that the pedestrian delay will be decreased at the 51st Street/Pleasant Valley/Broadway intersection. This decrease is not possible to achieve with the pedestrian crossing time requirements of the current MUTCD, especially with the proposed lane configurations that widen the intersection. Additionally, residents have voiced that the current timing is inadequate to cross, in part due to vehicles that are completing actions from the previous light phase during the pedestrian signal. Building a brief all-way red clearance interval into the signal timing of the key intersection could be a way to mitigate this.

NON-CEQA RECOMMENDATIONS (p.2-32)

Assuming the Recommendations are adopted by the Planning Commission, we believe the language must be changed to remove the substantial discretion given to Safeway. Recommendation TRANS-17A, in particular, requires Safeway to implement numerous measures "if feasible." While we certainly realize not everything can be prescribed in advance, the "if feasible" qualification relieves Safeway of the requirement to do anything. For example, "if feasible" Safeway is to "ensure that all parking spaces adjacent to sidewalks and paths provide wheel stops to minimize automobile overhang on paths." (see 'f') We fail to see why something as clear and straightforward as wheel stops is not mandatory. Moreover, given the specificity of Safeway's drawings, why can't the City establish the required sidewalk width now rather than mandating at least 6 feet and only recommending 10 feet? (see 'g'). A third example is 'a', where "if feasible" Safeway is to use different materials and/or striping materials on crosswalks. Given the diversity of building exteriors Safeway is now using, why is there any doubt that Safeway could not use different materials for crosswalks?

Most of the other recommendations are not qualified in the same way. However, Recommendation TRANS-24 encourages but does not require employees to use the least convenient parking spaces. Why is this not a requirement when it will help traffic flow? In addition, all employers in the project should be required to participate in AC Transit's Easy Pass program for all their employees.

In sum, each recommendation must be reviewed to assure that discretion is given to Safeway only where absolutely necessary.

OTHER MATTERS

Security

As a Condition of Approval, we urge that Safeway be required to provide superb 24 hour security at the site. In addition to the serious increase in crime in Oakland citywide, there are many incidents in the current parking lots. The lower public visibility in structured parking

makes this doubly important. This should include both roving security guards throughout and cameras in areas of poor visibility.

Impact Fees

We recognize that the City cannot waive a wand for this project and develop new rules on impact fees. However, we think that it tragic, especially with Oakland's fiscal woes, that city-wide impacts are not required to be mitigated by payments to the general fund. For example, individuals and AC Transit will face more delays, especially on the frequently late 51A line, yet no impact fees are paid to mitigate those impacts.

Signage

We understand that signage requirements will be addressed by an application under the Master Sign Program. However, given the sensitivity of signage decisions adjacent to residential areas, we request that the following concerns be addressed in the Conditions of Approval:

- Billboards should be banned from this site permanently.
- The “Project Name” indications on the most recent renderings are tasteful; we do not want a return of a large pole sign such as the current one, listing all the major stores. It is unsightly and invasive on the streetscape and residences within line of sight.
- Flashing or moving functions such as the dangerously distracting and ugly billboards at the Bay Bridge entrance should be banned.

Landscaping

We urge the City to ensure that the landscaping be both attractive and effective. By effective, we mean that it will reduce urban heat and dust and be well maintained. Similar standards should apply to the pedestrian refuges at the 51/Broadway/Pleasant valley intersection.

Residential Parking Program

We also request that the City look into extending residential parking restrictions to Saturday as neighbors are finding it increasingly difficult to park on the streets closest to Piedmont Avenue on Saturday.

Thank you for your consideration of these comments.

Piedmont Avenue Neighborhood Improvement League (PANIL)
by Valerie Winemiller, Steering Committee member