

CITY OF OAKLAND



CITY HALL · ONE FRANK H. OGAWA PLAZA · OAKLAND, CALIFORNIA 94612

JANE BRUNNER
Councilmember
District 1

(510) 238-7001
FAX (510) 238-6910
TTD (510) 238-7413

To: Oakland City Councilmembers
From: Jane Brunner, City Councilmember District 1
Date: November 13, 2012
Re: Item #9.3: Safeway Project Appeal

On November 8th, 2012, I mediated a settlement between the project applicant (Safeway Corporation) and representatives of the two appellant groups (Rockridge Community Planning Council and Berkeleyans for Pedestrian Oriented Development).

Both parties met in my office on November 8th, with the goal of reaching a mediated settlement that would result in the appeal being dropped. This goal was accomplished.

The result of the meeting is a modified design that moves the Safeway store from the second floor to the first floor of the development, with parking above. The Safeway and ancillary stores have also been modestly reduced in size.

The purpose of this memo is to ask the City Administrator to return to the City Council on December 18th with all necessary documents; including revisions to the project description, required findings and conditions of approval, such that final action may be taken by the full City Council on the 18th. If there are issues that need to be resolved before the 18th, then the applicant and appellants will be reconvened in order to resolve such issues.

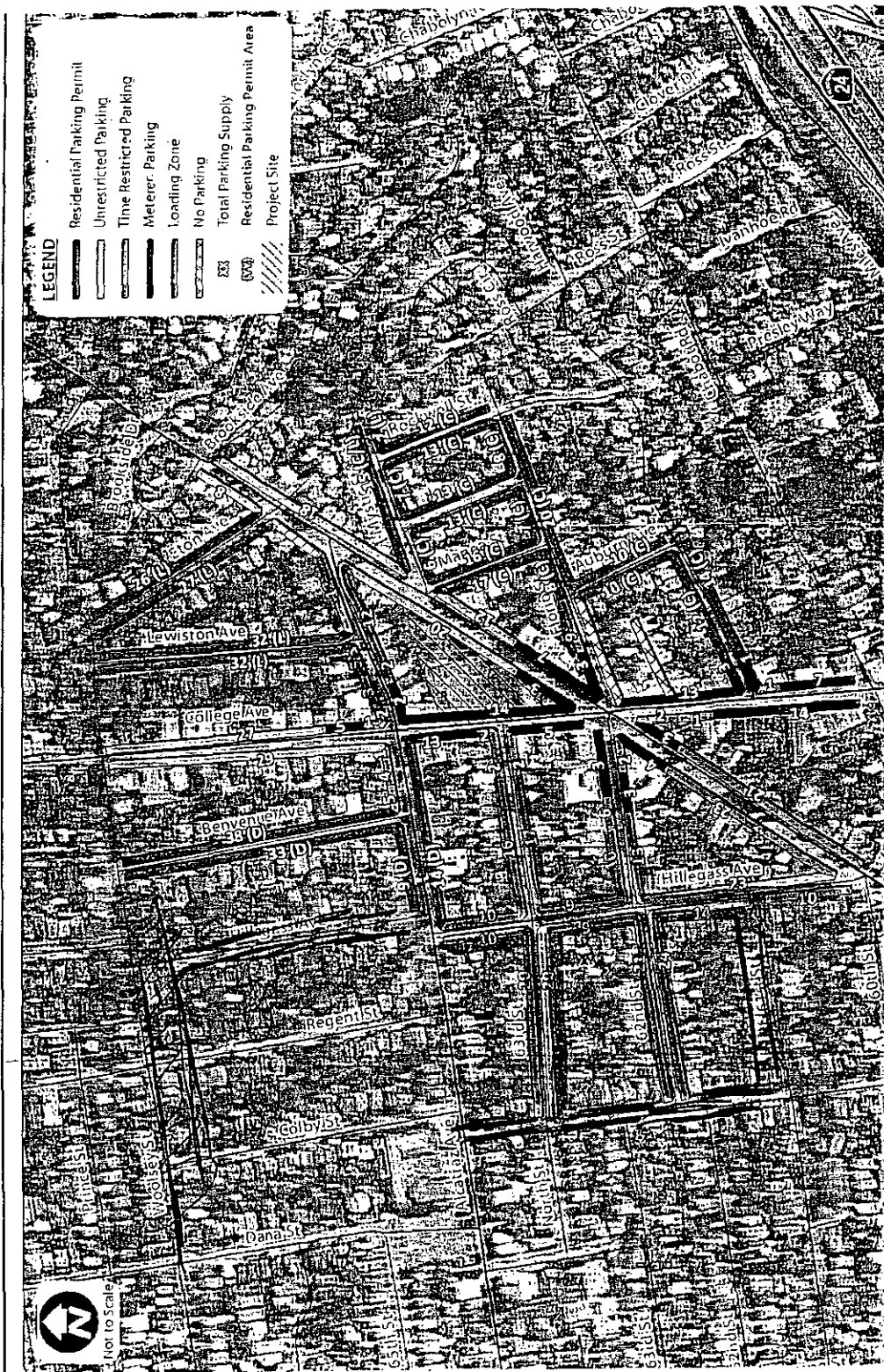
The attached Term Sheet describes the terms of the settlement.

Item #9.3
November 13, 2012

SAFEWAY ON COLLEGE AVENUE TERM SHEET, NOVEMBER 8TH, 2012

This term sheet details the parties' agreement in concept to the following changes to the College Avenue Safeway plan:

1. Safeway store will be moved to the ground floor with rooftop parking and covered loading dock with appropriate visual screening and lighting and acoustic treatments.
2. Safeway store will be limited to 45,500 gross square feet
3. Retail will be limited to 9,500 gross square feet
4. Total shopping square feet (Safeway plus shops) not to exceed 55,000 gross square feet
5. On-site parking spaces will be provided to match projected parking demand. There must be no parking deficit.
6. Employee parking will be restricted to off-site during peak parking periods as defined by the Final Environmental Impact Report, 4pm-7pm weekdays and 11am-8pm on Saturdays, with the exception of those employee parking spaces that may be accommodated in the design without causing a parking deficit.
7. Safeway agrees to enforce the restriction on employee parking hours and employees will be required to post parking stickers on their cars for identification.
8. Safeway will pay for permit parking for the life of the project for blocks that do not currently have permit parking that are identified on attached page 4.3-13 of the DEIR. Additional blocks to those identified on the attached sheet include, Colby Street between Alcatraz and 61st, Hillegass between Woolsey and Alcatraz, and 61st Street between Colby and Hillegass. Fees will be no higher than RPP fees in the City.
9. Condition of Approval #58D, bullet point 3 will be modified to strike the 2nd sentence.
10. Food vendors will be permitted in the shops if analysis by Safeway and RCPC traffic consultants, using ITE methodology in a manner consistent with the FEIR, indicates that no parking deficit will result. If the consultants do not agree, then there will be verification by a mutually agreed consultant, paid for by Safeway.
11. In the future, a restaurant use may be permitted, but only with the written consent and approval by RCPC and Berkeleyans for Pedestrian Oriented Development (or their successor groups), after submittal of a traffic and parking study paid for by Safeway.
12. National chain stores will occupy no more than 40% of the shops by square footage (excluding Safeway). A list of objectionable stores and store types within will be provided by the appellants and reviewed by Safeway. Listed stores and store types will not be allowed.
13. All mitigations in the existing Planning Commission approved proposal, including those in Berkeley, will remain in the proposal.
14. If there is a project that will benefit the neighborhood that City staff has acknowledged addresses a problem caused by the Safeway project, then up to \$300,000 in funds will be distributed to pay for improvements approved by the City.



Existing On-Street Parking Supply Figure 4.3-5