



**BERKELEY CITY COUNCIL HEALTH, LIFE ENRICHMENT, EQUITY &
COMMUNITY COMMITTEE
REGULAR MEETING**

**Monday, December 11, 2023
10:00 AM**

2180 Milvia Street, 6th Floor - Redwood Room

Committee Members:

Councilmembers Ben Bartlett, Sophie Hahn, and Mark Humbert
Alternate: Councilmember Terry Taplin

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

Remote participation by the public is available through Zoom. To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - <https://cityofberkeley-info.zoomgov.com/j/1602349567>. To request to speak, use the “raise hand” icon on the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and Enter Meeting ID: **160 234 9567**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.

To submit a written communication for the Committee’s consideration and inclusion in the public record, email policycommittee@berkeleyca.gov.

Written communications submitted by mail or e-mail to the Health, Life Enrichment, Equity, & Community Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

AGENDA

Roll Call

Public Comment on Non-Agenda Matters

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - November 13, 2023

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

2. Referral: Use of Sidewalks for Recreation, Such as Chess From: Councilmember Robinson (Author), Councilmember Harrison (Author) Referred: November 27, 2023 Due: May 27, 2024

Recommendation: Refer to the City Manager to evaluate and return to City Council with recommendations and legislative alternatives for making use of tables, chairs, and other relevant objects that can be easily moved to be allowed without a permit application for non-disruptive recreational uses in the public right-of-way. Such recreational uses may include activities such as playing chess at movable tables and chairs. Consideration should be given to ensure that such use of tables and chairs does not unduly obstruct public sidewalks.

Financial Implications: See report

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Committee Action Items

**3. Supporting the Installation of Permanent Chess/Games Tables on Telegraph Avenue and Proposing Resolution of Concerns at 2454 Telegraph Avenue
From: Councilmember Hahn (Author)**

Referred: November 27, 2023

Due: May 27, 2024

Recommendation: 1. Refer to the Budget Process \$50,000 to support the installation of public chess/game tables on Telegraph Avenue, including at or near the intersection of Telegraph and Haste Streets.

2. Refer to the City Manager to explore the potential development of a parklet at or near the Telegraph/Haste intersection, potentially near the South/West corner (beyond the yellow loading area on Haste Street) and other potential locations for a parklet that could accommodate chess/game tables and the volume of community participation this activity generates.

3. Refer to the City Manager the development of a city-wide chess and game facilities program to integrate permanent chess/game nodes into park, curtilage, and/or sidewalk areas throughout Berkeley in a manner that encourages broad participation in and enjoyment of games and supports the building of community around these activities. Consider appropriate locations for nodes, installation of City-owned facilities, rules and regulations for use, and maintenance.

4. Direct the City Manager to pause imposition of additional fees, if any, and enter into negotiations with the property owner at 2454 Telegraph Avenue to achieve an agreement that would result in upgrades and improvements to the building exterior/facade, create a landscaped perimeter around the exposed entry area, improve maintenance, and/or similar terms, in exchange for a reduction/waiver of accumulated fees.

Financial Implications: See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

4. Referral for Development of Request for Proposal (RFP) to Support Berkeley-Based Non-Profit Food Assistance Providers Serving Food Insecure Households

From: Councilmember Kesarwani (Author), Councilmember Humbert (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Councilmember Taplin (Co-Sponsor)

Referred: November 13, 2023

Due: May 13, 2024

Recommendation: Refer to the City Manager to develop and fund a Request for Proposal (RFP) process to support Berkeley-based non-profit food assistance providers serving food insecure households. Funds are intended for (but not limited to) the following needs:

- Expansion of capacity to serve more people experiencing food insecurity, such as one-time purchase of equipment;
- Hiring of additional staff to serve more people; and/or
- Other emerging needs to be determined.

Refer \$200,000 annually in funding to the biennial FY 2024-25 to FY 2025-26 budget process to fund qualified proposals resulting from the RFP.

Financial Implications: See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

5. Healthy Checkout Amendment

From: Councilmember Bartlett (Author), Councilmember Harrison (Co-Sponsor)

Referred: November 13, 2023

Due: May 13, 2024

Recommendation: 1. Adopt an amendment to the Healthy Checkout Ordinance (9.82) requiring stores 2,500 square feet and under in size to sell more nutritious food and beverage options in their checkout areas.

2. Refer to the City Manager to determine funding and staffing needs to implement and enforce the expansion of the ordinance and sources of funding to support this program.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Items for Future Agendas

- Requests by Committee Members to add items to the next agenda
- Discussion of future hearings and open forums

Adjournment

~~~~~  
*Written communications addressed to the Health, Life Enrichment, Equity & Community Committee and submitted to the City Clerk Department will be distributed to the Committee prior to the meeting.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900.*



**COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

~~~~~  
I hereby certify that the agenda for this meeting of the Standing Committee of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on December 7, 2023.

A handwritten signature in black ink that reads "Mark Numainville".

Mark Numainville, City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@berkeleyca.gov.



**BERKELEY CITY COUNCIL HEALTH, LIFE ENRICHMENT, EQUITY &
COMMUNITY COMMITTEE
REGULAR MEETING MINUTES**

**Monday, November 13, 2023
10:00 AM**

2180 Milvia Street, 6th Floor - Redwood Room

Committee Members:

Councilmembers Ben Bartlett, Sophie Hahn, and Mark Humbert
Alternate: Councilmember Terry Taplin

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

Remote participation by the public is available through Zoom. To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - <https://cityofberkeley-info.zoomgov.com/j/1612187768>. To request to speak, use the “raise hand” icon on the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and Enter Meeting ID: **161 218 7768**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.

To submit a written communication for the Committee’s consideration and inclusion in the public record, email policycommittee@berkeleyca.gov.

Written communications submitted by mail or e-mail to the Health, Life Enrichment, Equity, & Community Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

MINUTES

Roll Call: 10:08 a.m.

Present: Hahn, Humbert

Absent: Bartlett

Councilmember Bartlett present 10:11 a.m.

Public Comment on Non-Agenda Matters: 2 speakers

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - June 12, 2023

Action: M/S/C (Humbert/Bartlett) to approve the June 12, 2023 minutes.

Vote: All Ayes.

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

2. Adopt an Ordinance Adding Chapter 12.75 to the Berkeley Municipal Code to Establish Protections Relating to Animals Held, Owned, Used, Exhibited, or Otherwise Kept for Racing or Other Sport, Entertainment or Profit (Item contains revised material)

From: Councilmember Harrison (Author)

Referred: June 26, 2023

Due: December 12, 2023

Recommendation: Adopt an Ordinance Adding Chapter 12.75 to the Berkeley Municipal Code to Establish Protections Relating to Animals Held, Owned, Used, Exhibited, or Otherwise Kept for Racing or Other Sport, Entertainment or Profit.

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action: 14 speakers. M/S/C (Hahn/Humbert) to send the item to Council with a qualified positive recommendation to approve the Ordinance with substantial edits and as may be necessary for legal and administrative purposes.

Vote: All Ayes.

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

- None

Items for Future Agendas

- None

Adjournment

Action: M/S/C (Hahn/Humbert) to adjourn the meeting

Vote: All Ayes.

Adjourned at 11:56 a.m.

I hereby certify that the foregoing is a true and correct record of the Health, Life Enrichment, Equity, & Community Committee meeting held on November 13, 2023.

Neetu Salwan, Assistant City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@berkeleyca.gov.



CONSENT CALENDAR
December 12, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson (Author), Councilmember Harrison (Co-Author)

Subject: Referral: Use of Sidewalks for Recreation, Such as Chess

RECOMMENDATION

Refer to the City Manager to evaluate and return to City Council with recommendations and legislative alternatives for making use of tables, chairs, and other relevant objects that can be easily moved to be allowed without a permit application for non-disruptive recreational uses in the public right-of-way. Such recreational uses may include activities such as playing chess at movable tables and chairs. Consideration should be given to ensure that such use of tables and chairs does not unduly obstruct public sidewalks.

BACKGROUND

Community members have gathered to play chess and socialize on the 2400 block of Telegraph Avenue since 2021. The informal “chess club” that has met on the block is a cherished community space that embodies Berkeley values of non-commercial, organic interactions between people of all ages and backgrounds on one of the most historic and storied blocks in the City. The chess club serves as a space for all to interact in a transaction-free, non-commercialized environment that does not exclude those who are unable to pay.

The chess club has recently been situated on private property, which has created conflicts with the property owner. These activities, however, are not permitted in the public right-of-way. There are steps that the property owner could have taken and could take now to welcome the chess club’s activities at their current location if that is desired, including but not limited to building a parklet or seeking to modify the use permit for the property. And there are steps the city can take to expand space for public recreation, including reactivating the Dwight Triangle and pursuing reforms to the municipal code to enable these activities in the public right-of-way. It is in the public interest to explore all options.

The chess club has revealed some fundamental legal limitations that the Berkeley Municipal Code places on these organic activities — namely, on residents setting up tables, chairs, and other objects on sidewalks to utilize public space for purposes of recreation. In an increasingly commercialized and consumerist environment, free and communal activities such as gathering to play chess are a welcome and necessary use

of public space. Moreover, they can serve to connect people of all backgrounds by enabling new “third spaces,” or places other than work and school to socialize. It is clear that there is a public interest in encouraging these uses of public space, so long as participants act and operate with respect for their neighbors and surroundings.

There is a notable dearth of public seating available on Telegraph Avenue. Much of the seating in the Telegraph commercial district is behind paywalls, located at businesses and restaurants. There are limited spaces for relaxation and social gathering on Telegraph Avenue. A shortage of publicly available seating creates a particularly hostile environment for the elderly and disabled. The city council has embraced a radical vision for the future of Telegraph Avenue, one of widened sidewalks and beautiful placemaking where the avenue can be transformed into a plaza and embraced as a place for gathering, more so than a thoroughfare. That vision, however, will take time and significant resources. There are strategies, such as allowing chairs and tables provided by community members, that can be welcomed right now to embrace gathering and recreation on Telegraph.

At present, one additional bench has been ordered by city staff to provide for seating at a bus stop on Telegraph Avenue, and the city council has provided direction and referred funding to the budget process to reactivate the Dwight Triangle as an area for recreation and gathering with new seating. All the same, given the severe shortage of publicly available seating and space for resting currently, it is in the public interest to welcome efforts from community members to create additional space for gathering.

Chess club organizers have presented options to our offices proposing Berkeley Municipal Code edits that would loosen limitations on setting up movable tables and chairs on sidewalks. It is our intent, with this legislation, to give staff direction to study and recommend policy options for allowing activities like chess at movable tables and chairs to be set up organically on our sidewalks — so long as an ADA-accessible open sidewalk width is maintained — without applying for a city permit, reducing barriers to creating precisely the organic, transaction-free public spaces we want to see in our city.

Staff are encouraged to review and consider the proposed language submitted by community members in their analysis and preparation of recommendations and legislative alternatives. They are as follows:

Proposal 1:

In Proposal 1, a new section (H) is added to code section 16.18.040 Exemptions from permit requirements.

16.18.040 Exemptions from permit requirements.

The following encroachments may be placed or maintained without a permit:

...

H. Objects such as, but not limited to, tables, chairs, canopies, and umbrellas that enable members of the public to assemble and engage in legal activities for the good of the community, insofar as:

1. All members of the public are allowed to utilize these objects, as long as they are engaged in legal activities such as painting, playing games, protected speech, etc.
2. Members of the public are not charged for use of these objects
3. The placement of these objects may narrow the public right of way to no less than six feet, where possible.

Proposal 2:

In Proposal 2, a new section (H) is added to Title 16, Chapter 18, Section 30 entitled Prohibited Encroachments.

Title 16, Chapter 18, Section 30 entitled Prohibited Encroachments

Notwithstanding the provisions of Section 16.18.020, the following encroachments are specifically prohibited, and no applications shall be accepted nor permits issued therefor:

...

H. Except for tables, canopies, umbrellas, and chairs with acute mobility (e.g. foldable structure and/or able to be disassembled rapidly); assembled for activities that provide a non-profitable public good; devoid of major encroachment as defined by 16.18.010 Section C

FINANCIAL IMPLICATIONS

Staff time.

ENVIRONMENTAL SUSTAINABILITY

Use of the public right-of-way for recreation can create new “third spaces” other than home and work for residents to socialize, especially on commercial corridors where there are other nearby activities and nearby dense housing. Fostering third spaces is critical for the cultivation of walkable neighborhoods, and thereby helpful in reducing vehicular traffic.

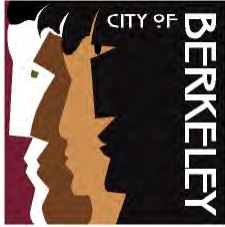
Referral: Use of Sidewalks for Recreation, Such as Chess

CONSENT CALENDAR
12/12/2023

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170
Sam Greenberg, Legislative Assistant

Councilmember Kate Harrison, (510) 981-7140
Sara Cerami, Legislative Assistant



Sophie Hahn
Councilmember District 5

TIME CRITICAL AGENDA MATERIAL

Meeting Date: December 12, 2023

Item Description: Supporting the Installation of Permanent Chess/Games Tables on Telegraph Avenue and Proposing Resolution of Concerns at 2454 Telegraph Avenue

This item was in progress when Councilmembers Robinson and Harrison placed an item addressing similar issues into the Agenda queue for the December 12 Council meeting. Because this proposal is best considered simultaneous with the Robinson/Harrison item, it is now being submitted for the same December 12 Agenda.

Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or Council Member is received by the City Clerk after established deadlines and is not included on the Agenda Committee’s published agenda.

The author of the report shall bring any reports submitted as Time Critical to the meeting of the Agenda Committee. **Per BMC 2.06.060 (D), Time Critical items must be accompanied by complete reports and statements of financial implications.**

If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.

Internal

SENT CALENDAR

DECEMBER 12, 2023



SOPHIE HAHN

Berkeley City Council, District 5

2180 Milvia Street, 5th Floor

Berkeley, CA 94704

(510) 981-7150

shahn@cityofberkeley.info

To: Honorable Mayor and Members of the City Council
From: Councilmember Sophie Hahn
Subject: Supporting the Installation of Permanent Chess/Games Tables on Telegraph Avenue and Proposing Resolution of Concerns at 2454 Telegraph Avenue

RECOMMENDATION

1. Refer to the Budget Process \$50,000 to support the installation of public chess/game tables on Telegraph Avenue, including at or near the intersection of Telegraph and Haste Streets.
2. Refer to the City Manager to explore the potential development of a parklet at or near the Telegraph/Haste intersection, potentially near the South/West corner (beyond the yellow loading area on Haste Street) and other potential locations for a parklet that could accommodate chess/game tables and the volume of community participation this activity generates.
3. Refer to the City Manager the development of a city-wide chess and game facilities program to integrate permanent chess/game nodes into park, curtilage, and/or sidewalk areas throughout Berkeley in a manner that encourages broad participation in and enjoyment of games and supports the building of community around these activities. Consider appropriate locations for nodes, installation of City-owned facilities, rules and regulations for use, and maintenance.
4. Direct the City Manager to pause imposition of additional fees, if any, and enter into negotiations with the property owner at 2454 Telegraph Avenue to achieve an agreement that would result in upgrades and improvements to the building exterior/facade, create a landscaped perimeter around the exposed entry area, improve maintenance, and/or similar terms, in exchange for a reduction/waiver of accumulated fees.

SUMMARY STATEMENT

In September, Telegraph Avenue's chess tables were shut down for the second time in two years. Tables were removed after the property owner at 2454 Telegraph received a violation notice for "obstructing the public right of way and violating a use permit." The result has been very negative for the diverse community of chess players and presents logistical and other challenges for the property owner whose relatively large entry plaza is contiguous with and open to sidewalks on both Telegraph and Haste streets.

Councilmembers have publicly voiced support for the City to resolve all related challenges in a manner that supports the continuation of chess on Telegraph Avenue – and potentially throughout the City of Berkeley – and improves conditions at the corner of Telegraph and Haste streets. This item proposes a path forward on all of these considerations.

BACKGROUND

Chess is one of the oldest games in the world and has become increasingly popular in recent years. It is a cross-generational and cross-cultural activity that doesn't even require players to speak the same language – offering an exceptional bridge to friendships and camaraderie.

The chess club that has been operating informally at and around the corner of Telegraph and Haste, on both public and private property, has faced challenges in finding appropriate space and facilities to engage in this very positive activity, without infringing on private property or impeding sidewalk access.

The City should encourage and support activities that build community and bring liveliness to our public realm, all while supporting our sidewalk policies and removing undue pressure from private property owners. The City can balance these needs and relieve pressure on sidewalks and private property by installing a permanent cluster of chess tables at or near the Telegraph/Haste intersection, and in City-designated locations across Berkeley, signaling its support for this important play and community building activity.

New York City's chess tables in Washington Square Park, for example, have been operational for decades, and have attracted chess enthusiasts from all over the city and world, including many legendary grandmasters. Washington Square Park, as well as Union Square and Bryant Park, are regular sites of exhibitions that turn out hundreds of players and spectators. Day-to-day, these spaces are meeting places for diverse individuals and groups, and create vibrant and important community connections.

These proposed measures will allow the City to create, manage, and maintain facilities that encourage games and community building in a manner that supports both players and other users of the City's public parks and spaces. In addition, the City Council should seek resolution of imposition of fines on the property owner at 2454 Telegraph and improved management of the property, including the publicly-accessible entry plaza – for the benefit of all.

FISCAL IMPACTS

\$50,000 to cover the cost of purchasing and installing permanent chess/game tables for Telegraph. Potential loss of imposed fines and savings in staff and City Attorney resources.

ENVIRONMENTAL SUSTAINABILITY

None.

CONTACT: Councilmember Sophie Hahn - 510-981-7150



Rashi Kesarwani
Councilmember, District 1

CONSENT CALENDAR
NOVEMBER 28, 2023

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author) and Councilmembers Mark Humbert, Susan Wengraf, and Terry Taplin (Co-Sponsors)

SUBJECT: Referral for Development of Request for Proposal (RFP) to Support Berkeley-Based Non-Profit Food Assistance Providers Serving Food Insecure Households

RECOMMENDATION

Refer to the City Manager to develop and fund a Request for Proposal (RFP) process to support Berkeley-based non-profit food assistance providers serving food insecure households. Funds are intended for (but not limited to) the following needs:

- Expansion of capacity to serve more people experiencing food insecurity, such as one-time purchase of equipment;
- Hiring of additional staff to serve more people; and/or
- Other emerging needs to be determined.

Refer \$200,000 annually in funding to the biennial FY 2024-25 to FY 2025-26 budget process to fund qualified proposals resulting from the RFP.

CURRENT SITUATION AND ITS EFFECTS

Community Agency RFP Does Not Directly Address Food Insecurity . . . The RFP process for community agency funding is one of the City's mechanisms to ensure City funds are allocated to agencies addressing key priorities, such as housing, education, and job training. However, the RFP does not directly address food insecurity.

. . . But Food Prices Are On the Rise and Federal Pandemic-Related Food Aid Ended Earlier This Year. From August 2022 through August 2023, food prices in the San Francisco area increased by 4.5 percent.¹ At the same time, federal food assistance associated with the pandemic ended earlier this year in March 2023. When the pandemic began in 2020, recipients of CalFresh (California's food stamps program) were allotted the maximum benefit available for their household size, likely contributing to rising enrollment

¹ U.S. Bureau of Labor Statistics, Consumer Price Index, San Francisco Area - August 2023: https://docs.google.com/document/d/11ri1T7alsDOPOnwV3Ob_OmQXFxKgF36dwIviZbvXvTI/edit

over the last several years. When the emergency allotments ended, CalFresh benefits were reduced, sometimes dramatically. For some single-person households, CalFresh benefits dropped from \$281 to as little as \$23 per month.² As a result, food banks throughout the state are seeing increasing numbers of people served.

Berkeley-Based Non-Profit Food Assistance Providers Report Increasing Demand.

The Berkeley Food Pantry is a non-profit organization providing emergency groceries to Berkeley and Albany residents four days per week, two hours each day.³ The Berkeley Food Network (BFN) provides an on-site pantry in addition to mobile pantries throughout the city and distribution to other local pantries like the Berkeley Food Pantry.⁴ Both organizations have reported significant increases in the number of households they are serving in recent years, as shown in Exhibit 1.

Exhibit 1: Growth in Number of Households Served (2021-2023)

	Berkeley Food Pantry Number of Households Served	Berkeley Food Network Number of Households Served
Sept. 2021	766	1,518
Sept. 2022	1,047	2,601
Sept. 2023	1,290	3,182
Overall Percent Growth (Sept. 2021-Sept. 2023)	68.4%	109.6%

Sources: Berkeley Food Pantry and Berkeley Food Network

Alameda County Community Food Bank Reports a 52 Percent Increase in Food

Distribution. The Oakland-based Alameda County Community Food Bank (ACCFB), which partners with more than 400 institutions to provide food assistance to Alameda County families and individuals, reports an increase in demand throughout the county. The ACCFB has gone from distributing 38 million pounds of food during pre-COVID years to 58 million pounds of food most recently.⁵ As of October 2, 2023, 11.4 percent of Alameda County residents are experiencing food insecurity—up three percent from just April 10, 2023, shortly after the federal pandemic-related food assistance ended.⁶

BACKGROUND

² Cal Matters August 8, 2023 article: “How Hungry is California? Millions Struggle to Eat Well in an Abundant State” <https://calmatters.org/explainers/california-hunger-crisis/#2b5159b1-a710-41cb-839b-aac1ea2791e4>

³ Berkeley Food Pantry’s website for a full description of services provided: <https://www.berkeleyfoodpantry.org/>

⁴ Berkeley Food Network’s website for a full description of services and programs provided: <https://www.berkeleyfoodnetwork.org/who-we-are/about/>

⁵ Alameda County Community Food Bank website: <https://www.accfb.org/about-us/what-we-do/>

⁶ California Pulse Website for Alameda County: <https://stanford-datalab.github.io/covid-19-ca/alameda/#food-insufficiency>

Food Insecurity Impacts One in Five Californians. Limited or uncertain access to adequate food and nutrition can have long-term physical and mental health effects on adults and children alike.⁷ The number of food insecure individuals and families is steadily climbing and food banks throughout the state are struggling to keep up.

Increasing Demand for Food Assistance Is Impacting the Wider Bay Area. The Food Bank of Contra Costa and Solano, for instance, is now serving 350,000 people across the two counties monthly, which is double their pre-pandemic levels of service. The San Francisco-Marin food bank went from serving 32,000 households weekly to more recently serving 56,000 households weekly. Food banks throughout the state are functioning more like supermarkets in terms of peoples' regular food procurement venue rather than sources of emergency aid.⁸

FISCAL IMPACT

\$200,000 annually to fund the RFP, and staff time to develop the RFP and review and select qualified proposals.

ENVIRONMENTAL IMPACT

There is no significant environmental impact associated with this referral.

CONTACT PERSON

Councilmember Rashi Kesarwani, District 1

(510) 981-7110

⁷ California Association of Food Banks website: <https://www.cafoodbanks.org/hunger-data-reports/>

⁸ Cal Matters June 12, 2023 article: "A Catastrophic Hunger Crisis? California Food Banks are Being Flooded by Families Seeking Help:" <https://calmatters.org/california-divide/2023/06/california-food-banks/>



BEN BARTLETT
VICE MAYOR

05

CONSENT
November 28, 2023

To: Honorable Mayor and Members of the City Council
From: Vice Mayor Ben Bartlett
Subject: Healthy Checkout Amendment

RECOMMENDATION

1. Adopt an amendment to the Healthy Checkout Ordinance (9.82) requiring stores 2,500 square feet and under in size to sell more nutritious food and beverage options in their checkout areas.
2. Refer to the City Manager to determine funding and staffing needs to implement and enforce the expansion of the ordinance and sources of funding to support this program.

CURRENT SITUATION

On October 13th, 2020, the Berkeley City Council adopted the Healthy Checkout Ordinance, setting minimum nutrition standards for products stocked in store checkouts. This ordinance took effect on January 1, 2021. Enforcement pursuant to 9.82.040 began on July 1, 2021.

BACKGROUND

Today’s food landscape plays a large role in determining what people purchase and consume. Unhealthy food and beverages are promoted and placed repeatedly throughout retail stores. Cheap, ready-to-eat foods high in salt, saturated fat, and added sugars dominate checkout aisles, where shoppers are more likely to make impulse purchases and where parents struggle with their children over demands to buy treats at the end of a shopping trip.

This ordinance would require all stores 2,500 square feet and smaller in size that sell at least 25 linear feet of food to follow the requirements for Healthy Checkout, as written in the ordinance. This would impact approximately 55 stores in Berkeley, including Middle East Market, 7-Eleven, Mi Ranchito, Berkeley Natural Grocery, Alcatraz Market, and more.

Health Impacts of Sugar and Sodium Consumption and Related Disease Disparities

Impulse buying at checkout contributes to the high levels of sugar consumption in American diets. Excessive added sugar intake is directly linked to adverse health impacts including elevated risk of tooth decay, heart disease, and Type 2 diabetes.^{1,2,3} The adverse health effects of added sugar consumption further entrench health disparities, burdening people of color more than white populations. Currently, Type 2 diabetes is on the rise across the country; one in three children and one of two children of color will be diagnosed in their lifetime.⁴ Diets that are high in sodium are linked to high blood pressure, heart disease, and stroke,⁵ all of which disproportionately affect African Americans and communities of color.⁶

Health Equity and Inequity

In California, over 10% of adults have diagnosed Type 2 Diabetes (T2D), a disease which drastically affects the quality of life of those affected.⁷ It is estimated that nearly one million additional adults throughout the state live with undiagnosed Type 2 Diabetes. People living with T2D have, on average, medical bills that are 2.5 times higher than individuals without T2D.⁷ It is estimated that the total cost of T2D in California is \$39.5 billion.⁷ These costs inequitably burden Black Californians as 17.5% live with T2D, compared with 13.2% of Latinos, 10.5% of Asians, and 9.2% of Whites in California.⁸

Berkeley also has health disparities in diet-related disease. In 2014, African American residents were four times more likely than White residents to be diagnosed with diabetes and 14 times more likely to be hospitalized due to its effects.⁹ This gap has decreased since 2014, but the disparity continues to exist.¹⁰ Rates of hospitalization for heart disease and high blood pressure are also significantly higher among African American residents than White and Latino residents.⁶ On a national scale, racial and ethnic minorities experience diet-related disparities – diets high in fat and salt and low in fruits, vegetables, and whole grains.¹¹ These diet related disparities lead to additional health disparities including heart disease and diabetes, as discussed above. Providing more nutritious options will benefit people of all backgrounds, but it will equitably benefit low-income communities and communities of color who are most affected by nutrition-related health issues.

Checkout Areas of Small Stores Contribute to the Problem

Consumers are trying to make healthier purchases. A 2019 report found that 73 percent of shoppers are concerned about the nutritional content of their food.^{12,13} Despite consumer desire to select healthier foods, unhealthy foods are prevalent in checkout areas in a wide variety of retail stores. A national study of 8,600 stores – including supermarkets, convenience stores, drug stores, and dollar stores – found that 88 percent display candy at checkout and one-third (34 percent) sell sugar-sweetened beverages.¹⁴ Only 24 percent of stores sell water at checkout, and only 13 percent sell fresh fruits or vegetables at checkout.¹¹

In a national study, led by Jennifer Fable of UC Davis, one in three adults reported purchasing foods from the checkout aisle during their last shopping trip, with lower-income shoppers more likely to purchase from checkout than higher-income shoppers.¹⁵ Falbe's research indicates that healthy checkout policies have the potential to impact both nutrition and health equity.

In 2022, a Berkeley-based youth group assessed a sample of 15 small Berkeley stores including 7-Eleven, Derby Food Center, Shattuck Market, Mi Ranchito, South Berkeley Produce Market, and others. Data was collected from 1800 facings, which are the display of a single product on the shelf (not including the items stacked behind it). With 35 percent of food items consisting only of gum and mints, another 52 percent of foods offered at checkout were unhealthy, leaving only 13% of food items as nutritional options. 83 percent of beverages sold in the checkout area were considered unhealthy using the National Alliance for Nutrition and Activity Model Nutrition Standards for Checkout.¹⁶ Research shows that food choices are strongly affected by the environments in which they are made.¹⁷ The aim of placing food and beverages at checkout is to induce unplanned purchases; thus, unhealthy checkout options undermine consumers' efforts to purchase healthier foods.¹⁸ The placement of snacks near the register increases the likelihood that people purchase those foods.¹⁹ In addition, most of the candy, soda, and chips in checkout aisles are placed at eye-level and within reach of children, undermining parents' efforts to feed their children well.²⁰ Three-quarters of parents report that it is hard to shop at grocery stores because unhealthy food is so prevalent.²¹ Healthy checkout aisles provide all families more opportunities to say yes to their kids.

Small Stores are a Prime Place for Policy Change

After grocery stores, Americans' greatest source of weekly calories is convenience, dollar, and other small stores.²² Grocery and convenience stores combined are the largest contributors of unhealthy food and beverages to the diet. Seventy percent of the sugary beverages children consume come from food retail.²³

While convenience and small stores stock a range of options (hot and cold prepared foods, packaged items, beverages), their inventories tend to feature high-calorie, low-nutrient items, such as fried foods, snacks, and packaged baked goods.²⁴ A study across California convenience stores found that soda and unhealthy foods took up 20 to 30 times more shelf space than did produce.²⁵ Similar to supermarkets, food manufacturers pay slotting fees for prominent placement inside some convenience stores, including at checkout.²⁶

The USDA Economic Research Services research notes that individuals who rely on these smaller establishments have difficulty obtaining the quality and quantity of healthy food they need to meet dietary guidelines.²⁷ Families who receive SNAP benefits purchase almost twice their weekly food intake from convenience stores, dollar stores, and pharmacies than their higher-income counterparts.²⁸ With this there is a need to ensure access to healthier snacks at these stores.

Healthy Checkout also provides an opportunity for stores. When United Kingdom grocery stores provided healthier options at checkout, consumers responded positively and provided a "responsible" branding opportunity for those stores.²⁹ Consumers want healthier choices, and stores can use this fact to their advantage. Setting minimum nutrition standards for items stocked at checkout areas in convenience and other small stores is ideal for progressing and changing norms around healthy snacks and drinks.

Strategies to Reduce Sugar Consumption in Berkeley

In 2014, Berkeley became the first city in the country to tax the distribution of sugar sweetened beverages. In the last five years, the City created the Healthy Berkeley program which supports the Berkeley Unified School District garden education program as well as community programs that educate residents about nutrition and are changing norms around beverage choice.

Then, in 2020, Berkeley became the first city in the country to pass a Healthy Checkout Ordinance. This ordinance was another effort to create a healthy food environment that would support families by providing them the ability to avoid high-calorie, low-nutrient food and beverages when they do their grocery and other shopping. However, the policy only affects large stores, and should be amended to create a healthier food environment in convenience and other small stores which are especially prevalent in low income communities in Berkeley. Individuals and families who want to purchase sugary drinks, candy, chips, and other sweet and salty snacks will be able to find them in their respective aisles in the center of stores. By changing checkout norms, shoppers and their children face less temptation to consume sugary foods.

Berkeley Residents are Demanding Checkout Changes

The Center for Science in the Public Interest performed four focus group studies in 2019 regarding the proposed Healthy Checkout Ordinance. The focus groups were intentionally diverse but focused on youth and health advocates. The four focus groups were 1) Berkeley High School students 2) Latinx women in South Berkeley, conducted in Spanish 3) African-American women, hosted by Healthy Black Families and 4) North and Northwest Berkeley residents, hosted by Urban Adamah. From the focus groups, advocates learned that half

reported feeling stress at checkout, there was unanimous support for healthy checkout options in grocery stores, and parents and children are susceptible to impulse purchases.

In 2022, Berkeley-based youth advocates conducted focus groups and surveys with 37 Berkleyans who shop at convenience and corner stores. Adults and adolescents surveyed unanimously supported removing unhealthy food and beverages from small store checkout lanes and requiring stores to have healthy checkout aisles. With the addition of healthier items at checkout, many residents felt that overall community health will be positively impacted since, for many, convenience stores are a regularly tracked location and play a large role in what these residents consume. Interviewees especially cited concern over the disparity between accessible processed foods relative to healthier snacks for youth coming to small stores after school and for community members who have health conditions that require dietary restrictions.

Healthy Checkout Reduces Impulse Buying of Sugary Snacks and Drinks

A recent study by the University of Cambridge analyzed purchasing data for common unhealthy checkout foods from 2013-2017 in nine U.K. supermarket chains. They found that consumers purchased 17 percent fewer sweets, chocolate and potato chips in stores without unhealthy items at checkout. One year later the decline in unhealthy purchases remained steady at 16 percent.²

The Healthy Checkout Ordinance will create a level playing field for customers and retailers and support consistent, healthy snacking norms for shoppers and families.

Providing Alternatives at Checkout in Berkeley: Amendment Elements

The amended ordinance (Attachment 1):

- limits food and beverage products sold at the checkout area;
- applies to approximately 55 stores in Berkeley that are 2,500 square feet and under and have more than 25 linear feet of food for sale; and
- allows only beverages with no added sugars and no artificial sweeteners and food items with 5 grams or less of added sugars and 200 milligrams or less of sodium per serving to be sold in the checkout area;
- allows only food items which fall under the following categories: chewing gum and mints with no added sugars, fruit, vegetables, nuts, seeds, legumes, yogurt or cheese, and whole grains.

These limitations allow for healthy alternatives to proliferate in checkout areas.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

In March 2015, the City of Berkeley implemented a Sugar-Sweetened Beverage (SSB) tax, often referred to as a soda tax. The tax imposes a fee on distributors of sugary drinks, including sodas, energy drinks, and certain fruit-flavored beverages. The goal of this tax is to reduce the consumption of sugary beverages, which are linked to health issues like diabetes and cardiovascular disease, while generating revenue for public health initiatives. Between 2015 and 2021, the tax generated \$9 million in revenue and within one year of implementation SSB purchasing dropped 10%.^{30,31}

Revenue generated from the SSB tax funds projects throughout the city that work to educate the community about the harmful impacts of SSBs, and implement systems and policy changes

that reduce consumption of SSBs over time, and decrease the health risks among residents of Berkeley.

The City of Berkeley has an existing Healthy Checkout Ordinance that sets minimum nutrition standards for foods, beverages, gum and mints stocked at checkout. This ordinance currently applies only to stores greater than 2500 sq. ft.

ACTIONS/ALTERNATIVES CONSIDERED

In February 2019, Assemblymember Buffy Wicks introduced AB 765, a bill which would implement Healthy Checkout statewide. However, the bill did not advance from committee.³²

Following Berkeley's lead, in February 2023, the City of Perris passed a healthy checkout policy which similarly sets minimum nutrition standards for foods and beverages stocked at checkout.³³

Prior to 2022, in the United Kingdom (UK), many grocery stores had voluntarily undertaken healthy checkout initiatives.²⁹ A study of this initiative showed that the policies implemented between stores varied widely in their level of specificity and implementation. Among stores with clear, consistent policies, there were 20% fewer snacks at checkout that were considered less healthy than at stores without policies or with vague policies in place.³⁴ Without clear standards for what constitutes "healthy" or enforcement, the voluntary model is too modest to draw conclusions about long-term health impacts. In addition, the interviews with retailers indicated that voluntary compliance without straightforward guidelines would be more difficult to follow. As of October 1, 2022, the United Kingdom has a healthy retail policy in place that restricts unhealthy food placement near store entrances, at endcaps, or checkout aisles.³⁵

In 2022, Richmond youth proposed a healthy retail policy that included healthy checkout and advocated for an initiative to keep soda in the soda aisle. A study conducted across grocery stores in D.C. found that sodas are placed, on average, in 29 locations in one store.³⁶ A nationwide survey demonstrated that 58% of SNAP recipients will buy less sugary drinks if they are only located in the drink aisle, especially parents who shop with their children. 36% of respondents said they would even shop at a new store regularly if it kept soda in the soda aisle. Again, this number more than doubled for parents who shop with their kids. The same youth met with the Contra Costa County Board of Supervisors to advocate for healthy retail initiatives, including healthy checkout and a proposal to make condoms available in stores without clerk assistance.

CONSULTATION/OUTREACH OVERVIEW AND RESULTS

The Berkeley youth group interviewed three retailers in the community including two corner store managers and a food retailer/community kitchen owner, as well as a nutrition counselor. Retailers expressed that they could successfully implement the policy as long as they can stock a variety of perishable and non-perishable items at checkout, and set affordable price points, both of which are accounted for in the ordinance. Two retailers cited that because they already sell a substantial amount of healthy items at checkout and in the store, it won't require a big change to meet the proposed new standards.

RATIONALE FOR RECOMMENDATION

Expanding Healthy Checkout to stores under 2500 sq. ft. will greatly increase access to healthy snacks at checkout throughout Berkeley. Requiring the approximately 55 additional stores to follow the requirements for Healthy Checkout would eliminate the encouragement of unplanned purchases of unhealthy foods and beverages at smaller stores, many of which serve largely lower income communities and neighborhoods of color. In a USDA study, low income families got twice as many calories from corner and convenience stores than did their higher income counterparts.²⁸ Such a change would thus contribute to healthy norms and reduce the consumption of sugary drinks and unhealthy foods in the City of Berkeley.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

Bay Area Community Resources is funded for FY23 and FY24 to provide technical assistance to stores 2500 square feet and under, including in-store education and penalty-free monitoring. Community partners could assist with implementation.

Enforcement should be focused primarily on positive education and secondarily on traditional enforcement. Enforcement of the amended ordinance may be conducted by the Environmental Health Division (EHD) and follow the same protocol as established in the Healthy Checkout Ordinance. This protocol currently states that EHD will inspect for compliance during routine inspections, and as needed in response to complaints. In instances where violations are present and cannot be corrected immediately, EHD can conduct a chargeable follow up inspection. For repeated violations after multiple follow up visits, retailers may be fined accordingly:

- \$100 for the first violation
- \$200 for the second violation
- \$500 for the third and subsequent violations.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental impacts or opportunities associated with the action recommended in this report.

EVALUATION

Currently there are researchers from universities around the world looking at outcomes related to healthy retail, including the impacts of Berkeley's existing Healthy Checkout Ordinance.

FISCAL IMPACTS

Implementation of the amendment would require staff time to educate the approximately 55 stores about what is required of them to comply with the ordinance. The Center for Science in the Public Interest has created a suggested list of products that meet the criteria of the ordinance.

Bay Area Community Resources is funded for FY 23 and FY 24 to work with stores 2500 sq. ft. and under, including with store education and monitoring.

CONTACT PERSON

Vice Mayor Ben Bartlett
James Chang
Tina R. Posner

bbartlett@cityofberkeley.info
jchang@cityofberkeley.info
tposner@cityofberkeley.info

ATTACHMENTS AND MATERIALS

1. Draft of Amended Healthy Checkout Ordinance
 2. Environmental Health's Healthy Checkout Enforcement Protocol
 3. Retail Environment in Small Stores Fact Sheet
-
1. Home | dietary guidelines for Americans. USDA. (2020, December). https://www.dietaryguidelines.gov/sites/default/files/2020-12/Dietary_Guidelines_for_Americans_2020-2025.pdf
 2. Brody, JE. The Downside of Having a Sweet Tooth. The New York Times. July 22, 2019. <https://www.nytimes.com/2019/07/22/well/eat/the-downside-of-having-a-sweet-tooth.html>
 3. U.S. Department of Health and Human Services and U.S. Department of Agriculture. 2015–2020 Dietary Guidelines for Americans 8th Edition. Washington, DC; HHS and USDA, 2015.
 4. Lancet Diabetes Endocrinol. 2014 Nov;2(11):867-74. doi: 10.1016/S2213-8587(14)70161-5. Epub 2014 Aug 12.
 5. Harvard T.H. Chan School of Public Health. (2023, March). Salt and sodium. The Nutrition Source. <https://www.hsph.harvard.edu/nutritionsource/salt-and-sodium/>
 6. Van Dyke M, Greer S, Odom E, et al. Heart Disease Death Rates Among Blacks and Whites Aged ≥ 35 Years — United States, 1968–2015. MMWR Surveill Summ 2018;67(No. SS-5):1–11. DOI: <http://dx.doi.org/10.15585/mmwr.ss6705a1>
 7. American Diabetes Association. (2021, October). The burden of diabetes in CaliforniaA. Diabetes.org. https://diabetes.org/sites/default/files/2021-10/ADV_2021_State_Fact_sheets_California.pdf
 8. United Health Foundation. (2023). Explore diabetes in California: AHR. America's Health Rankings. https://www.americashealthrankings.org/explore/measures/Diabetes/CA?population=Diabetes_LT_25k_C
 9. City of Berkeley. Health Status Report 2014. Berkeley, CA; 2014.
 10. City of Berkeley. Health Status Report 2018. Berkeley, CA; 2018.
 11. Satia, Jessie A. Diet-Related Disparities: Understanding the Problem and Accelerating Solutions. J. Am Diet Assoc. 2009 April.
 12. Food Marketing Institute. The Power of Health and Well-Being in Food Retail. Arlington, VA: FMI; 2019.
 13. International Food Information Council Foundation. 2019 Food & Health Survey. Washington, D.C.: IFIC; 2019.
 14. Barker D, Quinn C, Rimkus L, Zenk S, Chaloupka F. Availability of Healthy Food Products at Check-out Nationwide, 2010-2012. Chicago, IL: Bridging the Gap Program, Health Policy Center, Institute for Health Research and Policy, University of Illinois at Chicago; 2015.
 15. Falbe, J., White, J. S., Sigala, D. M., Grummon, A. H., Solar, S. E., & Powell, L. M. (2021). The potential for healthy checkout policies to advance nutrition equity. *Nutrients*, 13(11), 4181. <https://doi.org/10.3390/nu13114181>
 16. The Center for Science in the Public Interest. Model Nutrition Standards for Checkout. <https://cspinet.org/protecting-our-health/nutrition/model-nutrition-standards-checkout>.
 17. Petimar J, Moran AJ, Grummon AH, et al. In-Store Marketing and Supermarket Purchases: Associations Overall and by Transaction SNAP Status. *American Journal of Preventive Medicine*. 2023/03/04 2023;doi: <https://doi.org/10.1016/j.amepre.2023.02.029>

18. Center for Science in the Public Interest. Temptation at Checkout: The Power of Point-of-Sale Retail Food Marketing. Washington, D.C.: CSPI; 2015.
19. Kerr J, Sallis JF, Bromby E, Glanz K. Assessing Reliability and Validity of the GroPromo Audit Tool for Evaluation of Grocery Store Marketing and Promotional Environments. *J Nutr Educ Behav.* 2012;44(6):597-603. doi:10.1016/j.jneb.2012.04.017.
20. Horsley JA, Absalom KA, Akiens EM, Dunk RJ, Ferguson AM. The Proportion of Unhealthy Foodstuffs Children Are Exposed to at the Checkout of Convenience Supermarkets. *Public Health Nutr.* 2014;17(11):2453-2458.
21. Caravan ORC International. Checkout Polling: Online Survey of 1,024 adults. Princeton, NJ; 2016.
22. Mancino, L., & Guthrie, J. (2018, February 21). Supermarkets, schools, and social gatherings: Where Supplemental Nutrition Assistance Program and other U.S. households acquire their foods correlates with nutritional quality. USDA ERS - Supermarkets, Schools, and Social Gatherings: Where Supplemental Nutrition Assistance Program and Other U.S. Households Acquire Their Foods Correlates With Nutritional Quality. <https://www.ers.usda.gov/amber-waves/2018/januaryfebruary/supermarkets-schools-and-social-gatherings-where-supplemental-nutrition-assistance-program-and-other-us-households-acquire-their-foods-correlates-with-nutritional-quality/>
23. Poti JM, Slining MM, Popkin BM, Kenan WR. Where are kids getting their empty calories? Stores, schools, and fast food restaurants each play an important role in empty calorie intake among US children in 2009-2010. *J Acad Nutr Diet.* 2014;114(6):908-917. doi:10.1016/j.jand.2013.08.012.
24. Healthy Corner Stores Guide; US Department of Agriculture. Food and Nutrition Service. (2016). Healthy Corner Stores. SNAP Education Connection. <https://snaped.fns.usda.gov/library/materials/healthy-corner-stores>
25. Farley, T.A., Rice, J., Bodor, J.N. et al. Measuring the Food Environment: Shelf Space of Fruits, Vegetables, and Snack Foods in Stores. *J Urban Health* 86, 672–682 (2009). <https://doi.org/10.1007/s11524-009-9390-3>
26. Rivlin, G. (2016, September). Rigged Supermarket Shelves for Sale. Center for Science in the Public Interest. https://www.cspinet.org/sites/default/files/attachment/CSPI_Rigged_4_small.pdf
27. United States Department of Agriculture (USDA), Economic Research Service. <https://www.ers.usda.gov/data-products/food-access-research-atlas/go-to-the-atlas/>, February, 2023.
28. Todd, J., Scharadin, B. (2016). (rep.). Where Households Get Food in a Typical Week: Findings From USDA's FoodAPS. Economic Research Service, USDA.
29. Winkler, Lise L, et al. Substituting Sugar Confectionary with Fruit and Healthy Snacks at Checkout – A Win-Win Strategy for Consumers and Food Stores? *BMC Public Health.* 2016
30. Falbe, J., Grummon, A., Rojas Rojas, N., Ryan-Ibarra, S., Silver, L., & Madsen, K. (2020, October). *Lessons learned from implementing a sugar-sweetened beverage tax in Berkeley, California.* Center for Poverty and Inequality Research. <https://poverty.ucdavis.edu/post/lessons-learned-implementing-sugar-sweetened-beverage-tax-berkeley-california#:~:text=Berkeley%27s%20SSB%20tax%20ordinance%20generated,dropped%2010%20percent%20in%20supermarkets.>

31. Silver, L. D., Ng, S. W., Ryan-Ibarra, S., Taillie, L. S., Induni, M., Miles, D. R., Poti, J. M., & Popkin, B. M. (2017). Changes in prices, sales, consumer spending, and beverage consumption one year after a tax on sugar-sweetened beverages in Berkeley, California, US: A before-and-after study. *PLOS Medicine*, 14(4).
<https://doi.org/10.1371/journal.pmed.1002283>
32. Health Checkout Aisles for Healthy Families Act, AB-765 (California, 2019-2020).
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB765
33. Perris Code § 7.50. - Healthy Options at Checkout.
https://library.municode.com/ca/Perris/codes/code_of_ordinances?nodeId=COOR_TIT7_HEWE_CH7.50HEOPCH_S7.50.040EN
34. Lam, C. C., Ejlerskov, K. T., White, M., & Adams, J. (2018). Voluntary policies on checkout foods and healthfulness of foods displayed at, or near, Supermarket Checkout Areas: A cross-sectional survey. *Public Health Nutrition*, 21(18), 3462–3468.
<https://doi.org/10.1017/s1368980018002501>
35. Department of Health and Social Care. (2021, July 21). Promotions of unhealthy foods restricted from October 2022. GOV.UK.
<https://www.gov.uk/government/news/promotions-of-unhealthy-foods-restricted-from-october-2022>
36. Minovi, D., Much, J., Snyder, E. (2021, September). Soda on Display: A Pilot Study of Sugary Drink Placement and Promotion in Grocery Stores in the Washington, DC Area.

