I. Lead Agency

   A. Agency Name and Address:
      ·  Current Planning Division, 2120 Milvia Street, Berkeley, CA  94704

   B. Contact Person and Phone Number:
      ·  Allan Gatzke, Principal Planner, Phone: (510) 981-7413
      ·  Greg Powell, Senior Planner, Phone 510 981-7414

II. Parties Involved

   A. Applicant:
      ·  Berkeley Bowl Produce, Inc., 2020 Oregon Street, Berkeley, CA 94703

   B. Property Owner:
      ·  Berkeley Bowl Produce, Inc., 2020 Oregon Street, Berkeley, CA 94703

III. Project Specifics

   A. Project Location and Title:
      ·  920 Heinz Avenue – West Berkeley Bowl Project

   B. General Plan Designation and Zoning:
      ·  Existing = Manufacturing; Proposed = Avenue Commercial
      ·  Existing = MULI; Proposed = C-W (West Berkeley Commercial)

   C. Zoning Permits Required:
      ·  Use Permit per Section 23C.08.050.A to demolish the existing building;
      ·  Use Permit per Section 23E.28.080B to allow parking within 20 feet of Ninth Street;
      ·  Use Permit per Section 23E.64.030 to establish a retail sales use (grocery store);
      ·  Use Permit per Section 23E.64.030 to establish a community center;
      ·  Use Permit per Section 23E.64.030 to establish a quick serve restaurant;
- Use Permit per Section 23E.64.050.B to construct more than 5,000 square feet of gross floor area.

D. Project Setting
The Project is located on approximately two and one-third acres at the southwest corner of the intersection of Heinz Avenue and Ninth Street. Between Heinz Avenue and Ashby Avenue, Ninth Street is divided into two discontinuous segments -- the northern segment, between Heinz Avenue and the Union Pacific right-of-way, abuts the eastern boundary of the Project; the southern segment connects the southern and western portion of the Project to Ashby Avenue. Both segments are owned by the City. The Project site includes two parcels, an approximately two-acre parcel at 920 Heinz Avenue and an approximately one-third-acre parcel to the south which is to be acquired from Affordable Housing Associates. On the portion of the site to be acquired from Affordable Housing Associates, Gardner Asphalt currently processes asphalt and stores asphalt-processing materials. In the past, the site housed single-family dwellings and a sand, gravel and cement company.

The larger parcel at 920 Heinz Avenue has been mostly vacant since approximately 2001. Gardner Asphalt uses a portion of the eastern side of the site for outdoor materials storage. In the past, the Hawthorne School occupied the site. By 1950, the Heinz Corporation was using the former school building as a warehouse. By 1980, the school building had been removed and the site was used as a truck dispatching station. The site was most recently used as an organic farm.

The Project site is located at the intersection of the Ninth Street and Heinz Avenue Bicycle Boulevards and adjacent to the proposed Ninth Street Bicycle Path. The Berkeley Bicycle Plan proposes a Ninth Street Bicycle Path extending south from Heinz Avenue along Ninth Street and the Union Pacific Railroad right-of-way to Ashby Avenue. This bicycle path is part of a proposed regional bicycle trail that will connect Berkeley and Emeryville. The Project applicant has set aside an approximately 16-foot wide area for use as a bicycle path connecting Heinz Avenue to Ashby Avenue via Ninth Street. Like the original Berkeley Bowl, the Project is expected to be a bicycle destination and, therefore, provides 66 bicycle parking spaces near the bicycle paths.
Table 1: Land Use Information:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Uses</th>
<th>Zoning District</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Property</td>
<td>Mostly vacant with one existing prefabricated warehouse building</td>
<td>C-W (proposed)</td>
<td>Avenue Commercial (proposed)</td>
</tr>
<tr>
<td>Surrounding Properties</td>
<td>North: Tow Yard and Office - Hustead’s Tow Yard and the offices of Kava Massih Architects</td>
<td>MUR</td>
<td>Manufacturing Mixed Use</td>
</tr>
<tr>
<td></td>
<td>South: Light Industrial - Wooden Duck furniture factory</td>
<td>MULI</td>
<td>Manufacturing</td>
</tr>
<tr>
<td></td>
<td>East: Mixed Use and Parking - Parking lot for the Orchard Supply Hardware, the John F. Kennedy Arts Annex and Gallery, and Dharma Publishing.</td>
<td>MULI</td>
<td>Manufacturing</td>
</tr>
<tr>
<td></td>
<td>West: Mixed Use and Parking - Scharffen Berger Chocolate Maker, Fresenius Medical Care Dialysis Services of Berkeley, and the Wooden Duck furniture store</td>
<td>MULI</td>
<td>Manufacturing</td>
</tr>
</tbody>
</table>

The Project site is located at the corner of Heinz Street and Ninth Avenue. The Project site is in a mixed residential, commercial, and industrial area of West Berkeley. South of the proposed Project, on the west side of Ninth Street, are two buildings used by The Wooden Duck furniture factory and, south of that, is Anthony Street, an eastbound one-way street. South of Anthony Street on the west side of Ninth Street there are offices set back more than thirty feet from the street by a parking lot. On the east side of Ninth Street at the intersection with Ashby Avenue, is a planned mixed-use development including ground floor retail/gallery space with artists’ lofts above. The western boundary of the proposed Project abuts the parking lot for Scharffen Berger Chocolate Maker, Fresenius Medical Care Dialysis Services of Berkeley, and the Wooden Duck furniture store on Seventh Street. The northern boundary of the project abuts Heinz Avenue. Across Heinz Avenue to the northwest are offices, directly north are Hustead’s Tow Yard and the offices of Kava Massih Architects, and to the northeast is the Ecole Bilingue de Berkeley. The eastern boundary of the proposed Project abuts Ninth Street. Across Ninth Street to the east is the parking lot for the Orchard Supply Hardware, the John F. Kennedy Arts Annex and Gallery, and Dharma Publishing.

E. Project Setting – Existing Conditions:

The site is mostly vacant with one existing warehouse building of approximately 8,575 square feet of floor area. The building proposed for demolition is a pre-fabricated metal warehouse building that is dilapidated and less than forty (40) years old. Its demolition is required to allow for Project parking and the provision of land for a bicycle path. There is an existing 20 foot wide utility easement that runs north-south through the parcel.
ZONING MAP

Source: City of Berkeley Zoning Map
SITE MAP

Source: MapPoint

INSERT MAP WITH SITE BOUNDARIES MARKED
F. Project Description:

The project involves a request to demolish an existing non-residential structure (a pre-fabricated metal warehouse) and construct a full-service grocery marketplace that includes a 109 space underground parking garage, general grocery store, ancillary office, storage, adjacent prepared food service area, and community room. In addition to the underground parking garage, the Project will also have 102 surface parking spaces, for a total of 211 parking spaces on the site. The main access to the Project site will be from Ninth Street via Ashby Avenue, with additional site access from Ninth Street via Heinz Avenue. The Project includes construction of two buildings:

1. A grocery marketplace building totaling 83,990 square feet of space with retail, administrative offices and associated storage space over an underground parking garage (“Building 1”), and

2. A prepared food service building totaling 7,070 square feet of space with limited seating and a community room (“Building 2”).

Both buildings will be two (2) stories and forty (40) feet in height. The marketplace in Building 1 will have two levels (ground floor and part of the second floor) with 51,065 square feet of retail space on the ground and second floors and on the second floor 28,805 square feet of ancillary storage space and 4,120 square feet of office space. In Building 2, the ground floor will house a 3,670 square foot prepared food area offering food to go and limited seating. On the second floor, the community room will provide 3,400 square feet of assembly space to be used periodically for meetings or events by the Berkeley Bowl and members of the community. An approximately 45-foot wide portico will create a pedestrian plaza between the grocery marketplace and the prepared food area.

The Project site is currently designated as a “Manufacturing” area in the General Plan Land Use Diagram and “Mixed Use - Light Industrial [MU-LI]” on the Zoning Ordinance Map. The site is adjacent to the “Avenue Commercial” area of the General Plan Land Use Diagram and the “West Berkeley Commercial [C-W]” district in the Zoning Ordinance. The site is also adjacent to the Ashby and San Pablo commercial node. The application includes a proposed amendment to the General Plan Land Use Diagram and the Zoning Ordinance Map to designate the Project site as “Avenue Commercial” in The General Plan and rezone the site to the C-W “West Berkeley Commercial” zoning district to encompass the Project site. No text amendments are required.
Table 2: Development Standards -- 920 Heinz Avenue (West Berkeley Bowl)

<table>
<thead>
<tr>
<th>Standard</th>
<th>Existing</th>
<th>Addition/ Change</th>
<th>Proposed Total</th>
<th>Permitted/ Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel Area (sq. ft.)</td>
<td>101,495</td>
<td>101,495</td>
<td>101,495</td>
<td>N/A</td>
</tr>
<tr>
<td>C-W = Proposed Zoning</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Floor Area</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
</tr>
<tr>
<td>Non-Residential Floor Area</td>
<td>±8,575</td>
<td>82,485</td>
<td>91,060</td>
<td>304,485</td>
</tr>
<tr>
<td>Total Gross Floor Area (sq. ft.)</td>
<td>±8,575</td>
<td>82,485</td>
<td>91,060</td>
<td>304,485</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>0.09</td>
<td>0.81</td>
<td>0.90</td>
<td>3.0</td>
</tr>
<tr>
<td>Dwelling Units</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
</tr>
<tr>
<td>Affordable</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
</tr>
<tr>
<td>Building Height</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average</td>
<td>N/A</td>
<td>-</td>
<td>40'</td>
<td>40'</td>
</tr>
<tr>
<td>Stories</td>
<td>N/A</td>
<td>-</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Building Setbacks</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front – Heinz Ave</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rear – South P/L</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Street Side - 9th St</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Right Side – West P/L</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Lot Coverage Sq Ft</td>
<td>±8,575</td>
<td></td>
<td>53,105</td>
<td>101,495 (100%)</td>
</tr>
<tr>
<td>Usable Open Space (sq. ft.)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Parking</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile - Total</td>
<td>0</td>
<td>+211</td>
<td>211</td>
<td>182</td>
</tr>
<tr>
<td>-residential</td>
<td>N/A</td>
<td></td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>-non-residential</td>
<td>211</td>
<td></td>
<td>211</td>
<td>182</td>
</tr>
<tr>
<td>Bicycle</td>
<td>0</td>
<td>+66</td>
<td>66</td>
<td>46</td>
</tr>
</tbody>
</table>

The Project conforms to the Zoning Ordinance requirements applicable to the West Berkeley Commercial District. The proposed full-service grocery marketplace with ancillary offices, storage, prepared food service area, and community room are all permissible uses in the District. The Project’s proposed hours of operation from 9:00 a.m. to 8:00 p.m. Monday through Saturday and from 10:00 a.m. to 6:00 p.m. on Sunday are consistent with the District’s commercial operations hours of 7:00 a.m. to 10:00 p.m. At two stories and forty feet, the Project is within the District height limit of three stories and forty feet. The Project’s Floor Area Ratio (“FAR”) is 0.9; the District’s maximum permissible FAR is 3. The Project is required to provide three (3) loading spaces; it will provide three (3) loading spaces within an enclosed loading dock in Building 1.
### IV. Other Public Agencies Whose Approval May Be Required:

A NPDES permit will be required from the Regional Water Quality Control Board.

**Environmental Factors Potentially Affected:**
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- [ ] Aesthetics
- [ ] Agriculture Resources
- [x] Air Quality
- [ ] Biological Resources
- [ ] Cultural Resources
- [x] Geology /Soils
- [ ] Hazards & Hazardous Materials
- [ ] Hydrology / Water Quality
- [ ] Land Use / Planning
- [ ] Mineral Resources
- [x] Noise
- [ ] Population / Housing
- [ ] Recreation
- [x] Transportation/Traffic
- [ ] Utilities / Service Systems
- [ ] Mandatory Findings of Significance

**Determination:**
On the basis of this initial evaluation:

<table>
<thead>
<tr>
<th>Description</th>
<th>Selection</th>
</tr>
</thead>
<tbody>
<tr>
<td>I find that the proposed project <strong>COULD NOT</strong> have a significant effect on the environment, and a <strong>NEGATIVE DECLARATION</strong> will be prepared.</td>
<td>☐</td>
</tr>
<tr>
<td>I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A <strong>MITIGATED NEGATIVE DECLARATION</strong> will be prepared.</td>
<td>☒</td>
</tr>
<tr>
<td>I find that the proposed project <strong>MAY</strong> have a significant effect on the environment, and an <strong>ENVIRONMENTAL IMPACT REPORT</strong> is required.</td>
<td>☐</td>
</tr>
<tr>
<td>I find that the proposed project <strong>MAY</strong> have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An <strong>ENVIRONMENTAL IMPACT REPORT</strong> is required, but it must analyze only the effects that remain to be addressed.</td>
<td>☐</td>
</tr>
<tr>
<td>I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or <strong>NEGATIVE DECLARATION</strong> pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or <strong>NEGATIVE DECLARATION</strong>, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.</td>
<td>☐</td>
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</table>
### INITIAL STUDY CHECKLIST

#### I. AESTHETICS -- Would the project:

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<tbody>
<tr>
<td><strong>a)</strong> Have a substantial adverse effect on a scenic vista?</td>
<td></td>
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</tbody>
</table>

The proposed Project is not within a view corridor of any significant view, such as toward the Bay, the hills or the aesthetically significant façade of a landmark; therefore the proposed Project will not have a substantial adverse effect on a scenic vista. (See Source 12, Policy UD-31, p. UD-18.)

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<tbody>
<tr>
<td><strong>b)</strong> Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td></td>
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</table>

There are no State Scenic Highways within the City of Berkeley; therefore the proposed Project will have no adverse effect on scenic resources associated with a scenic highway. (See Source 6.)

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<tbody>
<tr>
<td><strong>c)</strong> Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td></td>
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</tr>
</tbody>
</table>

The proposed Project will enhance the visual quality of the site and its surroundings with visually stimulating design elements, including a pedestrian plaza at the Heinz Avenue entrance and pedestrian and bicyclist amenities, throughout. In addition, through incorporation of a basement parking structure, the Project will avoid using a vast area for surface parking and thereby create a better urban edge (See Source 12, Policies UD-25 through UD-30, pp. UD-17 to UD-18.)

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</thead>
<tbody>
<tr>
<td><strong>d)</strong> Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The proposed Project does not include significant outdoor lighting or the use of building materials that might cause glare. As required by the General Plan, all exterior lighting at the Project will be shielded and directed downward away from property lines to prevent excessive glare beyond the subject property. Any signs within the Project area will comply with all requirements of the City of Berkeley sign ordinance. (See Source 12, Policy UD-29, p. UD-18; see also Berkeley Municipal Code, Chapter 20.)

#### II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

<p>| | | | | |</p>
<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a)</strong> Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The proposed Project area is within Urban and Built-Up Land, as defined in the California Department of Conservation’s Farmland Mapping and Monitoring Program Survey Area Map; therefore it will not convert Farmland. (Source 4.)
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

The proposed Project site is not zoned for agricultural use and is not subject to a Williamson Act contract. (Source 17, Plate 3.)

c) Involves other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

There is no Farmland near the proposed Project area or within the City of Berkeley. (Source 4; see also Source 12, Land Use Diagram.) The Environmental Management Element of the General Plan states, “Agriculture in Berkeley is limited to personal and community Gardens.” (Source 12, p. EM-2.) No existing personal or community garden will be affected by the proposed Project.

---

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

The proposed Project advances the emission goals of the City’s General Plan and the land-use planning goals of the Bay Area Air Quality Management District (“BAAQMD”) by providing in-fill, commercial development adjacent to a planned mixed-use retail and housing project, within one-quarter mile of a residential neighborhood, surrounded by improved bicycle paths, and within two blocks of several public transit bus lines to reduce dependence on automobiles. (Source 12, Policies LU-23, T-16 and EM-19; Source 2, pp. 8-9.)

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

DEDEMOLITION: The proposed Project includes the demolition of a single-story pre-fabricated metal building and storage shed. Demolition activities may cause fine particulate emissions. (See Source 2, p. 14, 29.) To ensure that the air impacts from demolition are reduced to a less than significant level, the proposed Project will incorporate the mitigation measures recommended by the BAAQMD. (Source 2, Table 2 at p.15.) Demolition activity complying with BAAQMD construction control measures is considered to have a less-than-significant impact. (See Source 2, p. 13.) Therefore, with mitigation, the proposed project would not result in a significant impact.

Impact III(b)-1: Potential emission of fine particulate matter associated with building demolition.

Mitigation III(b)-1: The Project will implement all applicable BAAQMD basic measures for the control of demolition emissions and optional control measures as necessary. (See BAAQMD CEQA Guidelines, Table 2, reproduced below.)
Basic Control Measures. - The following controls should be implemented at all construction sites.

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

Optional Control Measures. - The following control measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors or which for any other reason may warrant additional emissions reductions.

- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- Limit the area subject to excavation, grading and other construction activity at anyone time.

CONSTRUCTION: Construction may cause fine particulate emissions. To ensure that air impacts from construction are reduced to a less than significant level, the proposed Project will incorporate the mitigation measures recommended by the BAAQMD. (See Source 2, Table 2 [reproduced below].) Construction activity complying with BAAQMD construction control measures is considered to have a less-than-significant impact. (See Source 2, p. 13.) Therefore, with mitigation, the proposed project would not result in a significant impact.

Impact III(b)-2: Emission of fine particulate matter associated with construction activities.

Mitigation III(b)-2: The Project will implement all applicable BAAQMD basic measures for the control of construction emissions and optional control measures as necessary. (See BAAQMD CEQA Guidelines, Table 2, reproduced above.)

Impact III(b)-3: Emissions associated with the operation of construction equipment.

Mitigation III(b)-3: As recommended by the BAAQMD, to the maximum extent feasible, construction equipment will use alternative fuels and all construction equipment will be properly tuned. Idling time for construction equipment will be limited to ten minutes. (See Source 2, p. 53.)

OPERATION: Motor vehicles traveling to and from the Project represent the primary source of air pollutant emissions associated with Project operations. The air pollutants of concern in the Bay Area are reactive organic gases (ROG), nitrogen oxides (NOₓ), and fine particulate matter (PM₁₀). (Source 2, p. 5.) A project that generates air pollutant emissions below the annual or daily thresholds in Table 3 of the
BAAQMD CEQA Guidelines (reproduced below) would be considered to have a less-than-significant air quality impact. (Source 2, Table 3, p. 16.)

**BAAQMD CEQA GUIDELINES**

**TABLE 3**

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>ton/yr</th>
<th>lb/day</th>
<th>kgm/day</th>
</tr>
</thead>
<tbody>
<tr>
<td>ROG</td>
<td>15</td>
<td>80</td>
<td>36</td>
</tr>
<tr>
<td>NO\textsubscript{x}</td>
<td>15</td>
<td>80</td>
<td>36</td>
</tr>
<tr>
<td>PM\textsubscript{10}</td>
<td>15</td>
<td>80</td>
<td>36</td>
</tr>
</tbody>
</table>

The proposed Project may generate up to 3,780 new vehicle trips per day Sunday through Friday and 6,270 new vehicle trips per day on Saturday, or an average of 4,136 new trips per day. (See Source 19, Section III, Table 6.) Based on data gathered at the existing Berkeley Bowl marketplace, at least seventy-five percent (75%) of Project-generated trips (3,102 trips per day) will be no more than five (5) miles in length. (See Source 19, p. 19.) The remaining twenty-five percent (25%) of Project-generated trips (1,034 trips) are assumed to be seven and seven tenths (7.7) miles in length, in accordance with the BAAQMD CEQA Guidelines’ average trip length for Alameda County in 2005. (Source 2, Table 9, p. 34 [reproduced below].) Applying exhaust emission rates, and trip end emission factors set forth in the BAAQMD CEQA Guidelines Tables 10 and 11 (reproduced below), the proposed Project may generate up to 31 pounds per day of ROG, up to 59.99 pounds per day of NO\textsubscript{x}, and up to 22.75 pounds per day of PM\textsubscript{10}. (See Source 2, Tables 10 and 11, pp. 35-36 [reproduced below].)

**BAAQMD CEQA GUIDELINES**

**TABLE 9**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Alameda</td>
<td>7.7</td>
<td>7.7</td>
<td>7.7</td>
<td>7.3</td>
<td>7.0</td>
</tr>
<tr>
<td>Contra Costa</td>
<td>7.5</td>
<td>7.5</td>
<td>7.5</td>
<td>7.2</td>
<td>6.9</td>
</tr>
<tr>
<td>Marin</td>
<td>8.0</td>
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<td>San Mateo</td>
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<td>7.6</td>
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### TABLE 10
**AVERAGE EXHAUST EMISSION RATES**

<table>
<thead>
<tr>
<th>Year</th>
<th>ROG</th>
<th>NOX</th>
<th>CO</th>
<th>SOX</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995</td>
<td>1.08</td>
<td>2.04</td>
<td>13.45</td>
<td>0.06</td>
<td>0.47</td>
</tr>
<tr>
<td>2000</td>
<td>0.62</td>
<td>1.42</td>
<td>7.27</td>
<td>0.03</td>
<td>0.45</td>
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<tr>
<td>2005</td>
<td>0.36</td>
<td>0.97</td>
<td>4.63</td>
<td>0.03</td>
<td>0.44</td>
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<td>2010</td>
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</tr>
<tr>
<td>2015</td>
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<td>0.66</td>
<td>3.07</td>
<td>0.03</td>
<td>0.44</td>
</tr>
</tbody>
</table>

### TABLE 11
**TRIP END EMISSION FACTORS**

<table>
<thead>
<tr>
<th>Year</th>
<th>ROG</th>
<th>NOX</th>
<th>CO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995</td>
<td>3.44</td>
<td>1.89</td>
<td>49.89</td>
</tr>
<tr>
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<td>1.08</td>
<td>21.07</td>
</tr>
<tr>
<td>2010</td>
<td>0.79</td>
<td>0.89</td>
<td>12.85</td>
</tr>
<tr>
<td>2015</td>
<td>0.50</td>
<td>0.78</td>
<td>8.33</td>
</tr>
</tbody>
</table>

Project-generated emissions of ROG, NO\textsubscript{X} and PM\textsubscript{10} will be less than significant. (See Source 2, Table 3, p. 16 [reproduced above].)

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

The Bay Area is a non-attainment region for ozone and fine particulate matter and the air pollutants of concern in the Bay Area are ROG, NO\textsubscript{X} and PM\textsubscript{10}. (Source 2, p. 5.) The proposed Project is expected to produce emissions of ROG, NO\textsubscript{X} and PM\textsubscript{10} that are substantially below the thresholds of significance. (See Section III(b), above, and Mitigation III(b)-1, III(b)-2 and III(b)-3.) When viewed in conjunction with other closely related past, present or reasonably foreseeable future projects, the cumulative impact would be less than significant.
d) Expose sensitive receptors to substantial pollutant concentrations?  

Sensitive receptors are facilities that house or attract children, the elderly, or people with illnesses, such as schools and residential areas. (Source 2, p. 9.) The proposed Project is across Heinz Avenue from a school (Ecole Bilingue de Berkeley) and separated by a parking lot from a medical facility (Fresenius Medical Care Dialysis Services of Berkeley). However, with implementation of Mitigation III(b)-1, III(b)-2, and III(b)-3, the Project will not cause significant pollution concentrations, and the Project will not have a significant impact on sensitive receptors.

b) Create objectionable odors affecting a substantial number of people?  

The proposed Project does not include any of the odor-producing land uses listed in the BAAQMD’s CEQA Guidelines. (See Source 2, p. 17.) The Project will comply with all health and safety codes and will be regularly serviced by refuse and recycling collection services. Therefore, the proposed Project would not have any odor impact.

IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

The proposed Project site is in a fully urbanized area and is comprised of a mostly vacant parcel, a portion of which is used for outdoor storage, and a parcel occupied by a pre-fabricated metal warehouse building. Vegetation on the site is non-native, including grasses, shrubs and ornamental trees. The site is not occupied by, or suitable for, any listed species or candidate for listing. Therefore the proposed Project would not have any direct or indirect substantial adverse effect on any species identified as a candidate, sensitive, or special status species.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

There is no identified riparian habitat or other sensitive natural community at or adjacent to the proposed Project site. Therefore the Project would not have any adverse impact on such habitat. (See Section IV(a), above.)

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

There is no federally or state protected wetland at the proposed Project site, therefore the Project would not have any adverse impact on such wetland. (See Section IV(a), above.)
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?  

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See Section IV(a), above.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  

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There are no Coastal Live Oaks or other indigenous or protected trees on the proposed Project site. There are no other known biological resources on the site, therefore the proposed Project would not have any adverse impact on such resources. The Project will preserve a mature evergreen street tree on Ninth Street south of the Project and other existing street trees suitable for preservation as determined by a landscape architect in consultation with a City forester. (See Section IV(a), above.)

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?  

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The proposed Project site is not within the boundaries of any approved or proposed habitat or community conservation plan. See Section IV(a), above.

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?  

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The Project at 920 Heinz is adjacent to the Scharffenberger Chocolate factory. This building is not a landmark. But it is likely eligible for inclusion on either the State or Federal Registers. Within a two-block radius, a landmark in the vicinity of 920 Heinz Avenue is the Heinz factory on San Pablo Avenue (a portion of the site is across the street from 920 Heinz). In addition, 1001 Heinz (the Thomas House and Store, John Thomas, 1915) is on SHRI. The Ecole Bilingue currently occupies this structure. The proposed Project would not block the view of or cast a shadow on any historical resource. Therefore, the Project will have no impact on the significance of a historical resource.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?  

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There are no known archaeological resources within or adjacent to the proposed Project site. If, during further site investigations, potential archaeological resources are discovered the Project applicant will be required to engage a professional archaeologist to evaluate the discovery.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?  

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See Section V(b), above.

d) Disturb any human remains, including those interred outside of formal cemeteries?  

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See Section V(b), above.
VI. GEOLOGY AND SOILS -- Would the project:

Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

The proposed Project site is within a seismically active area, but it is not within a California-designated active earthquake fault zone. The closest active faults are the Hayward, Calaveras, and San Andreas Faults, which are approximately 1.8, 16 and 16 miles from the site, respectively. The site is located within a California Seismic Hazard Zone for earthquake-induced liquefaction. To ensure mitigation of the risks related to the potential rupture of an earthquake fault, the Project applicant has obtained a geotechnical report from a registered professional geotechnical engineer and the Project will conform to the seismic standards of the Uniform Building Code and incorporate mitigation measures recommended in the geotechnical report to reduce potential impacts to a less than significant level.

**Impact VI(a)-1:** Exposure of persons and property to adverse effects from seismic activity.

**Mitigation VI(a)-1:** The Project applicant has obtained a geotechnical report from a registered professional geotechnical engineer and all Project construction will conform to the seismic standards of the Uniform Building Code and the measures recommended in the geotechnical report.

2) Strong seismic ground shaking?

See Section VI(a)(i), above.

3) Seismic-related ground failure, including liquefaction?

See Section VI(a)(i), above.

4) Landslides?

The proposed Project site is relatively level, with ground surface elevations ranging from about 31 to about 37 feet. Surrounding uses are at approximately the same grade. The proposed Project site is not located within the Berkeley Area Seismic Landslide Hazard Zone. (Source 10, Figure 3-4 at p. 44, Figure 3-14 at p. 68: see also Source 12, p. S-12.) The proposed Project would not be subject to significant impacts from landslides.

5) Result in substantial soil erosion or the loss of topsoil?

The proposed Project does not propose any changes to site conditions that would cause soil erosion or the loss of topsoil. (See Section IV(a), above.)
The proposed Project site is generally level with stable subsurface conditions and is not located in a seismic landslide hazard zone. Furthermore, the Project will be subject to Mitigation VI(a)-1, above. Therefore, the Project would not likely result in a landslide, lateral spreading, subsidence, liquefaction or collapse. (Source 10, Figure 3-4 at p. 44; see also Section VI(a)(i) and to Section VI(a)(iv), above.)

The soil at and around the proposed Project site is generally granular and not expansive. The Project will conform to all Uniform Building Code standards for expansive soils if such soils are encountered during further site investigation.

Not applicable. The proposed Project site is served by a wastewater sewer line and does not include the use of septic tanks.

**VII. HAZARDS AND HAZARDOUS MATERIALS** -- Would the project:

**a)** Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The uses proposed for the Project site do not include the routine use, transportation, emission or disposal of hazardous materials. However, a portion of the site is currently used for asphalt mixing and materials storage, and site remediation may be necessary before Project construction begins. (See Source 20, pp. 7-8.) Structures to be removed from the site include a pre-fabricated metal warehouse building and asphalt-related equipment and storage tanks. A Phase I and Phase II report prepared for the portion of the property used for asphalt mixing found no significant environmental concerns. (See Source 20, p. 26.) In addition, the proposed Project includes the removal of soil to create a basement. A tank removal report prepared in 1994 following removal of an underground storage tank from the currently vacant portion of the property found no detectable hydrocarbons at a depth of about 11.5 feet below grade. (See Source 21, pp. 4 - 6.) However, site contamination may be encountered during demolition or during excavation.

**Impact VII(a)-1:** Site contamination may be found during demolition.

**Mitigation VII(a)-1:** The Project applicant will be required to work with the City’s Toxics Management Division and regulatory agencies to ensure compliance with site closure procedures as necessary. The City requires that any contaminated soils be removed during excavation.

**Impact VII(a)-2:** Site contamination may be found during excavation.
Mitigation VII(a)-2: Excavation and soil disposal will comply with all applicable local, state, and federal laws.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

See Section VII(a), above.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The Project is located within one-quarter mile of an existing school (Ecole Bilingue de Berkeley), but the Project will not include the routine use, transportation, emission or disposal of hazardous materials. There is a possibility that site remediation may be required before Project construction can begin, however the Project applicant will work with the City’s Toxics Management Department and regulatory agencies to ensure compliance with site closure procedures as required. (See Section VII(a), above.)

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The proposed Project site is not included on the California Department of Toxic Substances Control Hazardous Waste And Substances Site List compiled pursuant to Government Code Section 65962.5. (Source 5.)

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

The proposed Project is not located within any restrictive area in the Alameda County Airport Land Use Plan or within two miles of a public airport. (Source 1.) The nearest public airport is Oakland International Airport, more than 7 miles away. (Source 7.)

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

The proposed Project is not within the vicinity of a private airstrip. (Source 7.)

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The proposed Project is consistent with the policies of the City of Berkeley General Plan’s Disaster Preparedness and Safety Element and will not obstruct emergency evacuation routes. (See Source 12, pp. S-15 - S-24 and Figure 14 at p. S-10.) The proposed Project is also consistent with the objectives of the Disaster Mitigation Plan for the City of Berkeley. (See Source 10, pp 7-8.)
The proposed Project site is not within or adjacent to a wildland fire hazard area. (Source 12, Figure 14 at p. S-14.)

**VIII. HYDROLOGY AND WATER QUALITY -- Would the project:**

a) Violate any water quality standards or waste discharge requirements? □ □ □ □ ✔

The proposed Project does not include uses that directly impact water quality and it is designed to channel runoff into the existing storm drainage system on Heinz Avenue and Ashby Avenue. The proposed Project will increase the amount of impervious surface on the site and, therefore, will increase stormwater run-off. The Project applicant will incorporate site planning and design techniques to prevent and minimize impacts to water quality to the maximum extent practicable. These techniques include the use of landscaping, permeable paving, modular pavers and grassed swales to filter stormwater; grease interceptors to minimize sewer overflows; oil/water separators to reduce polluted run-off; and other treatment controls suggested by the Regional Water Quality Control Board (RWQCB). To this end, the applicant will be required to file a Notice of Intent with the RWQCB prior to construction that will include proposed construction Best Management Practices (BMPs). Project design and implementation will be required to adhere to all City and state environmental requirements.

The Project site is adequately served by sanitary sewer lines that cross the Project site from Heinz Avenue to the southern segment of Ninth Street. Project construction will conform to all requirements of the Regional Water Quality Control Board, Uniform Building Code and Berkeley Municipal Code Title 17 (Water and Sewers) to prevent unpermitted discharges into the sanitary sewer and stormwater systems. The Project applicant will be required to obtain a NPDES permit from the Regional Water Quality Control Board that will include conditions for managing stormwater runoff.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? □ □ □ □ ✔

The proposed Project will receive water service from East Bay Municipal Utility District, which obtains domestic water mainly from the Mokelumne River watershed. (Source 18.) The proposed Project will not draw upon groundwater supplies or change existing patterns of groundwater recharge.

b) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? □ □ □ □ ✔

The proposed Project will not substantially alter the existing drainage pattern of the site or area so as to cause substantial erosion, siltation, or flooding. There are no streams or rivers on or adjacent to the Project site. The site drains into the City’s storm-water collection system which empties into the San Francisco Bay. See Section VIII(a), above.
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

See Section VIII(c), above.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The existing storm drain system has adequate capacity to serve the proposed Project. The proposed Project will not generate polluted runoff.

f) Otherwise substantially degrade water quality?

The proposed Project does not include uses that directly impact water quality and it is designed to channel runoff into the existing storm drainage system on Heinz Avenue and Ashby Avenue. The proposed Project will increase the amount of impervious surface on the site and, therefore, will increase stormwater run-off. The Project applicant will incorporate site planning and design techniques to prevent and minimize impacts to water quality to the maximum extent practicable. These techniques include the use of landscaping, permeable paving, modular pavers and grassed swales to filter stormwater; grease interceptors to minimize sewer overflows; oil/water separators to reduce polluted runoff; and other treatment controls suggested by the Regional Water Quality Control Board (RWQCB). To this end, the applicant will be required to file a Notice of Intent with the RWQCB prior to construction that will include proposed construction Best Management Practices (BMPs). Project design and implementation will be required to adhere to all City and state environmental requirements.

The Project site is adequately served by sanitary sewer lines that cross the Project site from Heinz Avenue to the southern segment of Ninth Street. Project construction will conform to all requirements of the Regional Water Quality Control Board, Uniform Building Code and Berkeley Municipal Code Title 17 (Water and Sewers) to prevent unpermitted discharges into the sanitary sewer and stormwater systems. The Project applicant will be required to obtain a NPDES permit from the Regional Water Quality Control Board that will include conditions for managing stormwater runoff.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

The proposed Project site does not include housing. Additionally, it is not within a 100-year flood hazard area. (Source 12, Figure 15, p. S-13.)

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

See Section VIII(g), above.
The proposed Project site is not within a 100- or 500-year flood zone, an area of potential inundation by tsunami, or an area considered potentially vulnerable to inundation from reservoir failure in the event of a major earthquake on the Hayward or San Andreas Fault. (Source 12, Figure 15, p. S-13 and Figure 16, p. S-14.)

The proposed Project site is not within a seismic landslide hazard zone or a tsunami-prone area. (Source 10, Figures 3-4 and 3-14 at pp. 44 and 68, respectively; Source 12, Figure 15 at p. S-13.)

**IX. LAND USE AND PLANNING** - Would the project:

a) Physically divide an established community?  

The proposed Project is surrounded by commercial and industrial uses and would not divide an established community. By providing a meeting place and community room and by improving bicycle and pedestrian access between Heinz Avenue and Ashby Avenue, the Project will create a community focal point.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The proposed Project site is within a “Manufacturing” area in the General Plan Land Use Diagram and a “Mixed Use/Light Industrial” area in the West Berkeley Plan diagram of Land Use Districts. (Source 12; Source 16.) The West Berkeley Plan was incorporated into the General Plan in the 2002 General Plan amendments and into the Zoning Ordinance in 1999. The site is within the “Mixed Use - Light Industrial” District in the Zoning Ordinance and is adjacent to the “Avenue Commercial” area in the General Plan Land Use Diagram and the “West Berkeley Commercial [‘C-W’]” zone in the Zoning Ordinance. The Project includes a General Plan amendment revising the Land Use Diagram to designate the Project site “Avenue Commercial” and a Zoning Ordinance amendment to place the Project within the C-W District.

**General Plan and West Berkeley Plan.** The proposed Project, including the required General Plan and Zoning Ordinance amendments, is consistent with the policies and goals of both the General Plan and the West Berkeley Plan, as described below.

**General Plan Goals**

The City's General Plan identifies seven major goals:

1. Preserve Berkeley’s unique character and quality of life.
2. Ensure that Berkeley has an adequate supply of decent housing, living-wage jobs, and businesses providing basic goods and services.

3. Protect local and regional environmental quality.

4. Maximize and improve citizen participation in municipal decision-making.

5. Create a sustainable Berkeley.

6. Make Berkeley a disaster-resistant community that can survive, recover from, and thrive after a disaster.

7. Maintain Berkeley’s infrastructure, including streets, sidewalks, buildings, and facilities; storm drains and sanitary sewers; and open space, parks, pathways, and recreation facilities.

The Project is an in-fill development that would provide a full-service grocery store in a neighborhood without enough fresh food markets to meet the needs of the community. The Project is served by AC Transit bus service on Ashby Avenue, San Pablo Avenue, and Seventh Street. It is also located at the intersection of the Ninth Street and Heinz Avenue Bicycle Boulevards and adjacent to the proposed Ninth Street Bicycle Path and would provide more than sixty bicycle parking spaces. The buildings would be designed to withstand earthquakes and other disasters, and the Project would include infrastructure improvements such as curb and gutter repair and sidewalk installation as well as the reservation of land for use as a bicycle path. The building design of the Project would enhance the West Berkeley landscape while contributing to a sustainable Berkeley by providing a full-service grocery store close to housing, businesses and public transportation.

5. West Berkeley Plan Goals

The West Berkeley Plan is identified as an Area Plan in the City’s General Plan and serves as the City’s main policy document for land use planning in West Berkeley. As such, its policies are “nested” within the Berkeley General Plan. The West Berkeley Plan provides policy guidance that is specifically related to West Berkeley. The following is an evaluation of the consistency of the proposed Project with relevant policies of The West Berkeley Plan.

The West Berkeley Plan has three stated purposes:

i. *Maintain the full range of land uses and economic activities – residences, manufacturing, services, retailing, and other activities – in West Berkeley.*

ii. *Maintain the ethnic and economic diversity of West Berkeley’s resident population.*

iii. *Maintain and improve the quality of urban life – including environmental quality, public and private service availability, transit and transportation, and aesthetic and physical qualities – for West Berkeley residents and workers.*

The proposed Project would contribute to the full range of land uses and economic activities by providing a grocery marketplace and community in an underserved area. The Project would not affect the existing
ethnic and economic diversity of West Berkeley’s resident population, although it would serve the needs of residents and businesses by providing fresh produce and other basic goods to area residents, restaurants, and other businesses. It also would add jobs, pedestrian activity and visual interest along the street in this part of West Berkeley. The proposed Project would improve the quality of urban life in West Berkeley and contribute to its attractiveness as a place to live and work by providing a full-service grocery marketplace and community room within walking and biking distance of residences and businesses. Therefore, the proposed Project is consistent with these purposes of the West Berkeley Plan.

The West Berkeley Plan includes thirty-eight goals to maintain and improve the quality of life in the City’s most ethnically diverse community. The following is an evaluation of the consistency of the Project, as proposed, with each relevant goal of the West Berkeley Plan.

**LAND USE**

**LU-Goal 1:**

*Over the economically active area of West Berkeley, provide for a continued economic and land use mix, incorporating manufacturing, other industrial, retail and office/laboratory uses, to benefit Berkeley residents and businesses economically, benefit the City government fiscally, and promotes the varied and interest character of the area.*

**Project Consistency:** The Project would convert a vacant and underutilized area to commercial use, providing sales tax revenue to the City and fresh produce and basic goods to nearby residents and workers. Additionally, the Project would house an independent, locally-owned business that is a hallmark of Berkeley’s unique character.

**LU-Goal 2:**

*Channel development—both new businesses and residences and the expansion of existing businesses—to districts which are appropriate for the various existing elements of the West Berkeley land use mix.*

**Project Consistency:** The Project provides for the expansion of an existing Berkeley institution - the Berkeley Bowl - to a new location in Berkeley, where it would provide fresh produce and groceries to an area of West Berkeley that is currently lacking fresh food markets. The Project’s location complements surrounding uses, including the nearby mixed-use area across Heinz Avenue, by providing a pedestrian- and bicycle-friendly full-service grocery marketplace to serve community needs. In addition, the Project would promote community cohesiveness and provide a neighborhood focal point by offering a community room for periodic meetings and events.

**LU-Goal 3:**

*Protect residential core neighborhoods from adverse impacts of economic growth—especially traffic and parking congestion and noise.*

**Project Consistency:** The Project site is in a commercial and industrial area separated from a residential core neighborhood by San Pablo Avenue and served by a major arterial street, Ashby Avenue. The Project would provide needed goods and services to the residential neighborhood across San Pablo Avenue. With proposed traffic mitigations, the Project would minimize traffic and parking congestion and
noise that would affect that residential area. The majority of Project traffic would move on and off of Ashby Avenue, a major street, through a commercial and industrial corridor and would not significantly affect local streets to the north, east or west. In addition, the Project includes more than the required amount of parking for customers and employees, and would not utilize street parking in the area to the north of Heinz Avenue.

**LU-Goal 4:**

Assure that new development in any sector is of a scale and design that is appropriate to its surroundings, while respecting the genuine economic and physical needs of the development.

**Project Consistency:** The Project is similar in scale and mass to surrounding structures (e.g., H.L. Heinz Building, Orchard Supply building, Langendorf building), and is designed to enliven the urban streetscape without adding visual clutter. To this end, the majority of the parking would be accommodated in an underground garage, bicycle and pedestrian paths are included on site, the building architecture and a portico connecting the two buildings would provide visual interest at a pedestrian scale. The Project also would furnish an appropriate transition between the more intensive development in the Ashby Avenue commercial node and less intensive development in the mixed-use districts across Heinz Avenue.

**LU-Goal 5:**

Clarify and rationalize the development review process, so that clearer guidance is given to applicants and people affected by projects, and so that decisions on projects may occur more rapidly, while providing appropriate opportunities for citizen input.

**Project Consistency:** The Project applicant has been given clear guidance by staff, the applicant has conducted community meetings and sought input from neighbors in order to develop an attractive Project that enhances community well-being and the City’s Project review schedule has been tailored to maximize public input at a series of public meetings.

**Economic Development**

**ED-Goal 1:**

Take all reasonable actions to maintain and promote manufacturing and other industrial sectors in Berkeley.

**Project Consistency:** The Project site is primarily vacant and the occupied portion is underutilized with a dilapidated corrugated metal warehouse. The Project promotes the economic development of West Berkeley by converting a mostly vacant, underutilized lot into a business that would generate tax revenue for the City while providing fresh produce, basic goods and jobs to nearby residents and workers.

**ED-Goal 2:**

Support the growth of regionally oriented retail trade in West Berkeley in locations which are consistent with other goals and standards, particularly the traffic goals of the Transportation Element.
Project Consistency: The Project’s full service grocery store is mostly locally oriented but would also attract a regional clientele. The marketplace would provide an essential local service to West Berkeley and the community room would provide a useful neighborhood amenity. At the same time, the Project is conveniently accessible from I-80 and has been designed to accommodate intensive parking on-site and to minimize traffic impacts on surrounding neighborhoods and maintain adequate levels of service on the street system.

ED-Goal 3:

Improve the level of neighborhood serving retail in West Berkeley.

Project Consistency: The Project would serve as a neighborhood focal point and meeting place that provides a full-service grocery marketplace across the street from a mixed-use residential neighborhood, adjacent to a future affordable artists’ loft development, and within one-quarter mile of a single- and multi-family residential neighborhood.

ED-Goal 4:

Continue to support the growth of advanced technology manufacturing (such as biotechnology) and advanced technology services (such as research laboratories) in appropriate locations, under appropriate environmental safeguards.

Project Consistency: Not applicable.

ED-Goal 5:

Continue to create employment opportunities, especially for Berkeley and West Berkeley residents.

Project Consistency: The Project would provide at least 100 jobs available to Berkeley and West Berkeley residents.

ED-Goal 6:

Promote opportunities for business ownership by the economically disadvantaged – non-Whites, women, and other economically disadvantaged people.

Project Consistency: The Berkeley Bowl owners are members of the Japanese-American community. The Project would house a locally owned and operated business with a socially diverse workforce.

ED-Goal 7:

Protect small businesses, particularly arts and crafts businesses, so they can continue to flourish in West Berkeley.

Project Consistency: The Project would sustain the West Berkeley arts community by placing a full-service grocery marketplace, including a community room available for cultural and educational events, within walking distance of artists’ lofts, studios, and galleries. The community room would help protect small businesses by providing additional meeting space not found in this part of West Berkeley.
ED-Goal 8:

Encourage linkages between West Berkeley businesses, and between public institutions and Berkeley businesses.

Project Consistency: The Project would buy from local, neighborhood producers, such as the Scharffen Berger chocolate factory, and provide fresh produce and other products to nearby caterers, bakeries, and restaurants, creating essential business linkages within West Berkeley.

Environmental Quality

EQ-Goal 1:

Improve the efficiency, coordination and effectiveness of environmental review and regulation, and provide recognition and reward to firms which exceed environmental standards.

Project Consistency: The Project would incorporate green building principles, such as energy and water efficient building design and appliances and drought-tolerant landscaping.

EQ-Goal 2:

Reduce the generation, importation, transportation, use, storage, and disposal of all hazardous material/hazardous waste in West Berkeley.

Project Consistency: The Project would not use, store, generate or transport hazardous material or waste.

EQ-Goal 3:

Assure that biohazardous materials are appropriately regulated, by the City or other agencies.

Project Consistency: The Project would not use, store, generate or transport biohazardous materials.

EQ-Goal 4:

Decrease the level of contamination in West Berkeley soils and groundwater.

Project Consistency: The Project applicant will incorporate site planning and design techniques to prevent and minimize impacts to water quality to the maximum extent practicable. These techniques include the use of roof drains to pervious areas; landscaping, permeable paving, modular pavers and grassed swales to filter stormwater; grease interceptors to minimize sewer overflows; oil/water separators to reduce polluted runoff; and other treatment controls suggested by the Regional Water Quality Control Board (RWQCB). To this end, the applicant will be required to file a Notice of Intent with the RWQCB prior to construction that will include proposed construction Best Management Practices (BMPs). Runoff from the Project would be channeled into storm drains on Heinz Avenue and on Ninth Street south of the Project. Project design and implementation will be required to adhere to all City and state environmental requirements.

EQ-Goal 5:
**Enhance air quality in West Berkeley.**

**Project Consistency:** Additional traffic would be generated by the Project but the resulting air quality impacts are not significant. The majority of traffic to and from the Project would be channeled on Ashby Avenue, which is a major street, and would not significantly affect traffic levels on local streets. Additionally, the Project would reduce the need for West Berkeley residents and workers to drive to a grocery store. The Project is in a pedestrian- and bicycle-oriented location at the intersection of the Ninth Street and Heinz Avenue Bicycle Boulevards and adjacent to the planned Ninth Street Bicycle Path. The site is adjacent to the planned artists’ loft development at Ninth Street and Ashby Avenue, the mixed-use residential area across Heinz Avenue, and would be easily accessible by pedestrians from the single- and multi-family residential neighborhood one-quarter mile to the east. The Project is also served by AC Transit bus service on Seventh Street, Ashby Avenue, and San Pablo Avenue.

**EQ-Goal 6:**

*Reduce irritating noise by mitigating existing noise conflicts and preventing the development of future noise conflicts.*

**Project Consistency:** All mechanical equipment at the Project would be of the lowest feasible noise rating, located at least sixty (60) feet from residential property, and shielded to reduce noise impacts on neighboring properties. Deliveries to the Project would occur within an enclosed loading dock and only during the hours permitted under the Berkeley Municipal Code.

**EQ-Goal 7:**

*Support and increase the recycling of a broad range of materials.*

**Project Consistency:** The Project would participate in the Berkeley curbside recycling program and provide on-site receptacles for glass, aluminum, paper, and plastic recyclable materials.

**Physical Form**

**PF-Goal 1:**

*Preserve and enhance the vital commercial corridors, particularly San Pablo Avenue and University Avenue, with intensification of commercial and mixed-use development at key intersections or "nodes".*

**Project Consistency:** The Project would support and enhance the Ashby Avenue commercial node near San Pablo Avenue by creating an appropriate commercial transition to the nearby mixed use area and by providing fresh produce and essential basic goods to serve the nearby residential and mixed-use artist and industrial communities.

**PF-Goal 2:**

*Use the interrelationship between the urban design and transportation goals to improve accessibility between jobs, homes, commercial, recreation and educational centers to minimize dependence on the automobile.*
Project Consistency: The Project minimizes the West Berkeley community's automobile dependence by providing both jobs and fresh food within walking or biking distance of residences, a school, and major public transit lines. The Project is likely to become a bicycle destination as the Project is located at the intersection of the 9th Street and Heinz Avenue Bicycle Boulevards and adjacent to the planned Ninth Street Bicycle Path. The Project would include more than sixty bicycle parking spaces. The Project invites pedestrian shoppers from the planned affordable artists’ loft development at Ninth Street and Ashby Avenue, from the mixed-use residential district across Heinz Avenue, including the East Bay French American school, across the Heinz Avenue, and from the single- and multi-family residential district east of San Pablo. In addition, the Project is served by public transit on Seventh Street, San Pablo Avenue, and Ashby Avenue.

**PF-Goal 3:**

Visually improve the University Avenue gateway and the other entry corridors into West Berkeley, so as to provide a positive image as one enters Berkeley. In addition to the University Avenue gateway, the entry corridors into West Berkeley are Ashby Avenue and Gilman Street, and the northern and southern ends of San Pablo Avenue.

Project Consistency: The Project site is located one half block from Ashby Avenue. The development of the vacant lot and improvement of the Affordable Housing Associates’ lot at that location would help the City create a positive image as a gateway to Berkeley.

**PF-Goal 4:**

Development in locations where there is a juxtaposition of uses and building scales -- particularly when concentrations of residential uses are adjacent to more intense uses -- should be sensitive to the character of both the less intense and the more intense uses. This will be particularly important in the Mixed Use/Residential zone and on the "edges" where industrial zones (especially general manufacturing zones) meet zones which permit residential uses.

Project Consistency: The Project is similar in scale and mass to surrounding uses and conforms to the development standards of the West Berkeley Commercial zone. The Project, at forty feet in height, furnishes a visual transition from the mixed-use residential district on the opposite side of Heinz Street, where maximum building height is thirty-five feet, to the Ashby Avenue commercial node, where buildings may reach fifty feet in height.

**PF-Goal 5:**

Development on major sites of 1 acre or more should be both internally cohesive and sensitively designed on the site's publicly used edges.

Project Consistency: The Project is designed as a community focal point joining the Ashby Avenue commercial node to the neighborhood north of Heinz Avenue. To this end, the Project emphasizes pedestrian and bicyclist access to and around the site. The pedestrian plaza between the two buildings would create a visual corridor from Heinz Avenue through the Project to Ashby Avenue. Most of the Project's parking would be underground, leaving surface space for pedestrian and bicycle travel. The Project would include space for a bicycle path along its east side and southern boundary. Additionally, the Project includes wide pedestrian paths connecting the interior of the site to the surrounding public...
streets. The pedestrian and bicycle paths would unify Project elements and provide a physical and visual link between the Project and its setting.

**PF-Goal 6:**

*Develop and disseminate an understanding and appreciation of West Berkeley's heritage.*

**Project Consistency:** Not applicable.

**PF-Goal 7:**

*Preserve West Berkeley's existing architectural and historic resources in the context of the district goals, permitted uses, and other goals of the West Berkeley Plan. Seek to develop the built environment as a whole in a way consistent with this Goal.*

**Project Consistency:** There are no architectural or historic resources at the Project site. The Project has been designed to enrich the streetscape by complementing existing structures, including the H.L. Heinz building to the east and the Scharffen Berger building to the west, and the planned Ashby Lofts development to the south, while adding contemporary architecture to West Berkeley.

**PF-Goal 8:**

*Preserve West Berkeley's architecturally and historically valuable buildings.*

**Project Consistency:** See consistency analysis of PF-Goal 7, above.

**PF-Goal 9:**

*Provide an accessible, aesthetically-pleasing network of green spaces and corridors – that is functional for varied types of users – to visually and physically link parks, creeks, and shoreline to residential and commercial, and light industrial areas.*

**Project Consistency:** The Project would create a landscaped visual corridor between Heinz Avenue and the Ashby Avenue commercial node. It would also promote bicycle and pedestrian travel between Heinz Avenue and Ashby Avenue by setting aside land for the City’s bicycle pathway.

**Transportation**

**T-Goal 1:**

*Improve traffic flow and air quality by reducing reliance on single occupant automobiles, by encouraging use of alternatives means of transportation.*

**Project Consistency:** The Project is located in an area well served by transit-rich including AC Transit bus service on Seventh Avenue, Ashby Avenue and San Pablo Avenue. It is also easily accessible to pedestrians, being across the street from a mixed-use area, adjacent to a planned mixed use development, and within one-quarter mile of a single- and multi-family residential district. Additionally, the Project is located at the intersection of the Ninth Street and Heinz Avenue Bicycle Boulevards and adjacent to the Ninth Street Bicycle Path. See also consistency analysis of EQ-Goal 5, above.
**T-Goal 2:**

*Minimize traffic at West Berkeley intersections to the extent consistent with other plan goals and city policies.*

**Project Consistency:** The Project would install a controlled traffic signal and pedestrian crosswalk at the Heinz Avenue/San Pablo Avenue intersection. The City of Berkeley recently installed traffic signals at the 9th Street/Ashby Avenue, 7th Street/Potter Street, and 7th Street/Ashby Avenue intersections. Due to the intersection improvements, the Project would have no significant impact on West Berkeley intersections. See also consistency analysis of T-Goal 1, above.

**T-Goal 3:**

*Improve the circulation system where necessary, particularly around Ashby Avenue.*

**Project Consistency:** See consistency analysis of T-Goal 2, above.

**T-Goal 4:**

*Create and maintain adequate parking to support West Berkeley land use without creating increased incentives for single occupant automobile use.*

**Project Consistency:** The Project would provide both vehicle (211 spaces) and bicycle (66) parking spaces exceeding the requirements of the Berkeley Municipal Code. More than half of the parking would be in an underground garage to preserve the pedestrian scale of the Project. In addition, the Project would be served by a network of bicycle and pedestrian paths providing easy access for non-vehicular traffic.

**T-Goal 5:**

*Protect local residential streets from through traffic.*

**Project Consistency:** The Project is located in a commercial and industrial area, within two blocks of the major arterials of San Pablo Avenue and Ashby Avenue. The Project's primary access would be from Ashby Avenue. Secondary access would be from Heinz Avenue, a local street occupied by commercial and industrial uses in the vicinity of the Project. The Project contains sufficient on-site parking, and would not cause overflow parking into the surrounding local streets.

**T-Goal 6:**

*Improve pedestrian and bicycle access in and around West Berkeley.*

**Project Consistency:** The Project has been designed to improve pedestrian and bicycle access between Heinz Avenue and Ashby Avenue. It includes a pedestrian plaza at the Heinz Avenue entrance leading to wide pedestrian paths east toward the Ninth Street bikeway and south toward Ashby Avenue. The planned Ninth Street Bicycle Path would extend along the Project's eastern edge and southern boundary. To accommodate the bicycle path, the Project applicant will reserve an approximately 16-foot strip along the Project's boundaries.
Housing & Social Services

**HSS-Goal 1:**

*Take all reasonable steps in housing policy to maintain and foster the social and economic diversity of West Berkeley's residents.*

**Project Consistency:** Not applicable.

**HSS-Goal 2:**

*Maintain the maximum level of social service provision in West Berkeley that City resources will permit, to support the policy of maintaining diversity in West Berkeley.*

**Project Consistency:** Not applicable.

**HSS-Goal 3:**

*Encourage the development of housing which provides on-site supportive services.*

**Project Consistency:** Not applicable.

**HSS-Goal 4:**

*Encourage appropriately scaled and located housing development.*

**Project Consistency:** Not applicable.

**HSS-Goal 5:**

*Encourage the development of Live-Work Units in appropriate locations.*

**Project Consistency:** Not applicable.

Berkeley Bicycle Plan. The proposed Project will help the City to achieve the goals of the Berkeley Bicycle Plan by reserving a portion of the Project site for use as a bicycle path connecting Heinz Avenue to Ashby Avenue via Ninth Street. The first goal of the Bicycle Plan is to integrate the consideration of bicycle travel into City planning activities and capital improvement projects, and coordinate with other agencies to improve bicycle facilities and access within and connecting to Berkeley. (Source 9, p. 2-1.) The proposed Project furthers that goal by providing a vital link in the planned bicycle network connecting Berkeley to Emeryville. The Bicycle Plan’s second goal is to develop a safe, convenient, and continuous network of bikeways that serves the needs of all types of bicyclists, and provide bicycle parking facilities to promote cycling. (Source 9, p. 2-2.) The proposed Project promotes safe biking by improving the bicycle network in West Berkeley, designing parking lots and driveways to enhance cyclist visibility, and providing more than sixty bicycle parking spaces near the proposed bicycle path to minimize bicycle and motor vehicle cross-traffic. The Bicycle Plan’s final goal is to secure sufficient resources from all available sources to fund ongoing bike improvements and education. (Source 9, p. 2-
3.) The proposed Project advances that goal by reserving land for a bicycle path, thus expanding the City’s stock of resources available for bicycle-related improvements.

**General Plan and Zoning Ordinance Development Standards.** The proposed Project is consistent with General Plan and Zoning Ordinance development standards of the C-W District. The development standards set forth in the General Plan Land Use Element (incorporating the West Berkeley Plan) are codified in the Zoning Ordinance. (BMC § 23E.64.030; see also Source 12, p. LU-24.)

**Use.** The Project is consistent with all use limitations in the C-W District as set forth in the Zoning Ordinance. (See BMC § 23E.64.030.A) The proposed full-service grocery marketplace, including sales of alcoholic beverages for off-premises consumption and prepared food for consumption off-premises or within a limited seating area, is a permissible use requiring a use permit following a public hearing, and the ancillary office and ancillary storage of goods for the grocery store are allowed with an administrative use permit. The community room is permissible with a use permit because it is compatible with the purposes of the C-W District. (See BMC § 23E.64.030.C.) The community room supports an increase in the development of housing near commercial uses by providing a neighborhood amenity within a commercial development. (See BMC § 24E.64.020.G.) In addition, the community room promotes development compatible with adjacent commercial, residential, and industrial uses by providing a flexible assembly space suitable for professional, community, and educational gatherings. (See BMC § 24E.64.020.I.) The community room will be available for cultural and performing arts activities. (See BMC § 24E.64.020.J.)

**Hours of Operation.** The generally permissible hours of operation for a commercial use in the C-W District are between 7:00 a.m. and 10:00 p.m. (BMC § 23E.64.060.A.) The Project’s proposed hours of operation are from 9:00 a.m. to 8:00 p.m. Monday through Saturday and from 10:00 a.m. to 6:00 p.m. on Sunday, therefore the proposed Project is consistent with limitations on hours of operation.

**FAR.** The maximum Floor Area Ratio (“FAR”) in the C-W District is 3. (BMC § 23E.64.070.A.) The Project’s FAR is 0.9.

**Height.** Outside of a commercial node, the maximum building height in the C-W District is forty (40) feet and three (3) stories. (BMC § 23E.64.070.B.) The proposed Project has a maximum height of forty (40) feet and two stories.

**Loading.** In the C-W District, a building must include one (1) loading space for new or additional commercial space of 10,000 square feet and one (1) loading space for each additional 40,000 square feet of commercial space. (BMC § 23E.64.080.N.) The Project would be required to provide three (3) loading spaces; it will provide three (3) loading spaces within an enclosed loading dock in Building 1.

**Parking.** The on-site parking requirements in the C-W District are 2 vehicle spaces per 1,000 square feet of commercial gross floor area; and 1 bicycle parking space per 2,000 square feet of non-residential gross floor area. (BMC § 23E.64.080) The proposed Project includes up to 91,060 square feet of commercial floor area. On-site parking requirements for the proposed Project would be 182 vehicle spaces and 46 bicycle spaces. The proposed Project includes 211 vehicle parking spaces and 66 bicycle parking spaces.

Thus, the proposed Project is consistent with all applicable land use policies, plans, and regulations.
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

The proposed Project is not located within or near any habitat conservation plan or natural community conservation plan area. See also Section IV(f), above.

**X. MINERAL RESOURCES** -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

There are no known mineral resources at or near the proposed Project site. (Source 12, p. EM-2.)

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

See Section X(a), above.

**XI. NOISE** -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

The Berkeley Noise Ordinance provides that the maximum permissible exterior noise level for commercial areas is 60 dBA at night (from 10 p.m. until 7 a.m.) and 65 dBA during the day (from 7 a.m. until 10 p.m.) unless the measured ambient noise level differs from those standards, in which case the allowable noise exposure standard shall be the ambient noise level. (Source 13, §13.40.050.A.3 and Table 13.40-1.) The Project site is within an area with measured ambient noise levels between 70 and 75 dBA (Source 12, Figure 21, p. EM-6), therefore the maximum allowable noise standard is the existing ambient noise level.

The primary sources of noise from the Project will be mechanical equipment and motor vehicles.

**Impact XI(a)-1:** Potential exterior noise generated by mechanical equipment associated with the operation of a full-service grocery store.

**Mitigation XI(a)-1:** All mechanical equipment, such as refrigeration and ventilation equipment, will be required to have the lowest feasible noise rating and will be required to be shielded to ensure compliance with the Berkeley Noise Ordinance and General Plan.

**Impact XI(a)-2:** Potential exterior noise associated with vehicle parking and truck deliveries.

**Mitigation XI(a)-2:** Project parking and deliveries will take place on the south side of the Project site, within an existing high-noise area and away from sensitive receptors. All delivery trucks and the majority of other vehicles will enter and exit the Project through the southern Ninth Street connection to Ashby Avenue. Ashby Avenue is a commercial and industrial corridor with elevated ambient noise levels, therefore the Project’s impact on noise in that area will be less than significant. Fresenius Medical Care Dialysis Services of Berkley, west of the Project on Seventh Street, and Ecole Bilingue de Berkeley, at the northeast corner of Heinz Avenue and Ninth Street, are both at least sixty (60) feet
from the Project and are shielded from Project parking and delivery noise by intervening Project buildings.

Surrounding uses will be shielded from delivery and parking noise because all deliveries and more than half of Project parking will take place within enclosed structures. The majority of Project parking stalls are within a basement garage under Building 1. All deliveries will take place in an enclosed loading dock at the south end of Building 1. Noise generated within the parking garage and loading dock will have a less than significant impact on the exterior noise levels of surrounding uses.

With these two mitigation measures, noise impacts from the Project will be less than significant.

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<th>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</th>
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Delivery trucks may generate some groundborne vibration associated with the Project. However, the Project site is within a commercial and industrial area through which there is already regular truck traffic. Trucks will enter and exit the site only through the southern Ninth Street route to Ashby Avenue. There are no existing or planned ground-floor residential uses in that corridor, and the offices on the west side of the street would not experience significant groundborne vibration from trucks because they are set back more than thirty feet from the curb. The addition of Project delivery trucks will have a less than significant impact on groundborne vibration in the area.

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<th>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</th>
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The proposed Project is in a heavily traveled commercial and industrial area with significant existing noise. (See Source 12, Figure 21, p. EM-6.) The proposed Project will include heating, ventilation, air conditioning, and other mechanical equipment that will contribute to the ambient noise levels at the site. However, all mechanical equipment will be of the lowest feasible noise rating and will be shielded to minimize the increase in exterior noise.

The proposed Project will also generate noise from traffic. However, the primary sources of ambient noise at the site are the heavily traveled streets of Ashby Avenue, Seventh Street, and San Pablo Avenue, and the increased traffic on those streets from the Project would be less than significant in the context of the existing noise environment. (See Source 19, Appendix A; see also Section XI(a), above.)

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<th>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</th>
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Demolition and construction activities, particularly the use of heavy machinery, may generate temporary intermittent noise in excess of the City’s noise standards. However, construction activities will occur during normal business hours and in compliance with all requirements of the Berkeley Municipal Code so that the Project impact on temporary ambient noise levels will be less than significant.
For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The proposed Project is not located within any restrictive area in the Alameda County Airport Land Use Plan or within two miles of a public airport. (Source 1.) The nearest public airport is Oakland International Airport, more than 7 miles away. (Source 7.)

For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

The proposed Project is not within the vicinity of a private airstrip. (Source 7.)

XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The proposed Project will provide fresh produce and groceries to an underserved area. It is not a regionally significant employer and is not expected to induce additional population growth. (See Source 12, p. ED-4.)

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

Currently, there is no housing on the proposed Project site.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

See Section XII(a) and XII(b), above.

XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

(i) Fire protection?

The proposed Project site is located in a developed urban area with existing public services. The Berkeley Fire Department would provide fire protection and emergency medical response to the Project site. Primary service to the Project site would be provided by Station 1, located at 2442 Eighth Street, less than one mile away. (Source 11; see also Source 12, Figure 14, p. S-10.) The Project will be built in compliance with all applicable codes for fire safety and emergency access, therefore the Project will not significantly increase the need for fire protection services and will not result in any significant impact.
The proposed Project site is located in a developed urban area with existing public services. The Berkeley Police Department would provide police services to the Project site. The police station is approximately two (2) miles from the proposed Project site and the proposed Project will not significantly increase the need for police services. (Source 15.)

The proposed Project does not include any residences and therefore will not have any impact on schools. (See Source 3.)

The proposed Project does not include any residences and therefore will not have any impact on parks. (See Source 14.)

The Project site is within an urbanized area served by a fully developed infrastructure. Its impact on existing streets and utilities will be less than significant.

XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

See Section XIII(a)(iv), above.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

See Section XIII(a)(iv), above.

XV. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

The Project is located one block north of Ashby Avenue, approximately one-half mile from the Ashby Avenue/Interstate 80 intersection to the west and one-quarter mile from the Ashby Avenue/San Pablo Avenue intersection to the east. Interstate 80 is a north-south freeway through Berkeley connecting the San Francisco Bay Area to Sacramento and points east with four mixed flow lanes and a high-occupancy vehicle (“HOV”) lane in each direction. San Pablo Avenue (State Route 123) is a major north-south arterial street connecting Oakland to the Richmond/El Cerrito area with two travel lanes in each direction and left-turn pockets at major intersections. Ashby Avenue (State Route 13) is a major east-west arterial
roadway connecting Interstate 80 to the Berkeley hills with two lanes in each direction and dedicated left turn lanes at major intersections. (Source 19, pp. 8-10.)

The Project site is served by Ninth Street, a local street with one lane of traffic in each direction that is split into two discontinuous segments at the Project boundary. The southern segment runs from Ashby Avenue to the southern portion of the site. The northern segment abuts the Project’s eastern boundary, providing access to Project parking from Heinz Avenue. The Project site fronts on Heinz Avenue, a local east-west street with one lane in each direction connecting Seventh Street to San Pablo Avenue. Seventh Street, a north-south collector street with one lane in each direction, is approximately one block west of the Project site. (Source 19, pp. 8-10.)

A traffic study prepared by Fehr & Peers for the Project studied impacts on six intersections in the Project area: (1) Heinz Avenue/7th Street; (2) Heinz Avenue/9th Street; (3) Heinz Avenue/San Pablo Avenue; (4) Ashby Avenue/7th Street; (5) Ashby Avenue/Ninth Street; and (6) Ashby Avenue/San Pablo Avenue. The study found that the Project’s off-site impacts would be less than significant at five of the six intersections. (Source 19, p. iii.) The study further found that the Project may have a potentially significant impact at the Heinz Avenue/San Pablo Avenue intersection but concluded that implementation of the recommended measures would reduce the impact to less-than-significant.

**Impact XV(a)-1:** Potential service level deterioration at the intersection of Heinz Avenue and San Pablo Avenue.

**Mitigation XV(a)-1:** The Project applicant will install a traffic light and count-down pedestrian signal and cross-walk at the intersection of Heinz Avenue and San Pablo Avenue. The signal will be compatible with the Smart corridor design requirements of San Pablo Avenue.

With implementation of the mitigation measure, the Project’s impact on the surrounding street system would be less than significant.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

The impacts of the proposed Project that have potential to adversely affect the level of service on streets in the Project vicinity have been mitigated to less than significant levels and, even when viewed in conjunction with other closely related past, present or reasonably foreseeable future projects, would not be significant. See Section XV(a), above.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

The proposed Project does not include any airports, airstrips, heliports, or helipads, and thus will not cause a change in air traffic patterns.
The proposed Project would not increase traffic hazards in the vicinity or at the Project site. Project driveways have been designed to provide a clear view of bicyclists, pedestrians and oncoming traffic near entrances and exits. Stop signs will be installed at all Project exits. Internal circulation has been designed to minimize interactions between bicyclists and motor vehicles and to provide safe pedestrian passage through and around parking areas in designated pedestrian pathways. Shopping cart return areas will be provided near the end of every parking row. All internal drive aisles within parking areas will be at least twenty-four feet wide. Large delivery trucks will be scheduled to enter and exit the Project site only during off-peak periods to prevent conflicts with other vehicles. (See Source 19, pp. 29-31.)

The proposed Project provides emergency vehicle access to the Project site from Heinz Avenue and from Ninth Street to both the eastern and the southern portions of the site. The proposed Project would not impede emergency vehicle access to surrounding properties.

The proposed Project will provide more spaces than are required by off-street parking requirements of the Berkeley Zoning Ordinance. (See Section IX(b), above.)

The proposed Project advances the objectives of the Berkeley General Plan’s Transportation Element and of the Berkeley Bicycle Plan by improving pedestrian and bicycle facilities in and around the site, including installation of a cross-walk on San Pablo Avenue at Heinz Avenue and the reservation of land for a bicycle path connecting Heinz Avenue to Ashby Avenue via Ninth Street. (See Source 12, Policies T-42 to T-44 and T-52 to T-54, pp. T-25 to T-26 and T-28; Source 9, pp. 2-1 to 2-3.) The Project will also provide more than 60 bicycle parking spaces to encourage use of alternative transportation by both employees and customers.

**XVI. UTILITIES AND SERVICE SYSTEMS** -- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  

The proposed Project will generate domestic and commercial wastewater that conforms to City and Regional Water Quality Control Board standards for disposal in the City of Berkeley municipal sewer system.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The City of Berkeley provides sanitary sewer service to the proposed Project site. The Project applicant will pay the City of Berkeley a sanitary sewer connection fee to fund the maintenance and improvement
of the sanitary sewer system. The proposed Project would not require or result in the construction of new facilities or the expansion of existing facilities.

See Section VIII(a), (d), and (e)

The East Bay Municipal Utility District ("EBMUD") would serve the proposed Project. EBMUD's water system serves approximately 1.3 million people in a 325-square-mile area. EBMUD imposes a system capacity charge on new developments to fund system maintenance and the development of new water sources. (Source 18.) The Project applicant will pay the system capacity charge and undertake recommended measures to conserve water use such as installing low-flush toilets and drought-tolerant landscaping. Therefore, the Project's impact is less than significant.

See Section XVI(b), above.

The City of Berkeley provides curbside recycling and refuse collection service to the proposed Project site. There are three permitted landfills in Alameda County with the capacity to accommodate the Project's solid waste disposal needs: Tri-Cities Recycling and Disposal Facility, Altamont Landfill and Resource Recover, and Vasco Road Sanitary Landfill. (Source 8.) In addition, the Project will comply with the General Plan's waste reduction policy, therefore the Project's impact on solid waste disposal facilities will be less than significant. (See Source 12, Policy EM-7, p. EM-3.)

The City of Berkeley provides solid waste disposal service to the proposed Project site. The proposed Project would generate commercial waste that complies with all federal, state, and local statutes related to solid waste. The proposed Project does not include any uses that would generate hazardous waste.
XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

| a) | Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | ☑ |

See Section IV and Section V, above.

| b) | Does the project have impacts that are individually limited, but cumulatively considerable? (Cumulatively considerable) means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | ☑ |

The impacts of the proposed Project that have potential to adversely affect the identified aspects of the environment have been mitigated to less than significant levels and, when viewed in conjunction with other closely related past, present or reasonably foreseeable future projects, would not be significant.

| c) | Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ☑ |

The proposed Project will not have any foreseeable direct or indirect substantial adverse affects on human beings.
LIST OF SOURCES CONSULTED

1. Alameda County Planning Department, Sandy Rivera, telephone conversation June 4, 2004.


