APPENDIX 1.0

Transcripts and Comment Letters
CITY OF BERKELEY

REGULAR MEETING OF THE PLANNING COMMISSION

TRANSCRIPT OF AGENDA ITEM NO. 9:
PUBLIC COMMENT ON WEST BERKELEY BOWL
DRAFT ENVIRONMENTAL IMPACT REPORT

October 26, 2005

North Berkeley Senior Center
1901 Hearst Avenue
Berkeley, CA  94704

REPORTER:  FREDDIE REPPOND
APPARENCES

Christine Staples
John Curl
Sandy Simon
Claudia Cawczynska
Cameron Woo
Steve Wollmer
Mary Lou Van Deventer
Rick Auerbach
CHRISTINE STAPLES: My name is Christine Staples. I'm a long-time West Berkeley resident. We currently have no grocery store in West Berkeley. We have to go all the way to Emeryville, North Berkeley, and various other places in town to food shop. And, of course, there are people in Berkeley who do live in West Berkeley. And it's quite a burden for them to shop at such distances. My neighbors drive to El Cerrito to grocery shop, for instance. And the West Berkeley Bowl would be a tremendous asset and meet a tremendous need for the people [inaudible]. I would love to see it come in. Thank you.

JOHN CURL: There's an old Marx Brothers movie where Groucho Marx says, "Who do you believe -- your own eyes or me?" And I think this EIR and the analysis and the conclusions in this EIR are a question of "Who do you believe -- your own eyes or me?"

And I invite everyone of you to go down there, to go to the site there, look around that neighborhood, and imagine a 91,000 square-foot grocery store there, as proposed. Think about what the actual impacts are going to be.

You know, I'm sure when the Bush administration proposed a thing like the Healthy Forest Initiative, the Clear Air Act, the War and Peace Act,
they had tomes and tomes of documentation in much
greater details than this heavy EIR. But you have to
look at what it is that you're getting. The EIR, as I
look at it -- and it looks at the 150 plan, the General
Plan, and various of these statistics -- it does a
cherry-picking job. It's all scam. It picks out what
it wants because it's proposing. It's not looking at it
objectively. It's trying to sell a project and it's
picking and choosing whatever will support that project.

And you can see if you were -- if this was
Congress and the Bush administration was presenting you
with a big pile of documentation to prove that war is
peace and up is down, you might buy it; you might not
buy it.

But let me propose, once more, that you go
down there and look and think with your eyes and don't
believe just because they bring in the experts and they
have huge tomes of documentation that say that day is
night and night is day. Well, look for yourself and see
what is really going on and let that be your guide.

SANDY SIMON: I'm Sandy Simon. And I have
lived in West Berkeley a long time and I am passionately
for this project. And I also am in that neighborhood a
lot. My child goes to school. And I'm hoping to work
with Berkeley Bowl in getting the traffic problem
solved.

And I feel a little bit like I came in on the middle, because I'm not sure what the traffic flow thing is. And I've looked over the report and it's not clear on there either where the bulk of the traffic is coming and going out. But right now, the school has car pool lanes. And right now I approach that intersection anytime on Heinz and Seventh from 4:00 to 6:00 p.m. and cars are backed up all the way to Dwight Way. And the way the street is painted, you cannot -- it's a single lane to go into the right lane and down onto the freeway on Ashby. Many of the cars want to go straight and go across Ashby. You can't do that until you get in the final block. It's not smart.

And I think if Berkeley Bowl -- I know we did a project four years ago and we had so many obstacles I am sure it took ten years off my life. But in the end we have a better project and I know that. What seemed insurmountable can really be worked out.

And, anywa,y I'd like to see Heinz become a one-way heading west. I think that will help. Or Berkeley Bowl having two lanes behind it or flipping it perhaps so the parking is not on Ninth Street. And it looks like on the map that Ninth does not go all the way through to Ashby; is that correct?
[CROSS TALK]

Why not?

[CROSS TALK]

But right now Ninth Street dead-ends into something.

BOARD MEMBER: The railroad.

SANDY SIMON: The railroad is not used.

[CROSS TALK]

SANDY SIMON: Can't that be ripped out and shot all the way to Ashby?

Anyway, I'm glad. The thing is it really needs to come up Ashby -- all the traffic -- instead of being channelled down Ninth Street. That's a huge mistake. That's a huge mistake to have it come off of Seventh as well.

And another big point I want to make is I ride my bike all the time and lots of people ride their bikes on the flats, like that will be. But twice I've had a bicycle stolen at Berkeley Bowl riding up to where it is now. And so I think it would be just really savvy of them to put in a bike cage and run it like a hat check or coat check. And it wouldn't cost very much to have an attendant. And that way you could just give them your bike, you get a little tag, and you go in and shop and you go back out. And it would also encourage people
not to drive. But I'm not going to ride my bike there if it's going to get stolen.

CLAUDIA CAWCZYNSKA: I'm Claudia Cawczynska. I've talked to you before, so you'll probably remember me. I'm a big proponent of the Berkeley Bowl. I live around the corner from the new -- hopefully, proposed Berkeley Bowl. I haven't had a chance yet to read the EIR document, but I do want to talk about it in terms of the traffic mitigation.

I really hope that there's sort of an evolutionary process that whatever the mitigation is that you're looking at today to build the Bowl that you examine it over time as well. Again, I know that's the biggest concern we had in our own neighborhood. My concerns are less than my neighbors. Some neighbors are all upset about the traffic. But it's interesting. If you'll work with us on it to try to change. It's a community effort that we do it because [inaudible] work and we want all our neighbors to be happy with it, because it is going to impact our lives, perhaps negatively. But I can't see anything wrong, really, with it. I just think it's a really great project.

CAMERON WU: I live on Eighth Street, four houses down from the proposed site. And I'm a big supporter of the Berkeley Bowl project. I've spoken
here before. I agree wholeheartedly behind the fact that West Berkeley doesn't have a grocery store, forcing you to travel, usually by car; or for people who don't have transportation, by bus. And so it's a burden on people. Or they shop at liquor stores, which is very unfortunate.

I urge you to put this project into perspective and how much good it will do to the health and well-being of the community. Also, in terms of a sustainable economy that some people have spoken about today, Berkeley Bowl, I think, is a great example of how one business can really sustain several small businesses around Northern California -- family farms, which I think is very, very important.

And lastly [inaudible] talking about war with Iraq. And we're not talking about deforestation; we're not talking about industrial pollution. We are talking about providing whole natural foods to people who need it. And West Berkeley is the only neighborhood in Berkeley that doesn't have a grocery store.

So I ask you to support this project. Thank you.

STEPHEN WOLLMER: Good evening. My name is Stephen Wollmer.

I have some concerns about the selection of
the alternatives that were selected. I do feel that it
would have been preferable if we had a wider range of
alternatives, but apparently a smaller Berkeley Bowl was
not -- excuse me -- some of the alternatives which the
community felt were viable did not meet the project
objectives. And I know that's CEQA-speak and I
apologize for you. But I do believe that a wider range
of alternatives might have produced a project which
would have fit into the neighborhood very well and
provided many of the benefits which people have spoken
with.

I think we all sympathize with the fact that
this is a neighborhood that could certain use a grocery
store. Whether it has to be a regional magnet, which I
think we all recognize that it will become a regional
magnet. I myself might shop at the current Berkeley
Bowl. I appreciate the selection of goods that they
provide; and I enjoy it. But I must admit that only
about half of my trips are pass-by trips. And they're
pass-bys only because I make an -- I go and I drive into
work one day a week and I come by and I stop in Berkeley
Bowl and I do some other errands on the way home rather
than going out Saturday, which is huge.

I really question whether 36 percent of the
trips to Berkeley Bowl will be pass-by. Most people I
know approach Berkeley Bowl check-out lines with fear and loathing. This is not something that one undertakes at the spur of the moment and just drops in. It’s something you gird up your loins and you say, "Okay, I need to go to the store." And then because -- there's an inevitable wait. It's not -- I'm very impressed that they can check out all the vegetables without a cheat sheet in front of them all the time. I think that's wonderful. But the thing is this is not somewhere where somebody can just stop in. I think it's much more of a destination.

And I think, as it's being very close to a regional transportation corridor, it will really be a destination. But some people in this city would like us to look more like Emeryville. And this is getting us there. Thank you much.

MARY LOU VAN DEVENTER: Thank you very much. I will have more extensive comments -- I'm from Urban Ore. I will have more extensive comments at the next time you meet here that you take comments about this issue.

But I do just want to say that Urban Ore is one of the participants who have financed a traffic study of Ashby, especially at the corners of Seventh and Ashby and San Pablo and Ashby. And our traffic engineer
actually went out with measurement vehicles and measured the traffic -- they counted the traffic flow. They didn't take anybody's desktop measurements or predictions. They actually counted the traffic flow and they measured the time that it took to travel along Seventh Street from Point A to Point B. And the conclusions are what we who spend time at that intersection already know: Seventh and Ashby is already at capacity. It's already very congested.

Urban Ore customers already complain that sometimes they -- they would like to drop by but they don't because they know the traffic is going to be bad. So it's already at capacity right along that stretch.

It won't help -- it can't help -- to change the tracks at Ninth Street to facilitate people getting in from Ashby if people don't get to that Ashby intersection in the first place, because they avoid the whole mess because it's already congested. It's definitely going to have an impact on Urban Ore's business. Our big day is Saturday also. And if Berkeley Bowl is anticipating 50,000 vehicle trips a week, now, even if 36 percent of those were pass-bys, the whole rest of those are new. And they're anticipating being a regional draw and they're anticipating bringing people in from the freeway and
it's going to kill the intersection.

So that's my current rough guide to my comments, but I'll have real details before the next meeting. Thank you very much.

SANDY SIMON: I'm sorry. I already spoke, but I have something very important to say. And that is the parking issue -- this is at Fourth Street as well, which is near where I live. All the businesses do not provide parking for their employees. Berkeley Bowl, I understand, is going to have a hundred employees at a time. And I think it would be really ingenious of them to offer a reward for not driving to work.

That's it. Parking over on the bay. It would be, that way, two hundred of the spaces that are available -- would be two hundred spaces that are available because there's [inaudible].

RICK AUERBACH: I just feel compelled to say two things. I have not had a chance to look at the EIR much either. But what I did see was what Steven Wallmer said -- they did not consider the store that the developer -- that the owner of the Berkeley Bowl originally proposed -- the 27,000 square-foot store. And it said it didn't consider that as an alternative because that would be considered a convenience store and not actually a grocery store. And I found that kind of
insane and disingenuous. Like the Safeways are
27,000 square feet in Berkeley and Andronico's is 27,000
square feet. So to say we can't consider it because
that's a convenience store -- we know what a convenience
store is; it's attached to a gas station. That's a
convenience store. So I don't know why they're getting
away with not considering a smaller store as a serious
alternative. I don't understand the logic behind that.
Maybe someone can explain that to me who has a better
knowledge. It seems really unfair in the process.

And the other thing is I think people -- I
haven't noticed this mentioned anywhere else except in
articles in the newspaper is that traffic planners know
that traffic in the Bay Area is down on the highways 30
to 35 percent from the height of the dot-com mania.
Now, it's starting to pick up now, but I know this from
my neighborhood where I live on Grayson Street right by
Seventh. Traffic was a lot worse five years ago, four
and a half years ago. And it has gone down; and, of
course, employment has gone down. But it's coming back
up now. All statistics show this. And so these traffic
counts now are taken at a time of relatively low traffic
within the Bay Area. So I think we really just have to
remember this in the future because the added traffic of
forty and fifty thousand trips a week, plus what's going
to happen with traffic as the economy gets back on its feet in the Bay Area, it's going to smash that neighborhood with traffic. It's going to make it really difficult for the neighborhood and the quality of life and really difficult for the businesses to make their customers want to come there and for suppliers to get in and out. So I think traffic is key. Thank you.

[END OF COMMENTS]
CERTIFICATE OF REPORTER

I, the undersigned, a duly authorized Shorthand Reporter and licensed Notary Public, do hereby certify that the above proceedings were taken down by me in stenotype and thereafter transcribed into typewriting and that this transcript is a true record of the said proceedings.

__________________________

FREDDIE REPPOND
HELEN BURKE: Why don't we move on to the Berkeley Bowl.

KERRIE NICHOLSON: The purpose of tonight's meeting is to receive oral testimony and written comments regarding the adequacy of the draft EIR that's been prepared for the proposed West Berkeley Bowl project.

In general, the project includes demolition of the existing structure that's on site, site preparation and development of the 90,970 square foot full-service grocery store and a total of 201 above-and-below-ground parking spaces.

On July 6th, 2005, the City of Berkeley circulated the Notice of Preparation to the Governor's Office of Planning & Research and to all interested parties expressing the City's intent to prepare an EIR for the proposed project.

In addition, the NOP and the initial study that was prepared for the project were posted on the City's website.

Two public scoping meetings were held, one on July 13th, 2005, and the other on July 27th, to receive oral testimony and written comments regarding the scope of the EIR. The NOP period closed on August 5th, 2005.

Based on analyses conducted for the initial
study and comments received during the NOP period, the City determined that the proposed project would potentially result in significant environmental impacts related to air quality, hydrology and water quality, land use and planning and traffic.

The analysis conducted for the draft EIR shows that with implementation of the mitigation measures prescribed in the document, all environmental impacts of the proposed project would be reduced to a less than significant level. The proposed project would not result in any significant, unavoidable impacts.

The City sent the notice of availability and the required 15 copies of the draft EIR to the Governor's Office of Planning & Research on October 11th, 2005, marking the first day of the 45-day circulation period.

The NOA was circulated to all interested parties. In addition, the NOA and the draft EIR were posted on the City's website.

In conformance with the requirements of CEQA, the City is holding public hearings to receive oral testimony and written comments regarding the adequacy of the draft EIR.

The first of three hearings was held in front
of the planning commission on October 26th. The second
is tonight at this time, and the third will be held
tomorrow night in front of ZAB at 7:00 p.m.
The planning commission has set a public
hearing date of December 14th, 2005 to consider
certification of the final EIR.
The public comment period for the draft EIR
ends at 5:00 p.m. on November 21st.
HELEN BURKE: Thank you very much. I'd like
to open it up for public comment. We have 13 speakers.
So I'm going to kind of keep an eye on my
watch. I'm not going to do it by the book, but I am
going to keep a general eye. If you get a little
long-winded at the five-minute mark or the four-minute
mark, I might ask you to wrap it up. So we're going to
try that instead of have the strict three-minute thing.
Let's start with Sandy Simon.
SANDY SIMON: My name is Sandy Simon. I'm a
resident of West Berkeley, 18 25th Street, and I
provided each of you with a copy of the current parking
issues at the current Berkeley Bowl.
And myself along with another concerned
person, an architect, looked over the traffic flow and
the issues, and we took the existing plan that they
proposed to build and provided a couple of solutions,
what we think would work really well, because we really want this project to happen.

But recently, I went to the de Young Museum, and it's a beautiful museum, and there's hoards of people. And what they did not foresee was the hoards of people, and it took more time to wait in line for lunch than it did to look at art.

So the same thing could happen with the Berkeley Bowl. It's like going to a Giants game. And people have to realize it, you know, the in and out of it.

And there's pictures here that show you how their trucks back up to the loading docks in a portion of the parking lot. The same design is proposed for the new building, the trucks will back up into the parking lot and block the main entry from Ashby.

And it doesn't happen before 9:00 in the morning, as they say; it happens all morning long. And cars cannot circulate as they should through the parking lot to be able to exit. And even at 2:00 in the afternoon, there are cars waiting in line to pull into the parking lot on Shattuck.

And this initial suggestion, this drawing, shows how part of this could be used and blocked off where the trucks could back into the existing loading
docks, and it would be blocked from the traffic coming in from Ashby. It's a pretty simple situation.

The second one is more radical, but it addresses more issues that other neighbors are concerned with. And that is, it moves the main entry away from the school, Ecole Bilingue, down more towards Heinz.

So it would be visually adjacent to the Sharmburger (phonetic) area. It also would immediately connect with the parking lot, which means that people will not be looking for off-street parking to enter the cafe.

Anyway, I just urge you to look at all these items and realize that we take them very seriously. We want them to be smart when we do this and not any of us have regrets about what should have been.

And there's a lot of talk, also, about bicycles being used. I love to ride my bike. I go all the time to the Berkeley Bowl, until my bike was stolen, and I'm not going to ride it anymore.

And therefore, it's a simple, inexpensive solution to provide a bike cage and use it like a hat check. And then people don't have to take the time to lock their bikes, they just drop them off, pick them up. And it will also encourage all their employees,
there's 100 employees, 200 parking spaces equals 100
parking, because where are the employees going to park?
So if they're encouraged to ride their bikes and have a
safe place to leave them all day, it just seems smart.
And also, in the second more radical change,
I would like you to notice that Ninth Street does not
become a thoroughfare. And this is really important to
the school.

Already, there's a lot of business in that
area. And when people unload their children, they're
looking for parking. Or if they're not parked, they're
double-parked. It's already an intense area.

So therefore, if Ninth Street becomes a main
thoroughfare in and out of the parking lot for the
Berkeley Bowl, it will just become more of a nightmare
than it already is.

HELEN BURKE: Thank you.

Next is Gale Bailey, and then after that is
Sally Drach.

GALE BAILEY: I don't need to speak.

HELEN BURKE: Then Sally Drach is next.

SALLY DRACH: My name is Sally Drach.

HELEN BURKE: Sorry.

SALLY DRACH: But it looks like "Dratch."

I'm a resident of Berkeley. I've been a resident of
Berkeley for more than 20 years. I have two children, one who is currently at Ecole Bilingue, at the campus located at the intersection of Heinz and Ninth, diagonal to the project site, and one, a graduate of EB.

My husband and I know the school and know the school community well, as we've served in a variety of volunteer functions at the school over the past 13 years.

I've been asked by parents at the school to speak on their behalf. So if I extend beyond my three- or five-minute limit, there are a number of parents in the audience tonight that are prepared to yield their time. And I ask you to stand so that we can see who you are.

I have no intention of speaking that long. I have reviewed the draft EIR for the Berkeley Bowl project. And as Sandy said, a majority of EB's 400 families look at this project in the most favorable light. In its broadest terms, we regard this as a positive project and a welcome one to the neighborhood.

However, a close examination of the draft environmental impact report and our experience as customers at the existing Berkeley Bowl facility have
raised a number of important questions and concerns in our mind.

While none of these concerns, ultimately, may jeopardize the project itself as a legal matter, they are directly related to the safety of our children. As such, we believe they're important. We hope you share that view. We are here tonight to discuss them with you. And we consider them worth fighting for.

We also believe that good neighbors should work together to resolve problems in a cooperative and responsible manner.

Discussions presently are under way on a number of these key issues by and among representatives of EB, the Berkeley Bowl and the City of Berkeley. It is our expectation as parents that these issues will be resolved to the mutual satisfaction of the school community, the Berkeley Bowl and to the City.

We ask you and other city decision-makers on this project to join us in supporting these discussions and in promoting the adoption of satisfactory measures that will make us all be in a position where a year or two from now, we are able to welcome Berkeley Bowl to the neighborhood.

Our numbers here this evening and our mode of presentation to you reflect our determination to
support these discussions. We expressly asked only a
limited number of parents to attend this meeting
tonight. We respect your time, and we don't intend to
take any more of it tonight repeating ourselves,
parading our children in front of you or otherwise
coming up with other clever measures of disrupting or
dominating this meeting. We hope you respect that.

So what are our concerns with Berkeley Bowl?
Uniform and unrelenting concern has been expressed
about two issues in the school community. Traffic
safety and parking.

On behalf of EB, I will address these issues
and these issues alone. There may be some parents here
who have additional issues, but these are the two that
are most of concern to the school community.

Traffic safety: The issue is foremost in the
mind of all of the families at EB, and it concerns
traffic improvements specified in the draft EIR.
Certainly, we support the mitigation measures that are
identified in the draft EIR to date, but we urge the
City to condition approval of this project upon
preoccupancy implementation of additional traffic
measures designed to do two things.
Number one, promote pedestrian safety at the
intersection of Ninth and Heinz; and number two, to
discourage the use of Ninth Street north of Heinz as an
auto or truck through route to and from Berkeley Bowl.

Now, we understand from people at the school
who have been involved in discussions with Berkeley
Bowl that they are amenable to discussing these issues,
and that discussions also presently are under way with
City staff.

Any of a number of solutions that these
people in meetings can come up with will be
satisfactory to parents. We encourage the parties to
continue to work diligently on these issues and to
remedy what we believe will be important, reasonable
and show concern.

Solutions can include, for example, barriers
at Ninth, be they permanent or movable; a signal;
additional signage, any of a number of measures. We
will choose to leave those to the experts. But we ask
that you all encourage these meetings to go forward to
address this key concern.

Now, we understand that some in the City and
certainly in the draft EIR consider the intersection of
Ninth and Heinz and the blocks from Ninth Street north
of Heinz are not unduly impacted by the project. We
urge you to take a very careful look at the analysis of
this issue in the draft EIR. It’s weak. We are not
prepared to argue this point if we can get a resolution
that's satisfactory on the question of protecting Ninth
Street north of Heinz and of ensuring traffic safety at
the intersection of Heinz and Ninth.

I might also add that, even if the City's
analysis is correct, these additional measures that
we're talking about only serve to benefit the project.
They reassure all residents of Berkeley that this issue
has been carefully evaluated. They reassure us that
the analysis and the projections and the estimates that
are contained in the draft EIR are ones which the City
is prepared to stand by, and they allow us all to
welcome Berkeley Bowl to the neighborhood.

The second key issue is parking. It's a
common recognition and, unfortunately, a common
experience of most of us here, that parking problems
are an unfortunate biproduct of the success of Berkeley
Bowl.

There is no reason to suspect otherwise for
this new facility. There is no reason to expect that
providing slightly more than the minimum number of
parking spaces required by law will solve this problem.

We ask you not to, once again, create a
situation such as we see up at the Oregon Street
facility that causes a lot of frustration,
consternation and real risk, particularly to pedestrians.

We also note that the project description in the draft EIR calls for the elimination of approximately 35 street parking spaces. Approximately 14 parking spaces recently have been eliminated as a result of City negotiations with the school over improving a carpool lane that the school uses and another, approximately 20, angled parking spaces on the railroad spur immediately adjacent to the project site are slated to be replaced with parallel parking.

Parents are truly concerned about this reduction in parking. It may sound mundane, but it's real when you're trying to build and sustain a vibrant school community. We need our parents to be able to access the school to get their children, and we need them to be there in order to conduct their volunteer activities and support these kids.

Now, there's also been some discussion in the community about what EB has done to address this issue. The school itself has limited parking, so it's done a number of things. It uses a playground as a parking lot before and after school hours. It runs a very robust drop-off and pick-up line before and after school so that parents don't have to park. It
encourages, and has for at least 15 years, carpooling
to school through the publication of a zip code list of
parents, through constant encouragement to work on
carpool issues.

If you go to the website for the school,
you'll find a page that's designed to encourage
carpooling and to connect parents in neighborhoods.
And it has also, in recent discussions with Berkeley
Bowl, discussed the possibility of trying to find some
more remote off-site location that can be used both by
Berkeley Bowl employees and EB employees for parking
during the longer school day and workday for Berkeley
Bowl employees.

We support this effort, and we, once again,
ask you to continue to encourage the parties and the
staff to continue these negotiations.

There are some other recommendations on
parking that we ask that you consider. Number one, we
would like you to think about retaining the angled
parking on the railroad spur adjacent to the site. We
know that the concern that has been raised about this
particular measure or recommendation is that it's part
of the bicycle lane, but we note that there is angled
parking on already-marked and designated bicycle
boulevard segments of Ninth Street.
Most notably, the portion of Ninth Street between Dwight and Parker is angled parking. I ride my bike, I've ridden it to school with my children and with a lot of other children. We've managed to handle that block without any accidents or any concerns.

We think if it exists there, and it's been working there, there's no reason not to continue it on the railroad spur --

Finally, I think it might be important to recognize that the draft EIR calls for a study of traffic on Ninth and other streets south of the Heinz and Ninth intersection one year after occupancy.

We think it might also be prudent to include in that study an assessment of the parking issues. If parking already is a problem one year into the occupancy of Berkeley Bowl, what we would recommend is that Berkeley Bowl and its concerned neighbors sit down together, try to come up with some new ideas for addressing the problems that have been identified, and hopefully work with the City to resolve those problems.

We think that kind of review is warranted at a site where there is considerable debate about parking issues, considerable debate about whether it's a local or regional grocery store, and considerable debate as to how many customers might shift from the Oregon
Street facility to the new facility.

All of those things are very difficult to predict. We understand the problems in predicting them, and we ask that we take a second look at that issue and have a forum for discussing solutions if, indeed, there is a problem.

So with those recommendations, I thank you for your time, and I'm happy to answer any questions about the school or what the school is trying to do to alleviate traffic and parking issues.

HELEN BURKE: Thank you very much.

Gene?

GENE POSCHMAN: I just want to make sure that those will be going in in writing.

SALLY DRACH: Yes, they will be submitted in writing.

HELEN BURKE: Moving on to Betsy Dixon and Chris -- there's several EB parents. And I don't know if Sally has covered your points or not.

BETSY DIXON: Sally has covered my points.

I'm Betsy Dixon.

HELEN BURKE: Okay. Thank you.

CHRISTINE SWETT: Sally has covered my points, too. I'm Christine Swett.

HELEN BURKE: Okay. Thank you.
ERON ERSCH: Yeah. My name is Eron Ersch. I'm also a parent at Ecole Bilingue, but I live in Berkeley at 1432 Carlton Street, and I've been there for 15 years. And in my profession, I'm a general contractor, and I have a background in civil engineering.

And in reviewing the EIR, I found -- in particular, I was concerned with the mitigation procedures that they had during the course of construction.

I think that -- first I want to say, also, that I am an advocate of putting the Berkeley Bowl in this location. I think it's a good idea for Berkeley. But I am concerned that what they've proposed for mitigation measures might not be appropriate for children in such close proximity to the school.

My primary issue is that it is an older site with a lot of industrial history. And I think in their calculations for the excavation, they have miscalculated the quantities of earth that are coming out of there by 50 to 100 percent. I think it's going to be significantly more than what they estimated.

And I think as such, they need to be very careful about the particulate matter that they're
possibly going to be raising during the course of construction and excavation.

Many of the measures that they've suggested are standard procedures that are used -- that deal with general populations of adults. And I would advocate that if we are going to use these measures, that we maintain some sort of monitoring process during the course of construction and ensure -- I saw nothing in this other than recommendations, and no requirements, that they meet any of these standards.

I realize they'll have to meet the Air Quality Management District's requirements, but I think we need to pay particular attention to the fact that there are children in close proximity.

In closing, I would say that really the best solution for this, with respect to the school, is that they attempt -- they indicated that they wanted to start construction in fall of 2006.

If at all possible, I would strongly advocate that they do the construction during the course of the summer, which for us, would be the beginning of mid-June. I think the weather will be dryer, there will be less traffic in that area on a daily basis, and they will basically be rid of a population that they could potentially be putting at risk.
So I'm not sure how the planning commission can help achieve that goal, but if there's anything they can do to get through the regulatory process to get them working earlier, I think it would be a win/win situation for the City and the school.

HELEN BURKE: Thank you very much. Next speaker is Jennifer Monahan and then Janice Kim.

JENNIFER MONAHAN: I'm Jennifer Monahan. Sally Drach spoke for me.

HELEN BURKE: Thank you.

Janice Kim and then Christine Staples.

JANICE KIM: Good evening. I'm Janice Kim. I'm an EB parent. I have a daughter in the third grade, and I had a son who was there in earlier years who's 13 now.

I'm also a pediatrician and a public health officer with the California Environmental Protection Agency. And in my profession, I evaluate health impacts of air pollution, and my work is focused on health impacts from nearby traffic pollution.

I'm also the lead author of a recent study in the East Bay evaluating health impacts of children living near busy roads.

So in addition, naturally, to the main concerns about issues of traffic and safety from this
proposed project, I wanted to bring to the attention that the increase of traffic will also contribute to increased neighborhood air pollution from this nearby traffic.

Why is this a concern? Well, motor vehicle exhaust contains huge high concentrations of hundreds of toxic air contaminants. Many are known respiratory irritants and carcinogens, and the increased traffic congestion on nearby streets next to the school will lead to increase in traffic-weighted air pollution right next to the school; and thus, an increase in exposure of our children to toxic air pollutants.

It's difficult to avoid in an urban area, but really, monitoring studies show that we really have very high concentrations right near the road, it rapidly drops off.

So I'm actually very pleased that the Berkeley Bowl plans to have all delivery trucks go in through Ashby Avenue. The levels of traffic emissions from the delivery trucks will really rapidly decay within those few blocks, so that's a great plan.

Still, the current traffic routes outlined indicate there will be an increase in traffic congestion on streets really right adjacent to the EB campus, which will likely increase, and really for
most, the traffic and safety concerns are the concern of all the EB parents. And there's also that increased exposure of children to toxic air pollutants from the motor vehicles exhaust. It's difficult to quantify, but it's real.

And I ask the City of Berkeley to seriously consider the health and safety risks to children from the increased traffic congestion and work with EB and the Berkeley Bowl to come up with possible ways to reduce these risks.

HELEN BURKE: Thank you very much.

Rob?

ROB WRENN: I have a question. I've read some of this research that relates to different kinds of health problems of children from living in close proximity to very heavily traveled roads.

But what is the distance from the actual road itself at which the risk is great?

JANICE KIM: Well, it does rapidly decay, and it's probably somewhere between 150 to 300 meters, so that's 500 feet to 1,000 feet.

So even -- it's really the Ninth and Heinz sort of -- that is right next -- that's the sidewalk, and then we have a little playground right next to where the kids are. Traffic going in up and down that
street, the motor vehicle exhaust, you can smell it.

Cars idling waiting at the stop sign. They're breathing in toxic fumes.

HELEN BURKE: Thank you very much.

Next speaker is Christine Staples followed by Natalie Studer.

CHRISTINE STAPLES: Good evening, I'm Christine Staples. I'm a West Berkeley resident, and I'm the mother of a five-year-old who actually attends public school in Berkeley.

I volunteer in her classroom, and I see on a daily basis what comes in those lunch boxes from the children who are from our district, and it's heartbreaking.

So I personally have committed to serving all of those children a healthy snack at least once a week. I'm glad that I can afford to do this, but it saddens me that my organic apples and cheese slices may be the healthiest meal that some of these children will eat all day.

I think that Chanesy and Nasim and Sessy and Decedro and Moyce's parents should also have access to affordable organic produce.

I have a car and the luxury of time, I can shop wherever I want. Because I have a car, I can
attend this meeting. I have a partner at home with my
five-year-old so I can be here. I have a computer so I
can e-mail my comments to you. I speak English
fluently. I can read that EIR, and I can talk to you.
Although my voice is shaking, I can voice my opinion.
The people whose lives will be most affected
by this decision may not have cars to drive here or
spouses to watch the kids tonight or computers to send
you comments. They may not speak English. They may
not even be aware that this meeting is being held here
tonight or that their opinions matter.
Please don't let that prevent you from doing
the right thing by them. This issue is a matter of
public health and economic justice. And I appreciate
that the environmental impact report shows that all
these issues can be mitigated, and please let the store
be built for my neighbors.

HELEN BURKE: Thank you very much.

Next speaker is Natalie Studer followed by
Weegie McAdams.

NATALIE STUDER: Good evening. My name is
Natalie Studer. I'm a resident and a homeowner in West
Berkeley, and I'm currently raising my family in West
Berkeley. Professionally I'm a public health
nutritionist, and during my time at the School of

I hope that my contribution will highlight the importance of taking a broader perspective of environmental impact to include a critical public health topic, such as food access and food insecurity when you're considering the relative merits of a project such as this expansion. And I hope to draw attention to the City's opportunity to make good on one of its goals from its landmark 2001 food policy, to improve the availability of food to Berkeley residents' needs.

And I hope that the planning commission and the City leaders will jump on this opportunity to support a successful local business in bringing affordable, healthy food to underserved West Berkeley.

Thank you.

HELEN BURKE: Thank you.

Next is Weegie McAdams followed by David Bowie.
WEegie McADAMS: My name is Weegie McAdams. I live at 800 Heinz, so I would be just down the street from this project, and I don't think anybody from my building has really spoken tonight.

We share a lot of the concerns that have been voiced by the school in terms of traffic and parking. We also have a slightly different perspective, I think, because not only is this project, you know, in planning, but there are also other projects in the area that I haven't heard anybody mention tonight.

One thing that is looming out in front of us is development of 740 Heinz. And depending on the outcome of what happens there, that will have further impact on both parking and traffic, which could be very significant.

We are also concerned because there are -- we're hearing rumors about further development at the foot of Ashby in terms of other types of businesses, specifically expanding the car dealerships that are there.

And so it's one thing to look at this project. We all shop at Berkeley Bowl. We love Berkeley Bowl. But it's one thing to look at this project in isolation; it's a whole other issue if you look at a little bit broader perspective and expand...
your vision to include the surrounding area, even just
going out a few blocks.

Parking is already a problem where we are.

If further development at the base of Heinz at the west
end of Heinz occurs, it will be further exacerbated.
To hear 200 spaces allotted for this project is pretty
laughable. I mean, it's clearly insignificant or not
significant enough to accommodate the needs.

The other issue, traffic, my fellow tenants
and I are aware of an independent traffic study that
was done in the area that has already concluded that
it's filled to capacity. All you have to do is drive
down Seventh during any busy traffic periods, and the
traffic is blocked up anywhere between three and four
blocks just to get onto Ashby to get onto the freeway.

So that is, by all practical purposes, one
block away from this project and is clearly going to
impact further Seventh, not just on Ninth Street.

Another consideration that we have, I work in
San Francisco, and I work with a lot of people who
commute along the corridor through Berkeley. And many
of them are looking forward to Berkeley Bowl, which is
great. But what this tells me is that we're not just
talking about serving West Berkeley; you're talking
about serving people who are going to come up from 80
on their way home and want to stop in and do some
shopping.
So I mean, it's like a common discussion
amongst the people that I work with. I work at UCSF.
And so I don't know if anybody has even considered or
how much you have considered what kind of traffic or
use there's going to be from non-Berkeley residents if
the store is put in there.
As I said, we all love Berkeley Bowl, the
idea of being able to walk down the street and shop
there is extremely attractive, but I guess we feel that
we can't stress enough the issues of traffic and
parking and what is currently proposed is -- to me,
it's mind-boggling because all you have to do is live
where we live and drive where we drive every day, and
clearly what's offered is insufficient.

HELEN BURKE: Thank you very much.
Next is David Bowie followed by Mary Lou Van
Deventer.

DAVID BOWIE: Good evening. My name is Dave
Bowie. I happen to be an attorney, and I'm here on
behalf of the French American school.
I should add that, frankly, some of the prior
parents' comments were very accurate in terms of our
concerns, but I'm still going to inflict upon you some
of my own comments. I did also reduce those comments in the form of a letter, which I would like to submit this evening and have a part of the record so they can remain part of the final environmental impact report at the time it's certified.

I should also mention that I maintain my office in Pleasant Hill currently; however, I have a long background of being in Berkeley. I've lived in Berkeley off and on several times and have owned property on University Avenue for about 20 years.

I will not only speak more slowly, but I'm very relieved that others couldn't hear when we started this hearing, because I couldn't hear a thing. So I'm glad that we have a microphone available.

We have some concerns, as you've already heard voiced, and those concerns, essentially, fall in two categories. They have to do with both parking and traffic.

And I want to say, and really stress at the outset, that the school does not at all propose the Berkeley Bowl project. I mean, all the parents are familiar with Berkeley Bowl. I'm familiar with Berkeley Bowl. It has a wonderful reputation. And it's clearly the type of business that's very much to be desired in Berkeley and, frankly, in this area, as
We don't think that there are any concerns here that are so significant in terms of impact that they cannot be actually mitigated in some fashion. Now, I also realize that tonight is not the night for there to be a popularity contest regarding Berkeley Bowl as to whether or not it should be approved as a project. This is really the evening during which we should be discussing the environmental impact report and voicing criticisms or concerns, which we think should be addressed more fully.

Our concerns really relate to the intersection of Ninth and Heinz and to the area of Ninth Street that proceeds north on Heinz. And those are areas which we think are critical to the school operation.

And we think the deficiency, to the extent there is one, in the environmental impact report in draft form is that it deemed the traffic impacts at that intersection and proceeding north on Ninth Street to be really insignificant. Both in terms of current impact, project impact, and cumulative impact over a period of years. And we don't think that's accurate.

We think the main reason it is not accurate is it fails to take into account the fact that that
happens to be an area where there is a conflict between pedestrians, generated by the school and probably also by parking from Berkeley Bowl, bicyclists, because Ninth Street is certainly a bicycle boulevard, as is Heinz Street, both of these streets are bicycle boulevards, and then cars.

Whatever impact there might be from a technical, Cal-Trans standpoint in terms of levels of service and that sort of thing, I think when you add to the mix pedestrians and bicyclists, Berkeley's policies regarding bicycles and bicycle boulevards, and the fact that we're dealing with school children and parents where there are extra hazardous conditions and safety is of primary concern, I think when you factor all of that in, this becomes an area which needs to be studied more fully.

I think the traffic volume estimates have been underestimated, and I think mitigation measures need to be considered with that intersection and Ninth Street as it goes north. I do not think these are concerns that cannot be mitigated, I think they can be. But I think we need to work together to come up with adequate mitigation measures.

In this regard, I would also say that we have had some contact with the project architect and with
the project proponents themselves. I think they share our concerns. I think that we are, in all likelihood, able to come up with some recommendations to the City. I would then hope, of course, that the City will be able to take those recommendations into account and possibly implement those.

The issue of further study also relates to the parking aspect of this project. And again, that may not be strictly speaking an environmental impact, but it is something within the scope of the draft EIR and something that the City requested that be studied further.

A prior speaker has mentioned that we have actually lost about 34 on-street parking spaces in this immediate area. That's a significant loss, given the concerns of parking during peak hours. Obviously, there are time periods when parking is really not an issue. But certainly while the school is in session, it is.

I think it is wise to consider that the Berkeley Bowl may be somewhat underparked. I would expect there to be parking impacts on the street from the Berkeley Bowl project itself, and I would also expect there to be potential problems with people looking for parking spaces, driving around the area and
perhaps paying more attention to looking for parking spaces than pedestrians and bicyclists with whom there might be some sort of conflict.

We would like to see the City consider the EIR more thoroughly, study parking and mitigation measures. And amongst those mitigation measures which might be considered would be adding angled parking, specifically up Ninth Street, as it proceeds north, in as many areas as are possible.

And again, I know there is a potential for conflict with bicycles. I happen to think that that conflict can be reconciled, and I think that we would pick up some of the parking spaces that otherwise we’ve lost. I think that is very, very important.

The last thing and the related thing is this whole matter of study. If you once reexamined the issue of the traffic at the intersection of Heinz and Ninth, and as you progress north on Ninth Street, I think you then reach a conclusion that there is a need for some mitigation measures to be undertaken and actually considered.

And I also think that one of the key criteria under the guidelines for CEQA is to determine whether or not there is a significant impact and whether or not there is likely to be a substantial increase in
traffic. And I think there will certainly be a
substantial increase in traffic.

And it's also whether or not there might be
safety hazards. And I think, given the clear
indication that there will be pedestrians and school
children, in particular, in this particular area, that
is something which, again, creates an issue where there
is a significant impact which must be evaluated.

Now, in terms of mitigation measures, we
think that's something that could be thoroughly
studied. Our concern is principally the intersection
of Ninth Street and Heinz at Ninth as it goes north.

I think probably our first preference, if
that's possible, would be to simply restrict traffic as
it goes north on Ninth Street. And that restriction we
would like to see imposed, basically from one hour
before school is in session to one hour after it is in
session. We think that kind of a restriction would
basically avoid the types of pedestrians, bicycle and
vehicular impacts which are of concern to us.

We also think there's a need for better
signage, warning signage, and possibly some monitoring
of that intersection in some fashion, whether by a
signal or some other passive means or active means.

HELEN BURKE: Could you wrap it up.
DAVID BOWIE: Yes. We would like the EIR to review these particular issues and then suggest some mitigation issues -- and I'll leave this particular letter with you, if I may, as part of the record.

Thank you.

HELEN BURKE: Thank you.

Gene?

GENE POSCHMAN: The quote -- I think I got it from you -- you thought the traffic volume was underestimated.

And one of the things when one gets into an EIR is on what basis, what calculations, what kind of formula have you used or who has used it for you?

I know lawyers are only omniscient and such, but maybe this is in your letter in terms of what kind of formula you're using and things of that sort and what you're basing it on.

The figure is here and you say it really should be here. And I'm curious, did you include in your letter exactly how you came to that?

DAVID BOWIE: I didn't put that exactly in my letter. And you're quite right, lawyers are omniscient. However, unfortunately, we don't necessarily have substantial evidence when we speak in this fashion, because unless we're relying upon
evidentiary matters and relaying that to you, it really
doesn't rise to that level.

And I would have to say we had participated
in a number of traffic studies, which evaluated the
fair and -- I can't remember the other name, but the
fair traffic report, which predated the entire issue of
the EIR itself.

And so we do have reference to those studies
and some of those concerns, and that was the basis for
our initial concerns.

The other aspect is, frankly, the intuitive
experience of all the parents and the administrators of
the school watching the interaction of cars and the
school and the parents and visitors, and also the
familiarity, which everyone has, with current
operations of Berkeley Bowl.

GENE POSCHMAN: What I'm worried about is, is
the status of intuitive insights under an EIR?

DAVID BOWIE: That's always an issue, and
that's probably one of the reasons why I suggest it's
as important as anything else for the EIR consultants
to restudy the matter, because I didn't see any
indication in his report that it did anything other
than simply count traffic. And my concern is more the
context of that traffic and its generation than simply
bare bones traffic counts.

HELEN BURKE: Thank you very much.

DAVID BOWIE: Thank you.

HELEN BURKE: The next speaker is Mary Lou Van Deventer followed by Zelda Bronstein, who is the last speaker tonight.

MARY LOU VAN DEVENTER: Hello. My name is Mary Lou Van Deventer. I am from Urban Ore. My home is in Richmond, but I spend really a lot of time in Berkeley because I'm one of the owners of Urban Ore at Seventh and Murray, which is like half a block or 20 feet, really, from the intersection of Seventh and Ashby. And our livelihood depends on traffic at Seventh and Ashby.

And we have participated in, actually, the traffic studies. We have participated in funding the traffic studies with an independent engineer whose name is Eugenia Thompson, who is a professional engineer with very high qualifications. And she did an independent study of traffic for us.

And I'm sorry to say -- and I'm also a cochair of the West Berkeley Artisans and Industrial Companies Organization. Right now I'm speaking on behalf of Urban Ore.

And we don't have any written comments.
tonight, and I won't speak very long tonight. We will be submitting written comments to you before the comment period is over, because our comments are primarily going to rely on those traffic studies done by Eugenia Thompson, and she's been out of the country for a couple of weeks. She left about two days after the EIR was issued, and she is just back. So we will have the written comments to you.

I've spoken pretty much at every opportunity I've had. So I think you understand Urban Ore's concerns and mostly overlapping with WeBAIC. We're concerned about traffic. We believe, based on the evidence of these independent studies that we've commissioned, that the -- and not on anybody's formulas or desk studies, but observational studies, that the -- especially the intersection of Seventh and Ashby, which would be the access point for anybody coming to the Bowl from the freeway, we think it's already overloaded. It's already at maximum capacity.

And if you add more traffic to it, you can try to get more water through the fire hose, but if you measure what comes out of the funnel at the fire hose, you're not really going to understand what the back up is. So that's probably one of the things that will be in our written comments.
We agree that the traffic has been underestimated. We think that doing traffic studies here after occupancy is really impractical because if, in fact, the traffic impacts are what we suggest they might become, then in order to really fix the traffic impacts, you're going to have to widen the streets. And there are constraints on widening the streets right there. You would have to take buildings. So realistically, that is an unlikely option.

We're also concerned about our business income. We're concerned about fundamentally, in an environment metaphor, we're concerned about flooding the river. The river of Ashby right now is at its banks. And if you add more vehicle trips per week, it's going to be too much water for it to carry. And we're concerned about that. We're concerned about health impacts. We're concerned that the project is out of scale.

We love the -- everybody loves the Berkeley Bowl. Everybody wants there to be a Berkeley Bowl. Everybody agrees that West Berkeley very much needs a good grocery store where you can get nice organic produce at an affordable price. Everybody wants that. What we don't want is a regional megastore that came in as though it were a neighborhood grocery
store. So those are my comments orally right now, and
we will be submitting written ones later. Thank you.

HELEN BURKE: Thank you.

Zelda Bronstein.

ZELDA BRONSTEIN: Good evening, Planning
Commission. I wasn't planning to speak, but I heard
some things tonight that moved me to speak.

I guess I should say how I come to be here.

I was on the planning commission from 1997 to 2004, and
when I first came on in the fall of 1997, the planning
commission was translating the policies of the West
Berkeley plan into zoning law.

And that got me interested and educated,
start to get an education about West Berkeley, and ever
since then, I have been interested, educated and
involved in various ways.

I will submit written comments having to do
with the general plan and West Berkeley planned
policies and the analysis in the EIR. I was on the
planning commission when we prepared the general plan,
the new general plan, we drafted the general plan that
went to the city council and was approved in 2002.

2003, I drafted the economic development
element of that plan, and I chaired the commission when
the plan was finally approved, and I'm going to have
some comments to make about the appraisal of the West Berkeley Bowl and the way in which it conflicts or not with those policies.

I wanted to speak about three other things tonight. First of all, just to note to those who have been saying that the traffic volumes are underestimated, you should take a look at the traffic analysis in the EIR. The consultants say that this project is going to decrease traffic in West Berkeley. It's going to catch pass-by traffic, and I assume that means that traffic that would be going by anyway will be into the store instead of going into West Berkeley. I'm not sure what it means, but there is a claim explicitly made that this is going to decrease traffic in West Berkeley.

And I urge you -- if you look at the appendices, it boggles the nonexpert mind, because there are lots of diagrams. But we can all read English, and we can understand that type of claim. And I, again, encourage you to do so.

The other two things I wanted to mention were I wanted to ask for a clarification and make a clarification. As I read the EIR, because I've read it, it states that demolition of the buildings that exists on the property is part of the project. I
understand that there is demolition of those buildings already going on, and I would like an explanation from the developer or the owner or from somebody to explain exactly what the status is of those buildings and how that figures into the project.

And then this is sort of more of just an aside to the public at large, which is to say that this EIR is on two things. It's on the project itself, which is what most of you have been addressing tonight.

The planning commission is not going to be approving this project or disproving this project. That is a function of a different board. It's the Zoning Adjustments Board that deals with specific projects. They are meeting tomorrow night, and as I understand it, they're going to be having a preview of the project tomorrow night.

ALLAN GATZKE: That's correct.

ZELDA BRONSTEIN: What the planning commission is going to deal with are amendments to the general plan, the zoning ordinance and the zoning map, which have to take place in order for this project to be approved because this project conflicts with certain key policies. And that's what the planning commission is dealing with.

And its policy, and it's harder to grasp --
even after I was on the planning commission, I still say this -- than the project itself. But I think you might want to show up at the Zoning Adjustments Board, as well, because they're the ones who are actually going to be approving the project or not and asking for certain mitigations to the project or not, as opposed to the amendments to the general plan and the zoning ordinance and the zoning map.

It's really a basic distinction. And it's kind of vague if you're not involved, but important to know that.

Thank you very much.

UNIDENTIFIED SPEAKER: There is demolition going on. They're taking buildings down. They're taking them apart.

UNIDENTIFIED SPEAKER: It's underway. They loaded up six or seven trucks this morning. Those buildings are gone. I know that there's demolition going on at the adjacent property for a related project.

UNIDENTIFIED SPEAKER: I think this project has demolition.

UNIDENTIFIED SPEAKER: Yes. That property that is going to be the parking lot is now under
different ownership.

HELEN BURKE: Well, thank you all very much for your comments, and the comment period is still open, so you can -- you're free to get in other written comments, if you wish.
CERTIFICATE OF REPORTER

I, LORI STOKES, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth and nothing but the truth in the within-entitled cause;

That said deposition was taken down in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

I further certify that I am not of counsel or attorney for either of any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

Dated: _________________, 2005

LORI STOKES, CSR #12732
DEBBIE SANDERSON: I'd like to apologize for some mess-up we had somewhere in getting the draft EIR to you folks. We thought it went out when it went out
to the planning commission a couple weeks ago. We found that it hadn't, so we distributed them on Tuesday, so you should all have your copies of the draft EIR.

And we have here tonight -- the applicant is here. The plan was that the applicant would do a very short presentation of what the project is.

This is not a meeting to discuss the project, but to discuss potential environmental impacts. For you to make comments and receive comments from the public on the draft EIR.

We thought we would have a very short presentation from the applicant on the project, a very short presentation from Ms. Kerrie Nicholson to explain just kind of the chronology of what's happened so far with the environmental analysis.

And then you could go to public hearing and accept comments from the public as well as from yourself.

Any questions before I segue out?

SHIRLEY DEAN: I have a process question. I understand that the draft EIR is in the planning commission.

DEBBIE SANDERSON: Uh-huh.

SHIRLEY DEAN: And I assume then that the planning commission will also take comments from the public on the draft EIR?

DEBBIE SANDERSON: Uh-huh.
SHIRLEY DEAN: And then the board here is taking comments on this. So what is the purpose of our taking comments and their taking comments?

DEBBIE SANDERSON: The purpose is that the planning commission and the Zoning Adjustments Board have different kinds of experiences with projects.

This project includes a general planning amendment, a zoning amendment and a proposal to build. The ZAB's experiences tend to be different than those of the planning commission, and the idea is we would get more information from different points of view than if we just went to the planning commission.

All of the comments go to the consultant, who will do responses to comments when the final EIR comes out.

SHIRLEY DEAN: And then all of those responses would be shared with both the board and the planning commission?

DEBBIE SANDERSON: Right. The planning commission and the council -- the council will be the one to certify this. The Zoning Adjustments Board is not to certify this EIR.

So the comments go to planning commission. They go to the council. The council would certify the EIR, if that's the action they take. Then there would be the vote on the general plan amendment. Then there would be the vote on the rezoning amendment. And then
the project would come back to the Zoning Adjustments Board for action on the use permit.

SHIRLEY DEAN: Does the board itself make comments on the draft EIR to the planning commission?

DEBBIE SANDERSON: They're making them, I believe. Maybe Kerrie should explain it.

They go to the council. The council is the one that acts on the final EIR.

SHIRLEY DEAN: No. You had indicated that the purpose of this dual program of comments that there were different experiences between the planning commission and the Zoning Adjustments Board.

So does the Zoning Adjustments Board itself, not counting the public, but itself, make comments to the planning commission and the council on whatever this board thinks?

DEBBIE SANDERSON: Yes.

DAVID BLAKE: But just the council. We don't comment to the planning commission.

DEBBIE SANDERSON: What you're commenting to is really to the staff who is preparing the environmental analysis.

So we're receiving comments from this board, from the planning commission and from the general public.

DAVID BLAKE: So the planning commission won't hear our comments and we won't hear theirs?

DEBBIE SANDERSON: No. They're one net to
catch comments, as well as their own. This is another net to catch public comments, as well as this board's comments. They're all put together. The consultants and the staff would together review those, write responses to the comments, that goes in the final EIR, and that final EIR goes to the council.

ANDY KATZ: So the comments made tonight at this board meeting will be put into the record of the EIR, and they will be responded to the same as any comments during this entire process?

DEBBIE SANDERSON: Right.

ANDY KATZ: So this board may, through this process tonight, comment directly or in the future?

DEBBIE SANDERSON: Right. Well, no, during the comment period, you can also submit additional comments as a member of the public. If there are other things you think of after tonight that you want to just weigh in as an individual.

The idea is to receive all the comments that we can within the comment period, write the responses, and all of that goes to the council.

SHIRLEY DEAN: One last question. What's the end of the comment period?

DEBBIE SANDERSON: November 21st.

DAVID BLAKE: So this is our only meeting?

CRIS TIEDEMANN: Given we got this on Tuesday, can we submit written comments before the 21st
as a member of ZAB? Not just as a member of the
public, but as a member of this board?

DEBBIE SANDERSON: Yeah, I think so.

ANDY KATZ: Dave and then Dean.

DAVID BLAKE: But this isn't our
certification. I gather it's going to the council
specifically because there are planning issues as well
as zoning issues.

DEBBIE SANDERSON: Because the general plan
amendment is the first action that has to be taken
before anything else can happen. And that's an action
taken and approved by the council.

DAVID BLAKE: So this isn't a normal
procedure where we get to ask questions and we can't
hold it open any longer. The council, I'm sure, if
they felt necessary, could hold the comment period open
longer if they felt that they needed more time to get
comments, but we can't.

ANDY KATZ: So the final public hearing has
happened before the planning commission, and the
council would -- they will make a recommendation to the
City Council?

RICK JUDD: This is a public hearing. There
will be a public hearing at the planning commission.
There will be a public hearing at the council, too, I
think.

CRIS TIEDEMANN: Maybe the consultant should
explain how the draft EIR becomes a final EIR.
DEBBIE SANDERSON: If we can go through those presentations, then we can get to that. That is a part of what we were going to do with the presentation. So if we could proceed.

KAVA MASSIH: Good evening. Kava MASSIH of Kava MASSIH Architects. In a lot of these public hearings and community sort of get-togethers, I've been representing the owner, not just as an architect but as a sort of spokesman because they get up at 3:00 in the morning to do their produce buying, and these late-evening meetings are very hard for them.

So they've asked me to sort of explain the project. I was also asked to keep it brief, so I'm going to do that.

This site used to be a roofing company that used it for storing stuff on and preparing to go out onto the job site. It's next to the old -- well, actually, it includes the old farm site, and it's next to -- or to the east of Scharffen Berger Chocolate on the corner of Heinz and Ninth.

Ninth Street, as it passes Heinz, sort of gets to the parking or the driveway into Orchard Hardware and sort of dies into a bunch of rubble, and it's the old spurs that hasn't been abandoned and just becomes kind of rural in it's feel and look.

So then Ninth Street jumps over by about 80 feet to the west and comes up Ashby. And it kind of
hits this site.

So not only can you go to the site from the north on Ninth after you pass Heinz, but you can get to it from the other side, off of Ashby.

The components of the building are the marketplace itself, which is the store, 35,000 square feet and change on one floor, and a mezzanine that's about 15,000, 16,000 square feet for a total of 51,000 square-foot store.

Storage, warehousing, is on two floors, and that amounts to about 29,000, 28,000 and some change. There's some incidental offices for the use of the store at about 4,000 square feet.

And we've detached a little piece of the store and moved it to the corner of Heinz and Ninth, which is about 3600 square feet, and it has two floors on it. The ground floor is for prepared foods for people to pick stuff and go. And on the second floor is a community room, which is to be used for events and used for the neighborhood.

Parking, as usual, a very small component of this project. We started out with not having any parking under the building, and then we added this. We've drawn 109 spots under the building. The draft EIR suggests that we take 10 of them out so that it's easier to maneuver in there. So we're at 99 spots down there.

And then there's surface parking. And that
amounts to another 102 spots. Did I count that right?

Yes. So the total is 211. What's required is 143. So we're 68 over what's required. And that, in essence, is the project.

ANDY KATZ: I have a quick question. Given how far west the site is, have you already done some tests to be sure that you're able to dig down for the underground parking garage?

KAVA MASSIH: Yes.

ANDY KATZ: So the water table --

KAVA MASSIH: 17 feet. And we also did a project at Jack London where the water table was at 6 or so feet. It's doable. People do it all the time where you waterproof -- there are all kinds of systems, that in essence, you waterproof it and you sump it out. It shouldn't be an issue.

ANDY KATZ: So you're not going into the water table?

KAVA MASSIH: We are not going into the table.

DAVID BLAKE: Is a representative from Joseph here? Joseph and Associates? You are. And are there representatives from Fehr & Peers here?

So do I understand correctly? Sorry, I'll get back to my question or comment in a minute.

As I read the report, some of the analysis,
at least, if not most of the traffic analysis, was done
by work compiled and surveyed by Fehr & Peers.

Does that include the Saturday survey? Is there now a Saturday survey of the existing site?

DEBBIE SANDERSON: Excuse me. But if we could stick to our plan, please, David, of letting the consultant give you the very quick background of how we get to the detailed EIR.

CARRIE SPRAGUE: I understood that this project had to do with creating a warehouse that was to supply the south Berkeley store of the Berkeley Bowl. And all I see here -- I don't see anything that says warehouse. I see something that says marketplace storage, and it's small. It's just -- is it just one floor?

KAVA MASSIH: No, it's two floors, and it's around 30,000 square feet. Around four times what they have in their present store.

CARRIE SPRAGUE: But it's not really a warehouse?

KAVA MASSIH: Yes, it is.

CARRIE SPRAGUE: It is a warehouse? You consider it a warehouse?

KAVA MASSIH: Yes.

CARRIE SPRAGUE: But you didn't label it a warehouse here.

KAVA MASSIH: Sorry.
CARRIE SPRAGUE: It's not a separate building?

KAVA MASSIH: No, it's attached to the store. But it has three loading docks, and it's strictly for bringing goods in, storing it and distributing it to this store and taking it to the other store.

CARRIE SPRAGUE: So would that be different trucks coming in -- one truck would bring goods in and unload it, and a different truck would take it to the other site later when needed?

KAVA MASSIH: I'm not sure if it's going to be the exact same truck or not. But I think what comes in is probably a little larger than what would get loaded to go to the other one.

And I'm just assuming that just because the big one is bringing stuff for two stores. The little one is going to feed one. We've had all kinds of discussions about where the trucks come from and what time. And that's going to be part of, I suppose, discussion.

CARRIE SPRAGUE: I looked up the zoning for the muly and the retail use would be okay there if your facility stayed under 2,000 feet.

KAVA MASSIH: Right.

CARRIE SPRAGUE: So I looked at the size of this building, and it's quite a bit larger than the
That's why we're changing the zoning.

Thank you very much.

You're welcome.

I don't know if this is a question that you can answer or not, but as I read the EIR, draft EIR, the loading trucks come in -- the trucks come in from Ninth and Ashby, correct?

Right.

And there are three loading docks there?

Correct.

Now, you said those trucks would be a little larger than the trucks that would take goods up to the Shattuck store.

He's guessing.

He's guessing. Okay. Do you know how big those trucks are going to be and the hours that they will be delivering?

I don't know the size, but I do know that we've spoken to the neighborhood about keeping those deliveries to early morning, before the store opens at 9:00.

Before the store opens at 9:00?

Right.

So that's when all the
deliveries will come in?

KAVA MASSIH: Right.

SHIRLEY DEAN: When will the deliveries go out?

KAVA MASSIH: Don't know that part. I would imagine it would have to be about the same time, yes.

SHIRLEY DEAN: So you have to remove the ten parking spaces because of the turning radius of those trucks? Is that what happens?

KAVA MASSIH: Right.

SHIRLEY DEAN: Are they going to, what, back into the loading docks?

KAVA MASSIH: It depends on the driver. I think that some of them will back in if they're good drivers. I would go first head in.

SHIRLEY DEAN: Well, it seems to me that I've seen some trucks that I don't think you could ever back up. But somebody does, I guess.

But what I'm -- okay. So all of this is going to happen before the store opens?

KAVA MASSIH: Right. That's the idea.

SHIRLEY DEAN: But we don't know about stuff going out?

KAVA MASSIH: Right.

SHIRLEY DEAN: Okay. Thank you.

DEBBIE SANDERSON: Mr. Chair, if I could suggest a format. Some of these questions -- this is
Chandler Lee, and Chandler may be able to answer some of these detailed questions about operation maybe better than the architect can.

Maybe when we start to go through the questions, we can kind of see who's the most knowledgeable about that part of the operation.

SHIRLEY DEAN: Does he know when the other trucks -- no, he doesn't.

CHANDLER LEE: No. But you are correct that the delivery trucks would be backing up, and that's the movement that we need to take out those parking spaces for.

SHIRLEY DEAN: I didn't hear you.

CHANDLER LEE: We need to remove certain parking spaces in order for the delivery trucks to back up and unload into the docks.

SHIRLEY DEAN: Thank you.

ANDY KATZ: Any further questions for the applicant?

David and I, and maybe other members of the board, have some detailed questions about the traffic and circulation chapter. I would reference page 4, Section D.

RICK JUDD: Are we going to allow staff to do the introductory presentation?

ANDY KATZ: I think that would be the right way to do that.

DEBBIE SANDERSON: I'm sort of swapping
people off here because I'm trying to figure out where you guys are going.

UNIDENTIFIED SPEAKER: We're in public hearing.

UNIDENTIFIED SPEAKER: This is a public hearing.

DEBBIE SANDERSON: We can have the EIR consultant do a quick overview of how we got where we are, and then we can talk very, very small about the procedures, and then both the EIR consultant and Chandler are here to help answer questions as you go along and also open the public hearing portion.

KERRIE NICHOLSON: So the reason why we are here tonight is to receive oral testimony and any written comments people so choose to submit regarding the adequacy of the draft EIR that's been prepared for the West Berkeley Bowl project.

So a little bit of background. On July 6, 2005, the City of Berkeley circulated the notice of preparation to the governor's office of planning and research and to all interested parties expressing the City's intent to prepare an environmental impact report for the project.

In addition, the NOP and the initial study that was prepared for the project were posted on the City's website. Two public scoping meetings were held on July 13th and July 27th to receive oral testimony
and written comments regarding the scope of the EIR.

The NOP period closed on August 5th. Based on analyses conducted in the initial study and comments received during the NOP process, the City determined that the proposed project potentially resulted in environmental impacts related to air quality, hydrology and water quality, land use and planning and traffic.

The analysis conducted for the draft EIR shows that with implementation of mitigation measures prescribed in the document, all environmental impacts of the proposed project would be reduced to a less than significant level.

The proposed project would not result in any significant unavoidable impacts. The City sent the notice of availability and the required 15 copies of the Draft EIR to the governor's office of research -- excuse me. Of planning and research on October 11th, 2005, marking the first day of the 45-day circulation period.

The NOA was circulated to all interested parties. In addition, the NOA and draft EIR were posted on the City's website. In conformance with the requirements of CEQA, the City is holding public hearings to receive oral testimony and written comments regarding the adequacy of the draft EIR.

The first two hearings were held before the planning commission and the third is obviously being held tonight.
The planning commission has set a public hearing date of December 14th to consider certification of the final EIR. The public comment period for the draft EIR ends at 5:00 p.m. on November 21st.

DEBBIE SANDERSON: So the process would be that it does go to the planning commission. These comments that they -- they make the recommendation to the council once they're in final EIR. So the planning commission will see the final with the responses to comments.

RICK JUDD: The planning commission --

DEBBIE SANDERSON: The council certifies the EIR. The planning commission makes the recommendation. They can't make a recommendation unless they see it upon which to recommend.

So they will see it, make a recommendation to council. Council takes the action.

ANDY KATZ: Cris?

CRIS TIEDEMANN: I have a question about mitigation measures. And that is, if we don't suggest a particular mitigation measure in the draft EIR process, does that mean that, as a zoning board, we can't impose that condition on the project?

What is the reason that we would discuss mitigation measures as part of this process rather than when we actually hear the permit?

CHANDLER LEE: You can impose conditions on
the use permit, as well. The mitigation measures in
the EIR are strictly designed to mitigate specific
impacts that are identified under CEQA, and you have
all the abilities to impose conditions on the use
permit above and beyond those.

DEBBIE SANDERSON: In your past experience,
when we have a mitigating neg dec, we will have
mitigation measures. And our approach is that we
incorporate the mitigation measure into the conditions
of approval. And we indicate which ones are
mitigations.

They're required to ensure under CEQA that
there's no potential significant impact under CEQA.
Then you have lots of conditions of approval that you
often attach to the permit. Those go to issues of
detriment which may or may not be a significant impact.

There are issues that are not a part of the
CEQA concern that are clearly a part of our concerns as
a community.

So it goes to -- the mitigation measure is
just to ensure that it complies with CEQA. Conditions.
Of approval can go beyond that if there's a nexus to
detriment.

DAVID BLAKE: The importance of the
mitigation measures is to show that significant impacts
on the environment are mitigateable. Because that's
the whole purpose of the EIR is to say that there are
bad things, but we can deal with them.
If we can't make that finding at all, then
the whole thing is -- that's one of the most important
reasons.

DEBBIE SANDERSON: I said it was going to be
brief. So you know, it was brief. Feel free to go to
your public hearing.

ANDY KATZ: David? Some questions?

DAVID BLAKE: There are some things I wanted
to understand about. The only thing I had time to read
was the traffic portion, which for me, that's the most
interesting thing.

The thing I noted before was that Fehr &
Peers did the number generation, including the survey
at the existing Bowl and that you guys apply them. So
it's hard for me to ask -- I guess I have to hope you
know the answers to these questions.

First of all, the most important thing about
what's in your report is the numbers per square foot of
traffic generation from the existing Bowl were roughly
the same, slightly higher maybe, 5 percent, 3 percent
than the ITE numbers for a general grocery store. And
that's somewhat, from my experience, I know that the
purpose is to get some semi-scientific numbers as
opposed to anecdotal numbers.

But I've been through my share of grocery
store visits. And the Berkeley Bowl is no ordinary
grocery store, so immediately that number leapt out at
I guess I have this important question to resolve for me, which is the Berkeley Bowl is famous for having inadequate parking.

So when -- just off the top of my head, I note that we're about doubling the size of Berkeley Bowl in the new project in terms of retail space, and we're not quite doubling the number of parking spaces, so I'm nervous from the start about what's going to happen if the same sort of usage happens.

I don't know if 4:00 to 6:00 is the right time. I know that's the time that you picked. I know that's your standard time. But I do know this: That for whole parts of the early evening and late afternoon around the Berkeley Bowl and for the entire weekend, there is no point, for the most part -- you can not go into the parking lot and expect to find a parking space unless God is really on your side.

So you're going to be in the queue with about five cars from both directions, coming from Adeline and Oregon as you go in. So the basic question I have is, how do you account for all the cars that are parking on the street? How do you distinguish people who are coming -- when you do this one-day survey, how do you distinguish people who are coming to the store as pedestrians and people who are coming to the store who are just parked two blocks away in order to come to the store, which I do all the time.
Sometimes I'm a pedestrian. When I'm in a hurry, I take the car or I take my bike. How do you make these distinctions to come up with these numbers?

Then I'm just going to say my follow-up right away so you can anticipate it. I guess I need to know from staff why staff, after this survey was taken, chose to use the vehicle numbers from the ITE, which I think, on the face of them, are likely to be much too low to what we know to be the Berkeley Bowl usage.

CHANDLER LEE: My full disclosure is that I'm not a traffic engineer and cannot answer those questions. My understanding is that Fehr & Peers not only did whatever the industry standard was for using ITE, but did survey the existing Berkeley Bowl. And I believe part of their thinking was that one of the reasons the applicant is proposing the West Berkeley Bowl is to take congestion away from the existing facility, and therefore the trip rates would eventually be less at both facilities rather than all at one. But again, that's kind of a layman's interpretation.

DAVID BLAKE: I bet that's not the assumption that the owner of the Berkeley Bowl is taking.

DEBBIE SANDERSON: Andy, I think I need to clarify what our role is here tonight. We're here to take comment and questions that you folks want to see
and the public wants to see addressed. That's a very
good question that would be a comment on the draft EIR
that you would like further explanation as to how these
assumptions were made.

    DAVID BLAKE: Well, I was hoping to get it so
my further comments would be much more educated.

    DEBBIE SANDERSON: Well, we may not be in a
position to answer all the questions about how the
analysis was done. But we'll answer what we can.

Whether we answer or not, it becomes a comment on the
draft EIR.

    DAVID BLAKE: Certainly you can tell me why
staff chose to use the ITE numbers --

    DEBBIE SANDERSON: I am not the staff person
who got involved in all of this.

    DAVID BLAKE: City staff directed -- I'm
referring to page D28.

    DEBBIE SANDERSON: But there are a lot of
city staff, Dave. And I don't know everything that all
of our staff do. I can't. So that's why we have a
public comment period. That's why we hire consultants.

    CRIS TIEDEMANN: I want to know if one of the
consultants would explain to this board what a draft
EIR is and what a final EIR is, because I think people
don't know that the final EIR is supposed to address
all of the questions raised tonight. And if it
doesn't, it shouldn't be certified.

    So I'm not an expert on CEQA, but I think
there are people who are less expert than even me.

CHANDLER LEE: I think you said it pretty well. Basically, it's a two-step process. The City issues the draft EIR, it's subject to a 45-day review and comment period. The City takes all of the comments and responds to them one by one, and the responses to those comments are combined with the draft EIR into a final document that we call the final EIR, and that is the document that is recommended for certification by the City Council.

DEBBIE SANDERSON: I would just like to say, also, that if comments are raised and the EIR -- the draft EIR can have changes in it based on the comments that were raised, additional explanation, additional analysis can be in there, and then the question was raised on whether there were enough changes that you need to recirculate.

So the comments help to fine tune the analysis and make sure that the analysis is thorough and there are no holes in that.

ANDY KATZ: David, have you finished?

DAVID BLAKE: I certainly have one more comment to make, and then I'll give up.

The report says on 4D29 that there was no need for a Saturday analysis because the weekday p.m. peak period is generally the most intense overall congestion period.
And I refer to another chart, D3, which is on page D15. All that may be true, I guess, for the proposed location. But it certainly is important, I think, not to be using the ITE numbers -- if it's important to not use the ITE numbers for the Berkeley Bowl during the week, it's super important not to use it for the Bowl on the weekends.

So I think we need a survey of the weekend peak. I don't know what the hour is or how they determine that. But the weekends of the Bowl are -- at least in that part of the city -- are determinate in what happens to traffic.

ANDY KATZ: I would like to second that comment, to use the ITE statistics for general grocery store does not seem appropriate to me, and that the Bowl is not your typical grocery store.

And that's a good thing. I think we appreciate the Berkeley Bowl and the service they provide and the access to organic food that they provide, but we need to know the environmental impact adequately before the City certifies this environmental impact report.

So getting a survey about this particular project to get some better information than what the ITE manual says, because that's kind of an Anywhere, USA grocery store statistic. And I think there's a lot of things we need to look at, and this is definitely one of them.
I would also second doing a study on the weekends. And I think, in addition to measuring the peak hour on the weekdays, the current Bowl tends to have a peak that doesn't run your typical peak of 4:00 to 6:00.

The current Bowl tends to peak, because of the closing time, they peak from 5:00 to 8:00. And that's an important note, as well, that the peak hour may even be -- you may find the peak hour sometime between 6:00 and 7:00 that you weren't realizing was there.

So it may be worth it to do a spot check, and if the spot check reveals something, then actually do the two counts over again. Starting with a spot check from 6:00 to 8:00 and the two counts if necessary.

I noted that the City of Berkeley standard of significance for volume capacity ratios for an intersection that is already operating at LOS F. If your capacity ratio is going -- is increasing, it's going up by .01, that meets the standard of significance.

But what I'm seeing is on page 4B43, just for an example, Ashby west of San Pablo, eastbound, it is going up by .02. But the rest of the EIR doesn't appear to note this. This is in Table 4, BD12.

And also the table for D11, there appear to be increases to many of these numbers by what -- you
know, what appears to be the standard of significance.

DAVID BLAKE: Just to inform that question, are these before or after the mitigation are instituted like the traffic light at Heinz? Are these charts supposed to include those mitigations?

So it's possible that those mitigations could reduce those affects below .01. Maybe that's what they're talking about.

ANDY KATZ: I didn't see a chart that mentioned that.

DAVID BLAKE: While we're here, I'll just mention that clearly on table D11 where it says Ashby east of San Pablo direction, it doesn't mean northbound and southbound, but eastbound and westbound. It's confusing.

DEBBIE SANDERSON: If you notice on these tables it's with and without the project, but it doesn't say with the mitigation. This shows it without the project, and it shows it with the project. And then that gives you the process for determining what mitigation would be necessary.

RICK JUDD: But people should not assume those numbers will change with the mitigation because the mitigations are primarily directed toward getting the cars through the intersections more efficiently so they don't back up, which is what level of service is about.

This is about the number of vehicles that are
going down the street during that period of time. So if you can get more vehicles through, I don't know that the mitigation -- the mitigation can accomplish that, but they may not change the vehicle counts.

He's talking about vehicle capacity ratios in situations where the level of service is already at level F before the project or without the project.

DAVID BLAKE: Is LOS a direct function of capacity?

RICK JUDD: No, it's not. It's a function of the lay times and some other things. I'm oversimplifying, and I'm also not a traffic engineer.

DAVID BLAKE: So the mitigation measures will definitely effect LOS, then?

RICK JUDD: That's why you do them. But they may not be the capacity issues, because the cars may still be going through, they just won't be backing up.

ANDY KATZ: One final comment, and then I'll -- when the LOS was calculated, I would also make the comment that the LOS at the current Berkeley Bowl would not necessarily apply at this location. The current Berkeley Bowl, I think, is more conducive to bicycle use, transit use, pedestrian access, than the proposed location, which is more of a highway-oriented location. Although it will serve the nearby neighborhood, I don't think it will attract the same percentage of patrons by transit and bicycle that you
find in a more central location between two of the major BART station and major transit lines. 

So I think that would be a key difference, and I would expect there to be a greater number of people by car at this location as compared to the current Berkeley Bowl. 

In the table 4D12, I think even the chart above, table 4D11, when it lists Ashby east of San Pablo, it refers to one line as northbound and southbound.

We mentioned that?

DAVID BLAKE: It's in both charts.

ANDY KATZ: Did we figure out which is which?

CHANDLER LEE: No.

SHIRLEY DEAN: Two very brief comments, and then I think we need to go to the public comment period.

As I understand the process has now been explained that when the project comes back, there will be a list of mitigations, and those are mandatory, those will have to be attached to a use permit if it is approved.

So I'm looking at page 9 of 10 in the staff report under the second floor in the last part of the paragraph. Now, the purposes of full disclosure -- I also am not a traffic engineer, I'm just a little old country girl -- and it says, the project applicant shall modify the traffic signals at the Seventh
Street/Ashby Avenue intersection to provide north/south protective phasing, as opposed to split phasing, modify the traffic signal at the Seventh Street/Potter Street intersection to provide northbound protected permitted phasing and southbound permitted phasing as opposed to split phasing and retime the Seventh Street corridor intersections.

That is as clear to me as mud. What is the difference between protected phasing and split phasing?

CHANDLER LEE: Sorry.

SHIRLEY DEAN: Okay. I would strongly suggest that when mitigations come back, that these be written in English so that people really understand. I mean, I thought split phasing is sort of like one lane goes one way and the other lane goes the other lane.

DAVID BLAKE: I believe it has to do with left turns.

SHIRLEY DEAN: And the Seventh Street has right turn only, left turn only, and then straight ahead.

DAVID BLAKE: It can also be which street --

SHIRLEY DEAN: All I want to do is make a plea that this comes back in a very clear fashion since this will be mandatory as attachment to the use permit.

The second thing that I'm really confused about is in the comments that Mr. Blake and Mr. Katz raised about the ITE counts versus others, which I
agree with, it was essentially a point, I think, which was raised by the French school. And it said also, that with respect to the most heavily impacted intersection of San Pablo and Ashby Avenue, the existing traffic volume data used in the 2004 West Berkeley Bowl study is less than the existing traffic count used in the West Berkeley Bowl plan draft EIR of April '93. I did not see that explained in this.

Now, I could have missed it. I speed readed this today, and I could very well have missed it. But if we're going to be talking about vehicle counts and LOS rates, we really need to know -- we need to be in agreement about what the counts are in those intersections at this time if anybody is going to be making any recommendations. And I think this is a very difficult issue that's been raised here if we have different documents. If -- and I don't know that we do -- but if we have different documents with different levels, then we really need to explain that.

RICK JUDD: I have comments to make. I'll be happy to make them before or after the public comment period.

ANDY KATZ: Your choice.

RICK JUDD: I guess, since some of them are in response to what people have said, I'll make them now.
First of all, I would like to second what Commissioner Dean said in terms of explanation. The term in here that I had never seen and have no idea what it means is pass-by reductions. So it would be nice to see that explained.

In terms of the traffic count from '93, I don't know what the answer is, but I think it is important that the record reflect that that is a comment not on this document, but on a prior document.

SHIRLEY DEAN: I think it was vague, yeah.

RICK JUDD: Well, we don't have comments on this document from anybody else. All those comments have to do, I think, with what originally started out as a negative declaration.

I don't know whether that's still true or not. I think the document should reflect whether it's still based on 1993 traffic counts, but I don't think the record should indicate that it is, because I don't know at this point.

I'm also not convinced that we should be trying to direct the final EIR use current Berkeley Bowl numbers instead of ITE standard numbers. I just think the final document needs to explain that choice, because I'm sure it's going to come up.

I think there are good arguments either way, and I think we should not be trying to dictate how the
traffic engineering is done from where we're sitting here.

In terms of the peak hour issue, just so people understand, the conventional way to do this analysis is to pick the hour which there will be the most cars on the street from all sources.

So if this is being done in that conventional way, the fact that the Berkeley Bowl might be generating more cars at 7:00 at night would typically not be relevant because there would be fewer people coming home from work.

I don't know if the possibility that the Berkeley Bowl would generate enough traffic to change that pattern was taken into account or not. I guess the responses to comments should reflect that.

But maybe people have reasons that the peak hour analysis should be more particularized, more detailed and have more parts in this EIR than in a typical EIR. But that's typically the way it's done.

And that's also probably my guess why there's no Saturday analysis. Even though the Bowl may have more traffic on Saturdays, the test of how crowded the streets get is typically going to be, let's say, between 4:00 and 6:00 on a weekday afternoon.

So again, I'm not suggesting that either the way it's done or the way that you're suggesting is the right way or the wrong way. I think the important thing is that the final EIR indicate why the analysis
is the way it is so that these questions can be answered.

And I guess one other clarification. My understanding of the level of significance issue that, I guess, Andy raised is that a different level of significance is used for the intersections which are specifically of interest to Berkeley as opposed to ones that were analyzed in this regional framework that's described in here, which is Alameda -- some sort of Alameda County model, which has a standard of significance at .04 -- .4 percent of the prior vehicle capacity ratio.

And it's a very interesting question why, in an intersection that's in the City of Berkeley at San Pablo and Ashby, you would use that instead of the City of Berkeley standard.

I think there's an argument for it, which is the only way you're ever really going to address the traffic on that intersection is on a regional basis and not a local basis. But I think that's probably the reason why their numbers are bigger than .1 that are not treated as potentially significant. Again, I'm subject to correction by the traffic engineers on that.

And that leads, actually, to the main point that I wanted to go into. We've heard that there can be mitigations, which are not necessary to address environmentally significant impacts. And I guess the
most interesting part of what I was able to read out of this document, to me, is that there's going to be something like a 4 percent increase in the through traffic on San Pablo Avenue at the Ashby intersection from this project, which is not environmentally significant under the standards are set. And I have no argument with that, you've got to have some kind of a standard. To make a standard make any sense, you have to continue to apply it rather than apply it when you like it and not apply it when you don't.

But I was curious -- and I don't know whether we have anybody here that can answer this question -- whether any analysis was done or whether there's any way to get this project to provide, in the form of a fee or something, partial mitigation for this impact. Particularly since I note in this draft EIR that the cumulative impact analysis assumes that the Ashby/San Pablo intersection is going to be improved at least by the provision of dedicated left-turn lanes sometime before the year 2030.

So that's a long question. But was any -- is there any -- do we have any information on that? On mitigating that impact?

DEBBIE SANDERSON: All I can say is that the procedures for doing the CEQA analysis is that if there's a potential significant impact, we will recommend mitigation. It gets adopted to reduce it to a level that's less than significant.
If there is additional improvement that this board wants to require, you can do that through conditions of approval. So if there is additional analysis that you’re interested in that’s not done for CEQA, or if you want to -- if you want to reduce the detriment to a level that’s lower, that’s your prerogative.

So we haven’t looked at mitigation -- partial mitigation unless it hits a level of significance, we don’t evaluate mitigation.

RICK JUDD: I guess the reason I’m raising it now, because I understand that we’re not acting on anything, and that we’re only really taking testimony on the EIR. But on the other hand, I really don’t want to be sitting here after this project has gone through the rezoning process and had its EIR certified and saying, gee, it would be really nice if we had some analysis so we could look at the possibility of imposing conditions to reduce detriment.

I think that work, if it’s going to be done, ought to be done at the same time as all the responses to comment are being done. Or we’re going to have this project, if people want to pursue further mitigations that require technical analysis, we’re going to have the project held up another three months when it gets back to us for approval.

DEBBIE SANDERSON: I would strongly encourage
that tonight or in the next couple of days that we try
to work with you and others about exactly what -- we'll
take the EIR and look at the analysis that was done.
So we can certainly address that issue in
anticipation of the project coming to ZAB so there's
not a delay.

RICK JUDD: There's only really the one area
where I saw something that struck me as being a
significant enough potential impact and having a
significant enough cost attached to what's ultimately
going to have to be done.
And this is a very sizable project. If this
project doesn't bear part of the cost, then I don't
know what project would. I'm assuming that even for
this Alameda County regional transportation plan, there

is no transportation mitigation in place.

Do we know the answer to that?

DAVID KATZ: The transportation commission
has received the draft nexus study, and they have
recommended that the council adopt -- I don't remember
the per-unit fee, it's about $5,000.

RICK JUDD: But that's not addressing these
regional impacts, specifically.

ANDY KATZ: It addresses traffic impacts
within the City of Berkeley and transportation services
within the City of Berkeley.

In the analysis, they created a per 1,000
square foot standard that could be applied to a grocery
store, and they specifically said a West Berkeley
grocery store.

So I think they had this project in mind, but
we haven't heard specifically when this would be in
place and would this apply to this project. But I
think the study took this project into account as a
potential source of mitigation funds.

RICK JUDD: I guess I would be interested in
the regional impacts of this project, as well, if those
were not already included in what the study of the City
has done. I don't need to know the answers to any of
this tonight. But that's my question.

DAVID BLAKE: Well, certainly regional
impacts are a crucial thing that happens in the EIR.

RICK JUDD: Well, the impact is in here. It
doesn't meet the level of significance for
environmentally significant because that would require
a 5 percent increase in the vehicle capacity ratio.

I said at the beginning, I don't have a
quarrel with that. We have a standard, we ought to
apply it, that's the right standard. But I think we
ought to be in a position to look at whether we want to
do something more when this comes back to it.

DEBBIE SANDERSON: So the question that we
would put to the traffic consultants would be whether
there's additional measures that could be taken and
what they might be in terms of reducing impact even if
it's below the level of significance. And that's something we can certainly pass on to them and take that as a comment to bring back to the ZAB when the project comes to you.

RICK JUDD: My concern with this significant impact is I don't think we're going to rebuild the Ashby and San Pablo intersection as part of this project. That's why I brought up the idea, because I think that's the only realistic way I could see to having this project contribute to solving the problem.

DAVID BLAKE: It's just interesting that you bring it up now, because I had mentioned maybe four months ago that the gas station at the corner -- at the southeast corner of Ashby and San Pablo is being reconstructed and now would be the time for us to get the necessary lane if we were ever going to get it.

CRIS TIEDEMANN: The gas station is not being reconstructed; someone is going to build housing on that lot.

ANDY KATZ: Do you remember we approved that.

DAVID BLAKE: We approved that on that corner?

DAVID BLAKE: I wanted to say about Saturday, that my concern about Saturday is not necessarily that it might be the peak time of the week. I understand the process for overall traffic.

But if they were relying on the ITE ratio between weekday traffic and Saturday traffic in order
to declare that the Saturday traffic was not going to be a significant time, that was probably a mistake in this case, because I think the Bowl, I think, has a huge jump on Saturday.

I'm not sure what it is. I think it behooves us to take a survey on Saturday, too, just to see what those numbers are.

I don't know how anyone can ever declare -- as I understand it, LOS only goes to F, F is the bottom. I don't know how you increase capacity on a LOS intersection, you increase load on a LOS intersection.

And it can never be insignificant to me. Because an F is an F. An F is an impossible situation to me. It's like you're saying, these people are already in hell, so for them, it's as hot as it's going to get. It doesn't matter if you raise the thermostat 2 degrees.

DEBBIE SANDERSON: It does matter if you raise the thermostat 2 degrees, because you're looking at the contribution to a bad situation by a new project.

DAVID BLAKE: I'm just saying any increase in there is always significant, once you are at an F, you have to fix it.

DEBBIE SANDERSON: That's why you have a very small increase allowed, it's minute. So if there's any
worsening at all, practically, it makes it significant, and it gets mitigated because it is already unacceptable.

DAVID BLAKE: So on that point, it seemed that to define no significant impact, the only reasonable explanation I can see based on Rick's pointing out within the county standards, we're the ones who determine the significant impact, it seems that the city standards would find the significant impact.

DEBBIE SANDERSON: That's very interesting.

DAVID BLAKE: I'm interested in what the role is for the city standards in terms of levels of significance.

DEBBIE SANDERSON: I think that the comment I'm taking from that is a much fuller discussion and explanation of how they chose the significant impacts and for the analysts to reconsider what level of significance they're using and why.

DAVID BLAKE: That was one of the very points that was raised in its own lawsuits against the university for the EIRs was that the university wasn't using the city standards of significance. So it would seem that the City wants to use its own standards.

DEAN METZGER: I would just like to weigh in on the Saturday thing, because I don't know how many people have tried using Ashby Avenue on Saturday, but it's the street to avoid at all costs. Almost during the entire day on Saturday.
And to think that this project is not going to worsen that condition is just wishful thinking.

Most of us who live on the south side of Berkeley know you don't use Ashby Avenue on a Saturday from top to bottom.

So for us to put blinders on and say that this isn't going to be impacted, I think, would be very foolish.

DAVID BLAKE: I would also be interested in how this affects trip assignment for that entire grid, and how this affects the entire grid.

To answer Rick's question on different types of peak hours, the typical practice is to take the top 15 minutes, the most intense 15 minutes within an hour, and that's how you calculate peak hour rates.

I want to thank the public for enduring our exhaustive comments. I don't think we'll have a repeat of that after, but we'll see.

I'd now like to ask if there are any board members that have to disclose ex parte conduct with members of the public.

There was a request from Zelda Bronstein to allow members of the public to have increased time. And I also see here a request from several members of the public on some cards to turn their time over to one member to speak on behalf of them.

My inclination, recommendation, to all of you
is to not allow individuals to have extra time unless
they have had a specific written statement on this
card. Or if they give time to someone else.

I would like to keep the time to the cards
that we have here, so three minutes per card here and
let people yield time to another person.

DEBBIE SANDERSON: Mr. Chair, I would just
report that I was asked by a person before the meeting
whether they could yield time, and I said no, that our
policy is not to yield time.

ANDY KATZ: Our typical policy is not to
yield time. Because we're having an early night
tonight and we have these people here, that's my
suggestion.

CRIS TIEDEMANN: Can we take a short break so
the people who want to yield time can get themselves
organized?

DEBBIE SANDERSON: Let's take a break for the
captioner, and now would be a good time.

(Short break taken.)

ANDY KATZ: We're continuing the public
comment on the draft EIR.

First I will call David Bowie. Three
speakers have yielded time to you, so nine minutes is
on your clock.

DAVID BOWIE: Good evening, members of the
commission. My name is David Bowie, not David Bowie.
And I learned for the first time yesterday morning that actually, that's the proper Scotch pronunciation. David Bowie is, apparently, Scotch, I'm surprised at the manner in which he pronounces his name.

I'm an attorney. I'm here on behalf of the Berkeley French/American school. And the Berkeley school happens to be located on the northeast corner of the intersection of Heinz Avenue and Ninth Street.

We're happy to have the opportunity to share with you this evening some of our comments, and I have put together a letter with some comments, which I'll also leave with you, as well. I'll add that this is somewhat duplicative because we were present in force at the planning commission meeting last evening. So we're, essentially, going to be over some of the same material, but I think it would be useful in any case.

I would also add, and I want to make it very clear, that the French/American school is not at all opposed to the Berkeley Bowl project. We actually would welcome Berkeley Bowl as a neighbor in the neighborhood. We have some very focused concerns, and that's really the subject of my concerns and the reason I wanted to be here this evening.

Because, of course, we're not here to address the merits of the project, per se, we're really here to comment about the scope and extent and accuracy of the EIR itself.
I would just like to comment very briefly that I believe the EIR process is a very useful means of analyzing projects. In the absence of an EIR preparation, I think we all too often find ourselves dealing with opinions. People like a project, they don't like a project, there's really no rational basis for evaluation. And I think the EIR does give you a rational basis for evaluation, but it does have some failures.

In particular, I think this EIR has a couple of failures. And I thought the comments made by Mr. Judd were quite apt earlier this evening when he was mentioning that, of course, you have to have standards, and you measure environmental significance based on certain standards.

But sometimes those standards leave out analysis that's very important to a project. And it's especially important because, of course, this board is not limited to imposing mitigation conditions simply because those conditions may or may not have environmental significance. You obviously can respond to conditions that you think need correction, whether or not those conditions might rise to that particular level.

Our concerns are concerns with respect to traffic, not surprisingly, and parking. And I would like to speak to both of those. Because our concerns also are more focused than the concerns of others.
Our concern, really has to do with the intersection of Heinz and Ninth Street and Ninth Street as it progresses north from Heinz. And again, our concerns are really in the context of our particular circumstance.

It's my understanding that both Heinz and Ninth Street are bicycle boulevards, and that means that they should, by definition, have a lower level of traffic than other streets within Berkeley.

To the mix of bicycles and vehicles, we can also add pedestrians because, of course, at the intersection of Ninth and Heinz happens to be the school. And as a matter of fact, activities of the school extend well beyond Heinz in the northern direction.

The situation there is one where you are now mixing pedestrians with bicycles, with vehicles, which I think creates a situation where there are special hazards. And I think the environmental impact report was deficient in not noting that context of traffic in that particular area and taking that into account, because I think then you can't simply rely upon standard specifics; I think you've got to go beyond that and consider mitigation measures.

In this particular instance, the draft EIR was fairly cavalier in its treatment of that intersection and Ninth Street heading north. It deemed
the intersection to be an LOS A, and it deemed the
level of traffic, even on a cumulative basis in future
years, to be relatively insignificant, and that stopped
the analysis. And I think that ignored, again, the
context of that particular area and the need to
consider mitigation measures. In that sense, I believe
it's deficient.

Now, I was asked last evening whether or not
we had any particular evidence that there were traffic
impacts that were more significant and more severe than
were called out in the draft EIR.

Interestingly enough, I did take the
opportunity to look very quickly in the appendix to the
draft EIR, where there had been letter comments
submitted by Eugenia Thomas, who is certainly a traffic
engineer.

One of her comments in the supplement in a
letter dated February 23, 2005, commented regarding the
actual current intersection of Heinz and Ninth at the
peak school hours, which would really be between 3:00
and 4:00 p.m. But her observation specifically, at
that time of traffic, without this project, was that
that's an intersection that already operates at LOS F
level.

That really is to illustrate to you that it's
not necessarily the case that the entire area is
dangerous all the time or that it's an inadequate
intersection and it needs all kind of mitigation
measures. The fact of the matter is there are certain
specific problems with the intersection of Ninth Street
as it heads north, which, in context, need to be
considered for mitigation.

We would like to see, for example, some
signage, warning signage of the fact that there are
pedestrians in the area, there are school children in
the area. We would like to see some kind of control.
And frankly, we would like to see a restriction on
traffic as it would proceed through that intersection
north on Ninth.

We would like to see that there be no traffic
as long as school is in session and perhaps for one
hour before and one hour after. We don't think that
would be too much of an imposition, we think it would
go a long ways to reducing the potential conflicts
between all these different vehicles, bicycles and
pedestrians operating throughout that particular area.

Another area where we have some concerns has
to do with parking. We've recently reevaluated, at the
City's request, our drop-off and pick-up patterns for
parents picking up their children or dropping them off.
And the result of that has been to streamline the
process but also to lose on-street parking. And we all
know that parking in Berkeley is nothing but a problem,
no matter how theoretically these studies might suggest
parking has been adequately addressed. As a matter of
fact, I was late this evening, because as usual in my
time in Berkeley, there was no parking anywhere
to be had.

What we would like -- what we've noticed is
we've lost a total of 14 parking spaces around the
school because of the revisions that the City asked us
to undertake, and which we've gladly done. There will
also be a further loss of about 20 parking spaces where
the current unimproved area of Ninth Street is off
Heinz as it proceeds south.

We think that there could be some mitigation

of the loss of parking spaces by the City looking into
the use of angled parking. And angled parking, I
think, should be placed as much as possible throughout
the whole area, and certainly, again, in the area of
Ninth Street heading north wherever possible.

There's been a suggestion that might be
inconsistent with bicycles, but I suspect that's
something that could be worked out, and we would like
to see that actually addressed.

So in short, we support Berkeley Bowl. We
think further analysis, not only environmental
analysis, but the type of analysis that would be useful
in assisting everyone to address mitigation conditions,
that might be something to be imposed by your board are
things which the EIR should be expanded to be consider.

I think that intersection and Ninth Street
were given short shrift, and I think the EIR consultant
should be requested to further study the matter and
then study and consider mitigation measures in the
context that I've described here this evening.

We've had actually no discussion of that
whatsoever in the draft EIR. That actually would
conclude my comments unless you have any questions.

JESSE ANTHONY: Could I ask a question? Is
it different for you, the way you look at it, if it's
the times are around when kids normally -- well, the
students normally come to the school and leave?
Because there's a time when they're just in the school.

DAVID BOWIE: That's correct. And I would
think the EIR consultants would quite properly -- when
they look at mitigation measures, they could quite
properly make a determination to whether or not there
are times when there would be less need for restriction
of traffic and times when there is more need for it.

We happen to think that it would be best for
there to be no conflict because students do cross Ninth
Street north of Heinz on a regular basis, not simply
during peak hours.

However, one of the things, that, again, I
think was deficient is that there was no study of that
intersection and no suggestion regarding mitigation.

Obviously, we don't care about traffic in
that area on weekends, we're not in session. The same
safety hazards don't exist.
In the evening hours, which at least some people have suggested would be peak times for the Berkeley Bowl, we would have no problem with that because our students are not going to be there during the time period of 7:00 or even probably 5:00 to 7:00 or 5:00 to 8:00 if those are peak time periods. So that's not really an issue. Our concern is to ensure that the safety of pedestrian students and faculty, that that safety is protected as much as possible.

ANDY KATZ: Thank you. Next I have Tim Stokes. You may take up to 15 minutes.

TIM STOKES: I don't think that I'll need 15 minutes, largely because David covered most of what I had to say. So I would like to present what I have to say in a slightly different context.

I'm here as a resident of Berkeley for 25 years. I'm a parent and a trustee at the school Ecole Bilingue, which is the French/American bilingual located at the intersection of Ninth and Heinz. And my family has been part of the community for 12 years. I have a daughter who is currently enrolled at school and a daughter who has graduated.

I'm speaking here tonight as both a parent and a trustee on behalf of our families, and there are a number of families here tonight who have waived time to me, and I appreciate that.
And we're here because our school is located directly across the street from the Berkeley Bowl, and we believe there's going to be an impact. I'd like to start off by saying that, as far as I can determine, a large majority -- the large majority of the parents of the school are in favor of the Berkeley Bowl. Many of them are regular customers at the first location, and we look forward to having the store as a neighbor. We have participated in a process over the last couple of years with the developers of the project. We've been to a number of community meetings. We've spoken at the planning commission several times over the last year, and we are currently working with both the developer, as well as the architect, to try to come back to the City with some mitigation measures, which we think will go a long way to solve our primary concerns.

As David mentioned, our primary concerns relate to the safety of the children, first and foremost. And secondly, the impact of parking.

Several of the commissioners here have talked about their anecdotal observations about the Berkeley Bowl experience. I mean, I'm kind of a foody, I love going to the Berkeley Bowl. But regardless of how many parking spaces there are or what time of day you get there, it's a nightmare.

The developer has provided for a tremendous
amount of additional parking at the proposed new

facility, but we believe that the draft EIR misses the
point in a number of regards. And we will be
submitting some criticisms based on the work of Eugenia
Thompson, the traffic engineer we worked with last
year, as raised, which we hope may be helpful in the
Zoning Adjustment Board's evaluation of the project.

I don't want to go through material in much
more detail that David has already covered. Our main
concern, again, is safety for the children. One of the
members here tonight raised the consideration the
school starts at 8:00 and is over at 4:00, and is it
really a concern about what goes on in the middle of
the day.

I would say our primary concern is the
drop-off and pick-up times, but we do have facilities
that are located across the street and a block away.
So there is ongoing pedestrian traffic generated by our
school to cross the street to a playground across the
street, as well as parking that we've rented.

There is also a middle school for sixth,
seventh and eighth graders that's two blocks away, and
there's some foot traffic that goes back and forth
during the day.

We believe that the draft EIR has not
properly anticipated the effect of traffic that is
going to be heading north on Ninth Street and passing
by our campus, and we are very concerned that the measures be implemented at the onset of the project, not after the project has been put in place that deal with what we believe to be very real considerations for the traffic flow, which we think will have an impact for our students.

We also are concerned about the parking. As David pointed out, we worked very closely with the City traffic engineer last year and implemented, on the first day of school this year, our revised carpool drop-off and pick-up arrangement, which we are very happy to cooperate with. We had been discussing that ourselves. But we worked in close cooperation with the City to make this change.

The effect of the change, however, while it's increased the safety of the intersection, is that we've lost a significant number of parking spaces.

In addition to that, as David pointed out, approximately 20 defacto parking spaces, which are -- occur on the south side of Ninth Street from Heinz will be lost.

We've asked the City to consider developing additional angled parking on Ninth Street north of Heinz, and we were -- as I said earlier, we're in conversations with the City to try to have that change be made in conjunction with the consideration for the Berkeley Bowl project.
That generally wraps up what I wanted to say about this. If anyone has any questions, I'd be happy to take them.

CARRIE SPRAGUE: You have children crossing the street there to go to a playground?

TIM STOKES: Yes.

CARRIE SPRAGUE: What kind of steps do you take to make it a safe crossing?

TIM STOKES: Well, there's a crosswalk. We have teachers that accompany the kids. But other than good judgment, that's generally the way that we get the kids across the street.

But I would raise the point to make sure that everyone understands that the school operation is continuous, and we do have peak hours in the morning and in the afternoon, but there are activities that go on during the day.

CARRIE SPRAGUE: You mean cars come and go all day?

TIM STOKES: It's not so much that the cars come and go, but students go across the street. We have activities across the street. The main pick-up and drop-off times are in the morning and the afternoon. And clearly, that's been identified as the peak time.

It's not clear to me, in reviewing the draft EIR, that the traffic engineer who developed that section took into consideration the special traffic
flows that occur resulting from the school, and that would be part of the comments that we'll submit in writing.

CARRIE SPRAGUE: Are you going to request that the traffic from the Berkeley Bowl not be permitted to go into the residential neighborhood there?

TIM STOKES: We have talked to both the developer of the Berkeley Bowl as well as Kava MASSIH, and as good neighbors, we have been trying to -- we've been engaged in the process for a couple years now, and we've suggested a number of different ways to handle that problem.

We would like to restrict, limit, some way control northbound traffic on Ninth Street at Heinz. And we have suggested a number of different ways, and we've done it in a number of different forums.

But the City seems to believe that because of the City traffic study that's part of the EIR has indicated there's no impact or little impact, if the street can handle it because of the way they've evaluated the situation, then no traffic modifications -- no traffic control, no traffic dampening measures need to be taken.

What they suggested instead is that we potentially ask the developer to put in a monitoring program for the first six months or a year to see what
happens. And while we can't say exactly what's going
to happen, based on what we know about the Berkeley
Bowl in its South Berkeley location, based on our
experience with traffic flow in the area, based on the
sort of circulation we have with our students and
parents crossing the street at different times of the
day, we would rather be safe than sorry. We don't want
to come back in nine months and find we've had an
accident, and then okay, now we have a real need to
implement some traffic measures.

We think that if the traffic study is done
comprehensively at different times of the day, it
utilizes more realistic traffic standards that pertain
to this area, that it could be shown that some sort of
traffic dampening measures need to be taken.

We're not asking for one specifically. We
would like the interest of limitig flow northbound on
Ninth Street to be taken into serious consideration.

ANDY KATZ: Do you have any specific
suggestions that you're suggesting the EIR consider?

TIM STOKES: Well, we have -- our attempt is
not to try to block the project. As I said, we're all
interested in the Berkeley Bowl. The Berkeley Bowl is
a great institution. We're not interested in
redesigning the project.

We've made suggestions to both the architect
and the developer about a way to direct traffic at
Eighth Street that go either east or west, not through.
The developer seems to think that won't affect their operation. They are willing to go to the City to talk to the City about it. But again, as I said, in our conversations with the City, the City doesn't think there's an impact because of the conclusions of the EIR, so they're not really interested in doing anything at this point.

I'm not a traffic engineer, also. There may be other ways to handle the situation. And we're willing to explore any number of different ways.

ANDY KATZ: Okay. Do you have anything else to say?

TIM STOKES: That will do it for now.

Thank you so much.

ANDY KATZ: Thank you.

Zelda Bronstein, you have up to six minutes.

ZELDA BRONSTEIN: Good evening, ZAB members.

I live in Berkeley. I come here because in the years that I was on the planning commission, I became interested in West Berkeley.

When I first got on in 1997, the planning commission was translating the policies of the West Berkeley plan into the zoning ordinance, and that was an education for me about West Berkeley and the City's policies and the laws regarding West Berkeley, and I've remained interested and involved.

I want to speak about two things. First of
all, the overall procedure. I want to question some of
the advice you've been given about your role and
responsibilities. This EIR is on both the project and
the amendments to the general plan, the zoning
ordinance and the zoning map.

The planning commission cannot rule on the
project itself, as you know. That is your
responsibility. It is only being asked to certify the
EIR insofar as it applies to the proposed amendments to
the general plan, the zoning ordinance and the zoning
map which have to be made before this project can go
forward.

Because this project, as proposed, conflicts
with certain aspects of all of those policies and laws.
So it's my understanding that the planning commission
would certify the EIR insofar as it relates to those
proposed amendments.

Their recommendation will go to the City
Council, the City Council would certify the EIR, and
then you cannot rule on the project until those
amendments have been made. Then it goes to you as a
project.

And I would think that since, as it says on
page 348, the EIR will be used in conjunction with one
or more discretionary actions, it will be considered
by the City of Berkeley, and it lists a bunch of use
permits which you will have jurisdiction over. That
you would then, I would think, be willing to certify
EIR insofar as it relates to those -- maybe I'm wrong, but this is my presumption. I'm going to submit written comments to the planning commission that deal mostly with general plan, zoning ordinance and zoning map amendments, because as a former planning commissioner, someone who worked on the general plan and economic development of the City's general plan, that's just where I feel most qualified to comment.

But I want to raise one question about something that's already happened that is under your purview. Page 414, the proposed project would involve the demolition of existing structures on the site.

Demolition has already occurred on this site, and I would ask staff for a report as to the appropriateness and even the legality of work having begun before this project has been approved by the ZAB, much less before the amendments to the general plan and the zoning ordinance and zoning map have taken place.

That's basically what I wanted to say. Thank you very much.

DAVID BLAKE: As I understand it, the staff has outlined it to us, because the certification involves two different bodies, the superior body to both of them, the City Council, has taken over the job of certification.

We will not be certifying and the planning
19 commission will not be certifying. The planning
20 commission would recommend to its normal appeal body,
21 the City Council, what it thinks about certification,
22 we will recommend to the City Council what we think
23 about certification -- and Debra is shaking her head
24 again.

ZELDA BRONSTEIN: Don't you think it's odd,

1 though, that since the EIR does apply to the project
2 itself -- well.

ANDY KATZ: I think this deserves
3 clarification from staff.

DEBBIE SANDERSON: We've talked it over with
4 the city attorney and with Steve Ross, who is our new
5 in-house CEQA person, and the EIR has a project
6 description. And the council will certify the EIR for
7 the project as described in the EIR.
8 That project includes the amendments and the
9 proposed construction. When it comes back to the ZAB,
10 then what we --

DAVID BLAKE: It will be a project with a
14 certified EIR.

DEBBIE SANDERSON: I'm sorry?

DAVID BLAKE: It will be a project with a
17 certified EIR.

DEBBIE SANDERSON: We'll have a certified EIR
19 and begin evaluate the project.

CRIS TIEDEMANN: Also, I don't think that we
21 take a vote to recommend this draft EIR. I think you
DAVID BLAKE: What about the demolition?

DEBBIE SANDERSON: It's not on this site. We understand from the consultant here that there is a project that has been approved at 1001 Ashby, the Ashby Lofts.

They have a use permit, and I know that there has been work done on the industrial facility that is being removed for the -- right next to the railroad tracks there to make way for the Ashby Lofts.

If people would like to contact me in my office on Monday and specify what demolition has occurred without a permit, we'll be happy to investigate.

We've got no information like that, and I know that everyone knows how to call our office and notify us of violations without permits. So we would be happy to explore it.

ANDY KATZ: Janice Kim.

JANICE KIM: Thank you, members of the board.

My name is Janice Kim. I'm an Ecole Bilingue parent and a north Oakland resident. Professionally, I'm a pediatrician and public health officer with the California Environmental Protection Agency, and as part
of my work, I evaluate the health impacts of air

pollution.

My work is actually focused on health impacts
from nearby traffic, and I'm the lead author of a
recent study in the East Bay fighting health effects of
children living near busy roads -- respiratory health
effects of children living near busy roads.

So I'm here tonight to just raise the issue
in addition to the concerns about issues of traffic and
safety for the proposed project, the increase in
traffic will also contribute to increased air
pollution -- neighborhood air pollution.

And why is this a concern? Motor vehicle
exhaust contains high concentrations of hundreds of
toxic air contaminants. Many of those are known
respiratory irritants and carcinogens. The increased
traffic congestion on nearby streets next to the school
will lead to an increased traffic-related air pollution
right next to the school, and that's an increase in the
exposure of our children to these toxic air pollutants.

There are a number of studies now, including
our study that are showing increased rates of
bronchitis and asthma attacks for those living near
busy roads.

I'm really pleased that the Berkeley Bowl
plans to have all delivery trucks go in through Ashby
Avenue. We know from our studies that levels of
traffic emissions rapidly decay within a few blocks, so that's a great plan.

Still, the current traffic routes outlined indicate that there will be an increase in traffic congestion on the streets right adjacent to our school to the EB campus, which will likely result in traffic and safety concerns, which are really foremost here.

But in addition, I think the board should consider the increased exposure of our children to toxic air pollutants from the motor vehicle exhaust. I ask the Zoning Adjustment Board to seriously consider the health and safety risks to our children from the increased traffic congestion from this project.

Thank you.

ANDY KATZ: Thank you.

RICK JUDD: Actually, we could consider all we want. What do you want us to do?

JANICE KIM: Well, I think it's really trying to really rethink the impact of traffic, how to mitigate those. And I think there have been some suggestions here from other members of the EB committee.

RICK JUDD: So you're referring to the suggestion that we limit traffic going northbound on Ninth Street?
JANICE KIM: Well, I think that the Ninth and Heinz area, that is right next to the school. And if there's going to be increased traffic, then we really have to look at -- because there's going to be children -- increased traffic congestion. There's just a sidewalk between Ninth -- excuse me, Heinz and where the kids are, so I'm just asking the board to consider that.

RICK JUDD: I'm not trying to minimize your concerns. I'm just saying this is your chance, this is your time if you have specific ideas of things that could be done, tell us what they are. Because all of us, obviously, are going to be taking this seriously if there's something that could be done about it.

JANICE KIM: I think hopefully the traffic engineers will reconsider this. I'm not a traffic engineer.

RICK JUDD: Thank you.

DEBBIE SANDERSON: I would like to say that we're collecting comments on the draft EIR. And I would consider that a comment that she's questioning whether the analysis has appropriately projected congestion and whether there are any analyses of health effects due to that congestion. So we would address that in the EIR. Just so you understand that whether or not there's any additional mitigation would be how the experts respond.
to the question.

ANDY KATZ: Sandy Simon.

SANDY SIMON: Hi. My name is Sandy Simon. I'm a West Berkeley resident. And I'm intimate with this neighborhood and have been for the last 20 years. And I sat down and recently got involved in it actually because I'm passionately for the Berkeley Bowl. I really, really would love to have this happen. And everyone I've spoken to feels the same way, with one exception.

And I've been to two planning commission meetings, and everything that was said last night was overwhelmingly in support of it. But I think the problems are similar for all the concerns are just two. And that is traffic and parking.

And I sat down with two spatially creative people and spent a bit of time on this, and I handed each of you one of these pieces of paper. And it shows on the second page the space where the Berkeley Bowl is proposed. And just below it is a map.

And just by flipping the building, it puts all the entrances just adjacent to the Scharffen Berger parking lot, and the parking to the Berkeley Bowl would also be adjacent to it. And the traffic would then have a choice about going in on Heinz or going in on Potter or going in on Ashby. And it could then circulate down Eighth Street, too.
And secondly, the other major problem that I see is that the delivery trucks, when they're functioning, block the main access from Ashby Avenue to the parking lot. And this is what happens at the current Berkeley Bowl.

And to prove my point, I went by the current Berkeley Bowl many times in the last month with my camera, and I took pictures at nonimpact times of the day, and there's cars lined up, which Mr. Blake pointed out also. It doesn't matter what time of day you go there. There's cars lined up. There's cars trying to pass cars lined up. There's cars coming in from the west. And there's semis that block that exit all morning long, coming and going, shifting.

And then when there are no semis there, there are pallets of food and groceries so that you can not circulate through that parking lot on the west side. And the current plan that's proposed has a similar problem, that the main access is blocked.

So anyway, I would like to suggest that they take a route and block it so that all the delivery trucks come and go separately from the cars that come to shop. And I would also like to suggest that they have a bicycle cage, because a lot of people do ride bikes, and they would be more encouraged to ride bikes, and they could use it like a hat check and not lock their bike but just leave it and know that it's safe. 200 parking spaces, they have 100 employees,
they have 100 parking spaces. Thank you.

ANDY KATZ: Thank you.

So I would refer this idea to the evaluator as part of the consideration by the EIR consultants.

Mary Lou Van Deventer.

MARY LOU VAN DEVENTER: Thank you for this opportunity. My name is Mary Lou Van Deventer. I have a business at 900 Murray, which is right across the Seventh and Ashby intersection. My business is Urban Ore. And Urban Ore -- and also I work as cochair of the West Berkeley Artisans and Industrial Companies, and we may share some of these concerns, but tonight I'm representing Urban Ore.

We have several concerns. One is traffic. One is health and safety. One is the economic impact on other businesses in the area. One is that this will certainly change the neighborhood character in ways that are definitely not envisioned by the plan. And we're very concerned about the scale of this commercial enterprise, in any case, since it's located on a side street and not the main street.

You heard a lot of numbers about the size of the project. Think about 90,000 square feet. That's one and a half times the size of the Urban Ore building, for people who know the Urban Ore building. It's huge. This is a mega store.

We're concerned about the traffic, in
particular, at the Seventh and Ashby intersection because, clearly, this is going to be a regional draw, it's not the neighborhood grocery that everybody wants, this is a regional draw. It's larger than the Pak'n Save on San Pablo, and it has less parking.

We're concerned, at Urban Ore, about the impact on the Seventh and Ashby intersection because they are projecting -- and maybe they're not projecting enough vehicles, but they are projecting 50,000 vehicle trips a week, and we don't see how that can have no significant impact.

My projection is that if Ashby were a river, they would be drowning the river. So we think that the traffic is a problem. We are one of the participants who funded the research that was done by Eugenia Thompson of Thompson Engineers. We will be submitting written comments, and we will ask Eugenia to contribute to our comments. She was out of the country -- she left the country on a vacation just after the EIR was issued, and she has just now returned, so we will be asking her to do written comments on the EIR.

She is a traffic engineer. She did go out, and she counted cars at hours of impact. And she has a vehicle where she can drive down the street, and the vehicle has a meter in it that will show how long it took to get from here to there. She's done a lot of original research. This should have been done in the first place. It's observational research, it's not
desktop studies or computations based on somebody's standards. She went out and looked at what is the condition now.

We're concerned about the increasing traffic from other projects that are already approved and on the books and underway, residential projects and other kinds of projects. And we want that projected traffic to be taken into consideration, as well.

I have several other concerns, but I guess I'm out of time.

ANDY KATZ: I'd like to ask what your other concerns are.

MARY LOU VAN DEVENTER: Thank you. We're concerned about health and safety. We're concerned about the pollution from vehicles. Because the kinds of pollution, air pollution that come out of vehicles, are the kinds of pollution that certainly affect children the worse, but they're going to affect us. We breathe that air. And 50,000 vehicles a week has got to -- that's air pollution. So we're concerned about health impacts, and we would like a little further evaluation of health impacts.

We're definitely concerned about economic impacts. We get concerns from our customers -- we get complaints. Because Ashby is absolutely the street to avoid on Saturday, but it's also the street to avoid between 4:00 and 7:00 p.m., and we're open until 7:00
So we get complaints from our customers who say, well, you know, I wanted to come, but I know what the traffic is like right then so I postponed it or I didn't come or I went somewhere else. So we're already being affected economically by the capacity situation on Ashby now. I don't see how 50,000 vehicle trips a week can have no impact or an unsubstantial impact.

Urban Ore is also concerned about the neighborhood character. We're concerned about changing this kind of property from a multi-use light industrial use to a very high-volume commercial use. It's on a side street, it's not actually very well located. But it's also so huge. And it's going to be changing the nature of the character.

Certainly, for us, it's a survival question because if the property in that corridor becomes a high-density commercial use, we're tenants, and we have to renegotiate our lease, but right now we're paying $18,000 a month rent and $50,000 a year in property taxes on top of that.

Now, if our multi-use light industrial property becomes commercial property and our -- you know, certainly the landlord reasonably is going to want to double the rent or triple the rent or something. And we are, I tell you, out of town. We are gone. Because there's no other suitable place for us in Berkeley. We found that out five years when we
went through extreme agony just to relocate where we are. We're thriving, it's a wonderful place, and you know, I wake up sometimes at night thinking about this. And I'm sure you can understand.

I'm concerned about the scale of the proposed project because 90,000 square feet is very large. Especially since they originally proposed 25,000 square feet. And they're saying that they can't make it financially on that smaller scale, and I don't want to second guess somebody else's financials but at the same time, Andronico's on University is 40,000 square feet. I don't understand the need to make it a mega store.

Also, I'm interested in the question of storage and whether this storage is indicated -- whether there's any storage included inside the store, the square footage they identify as store, or whether it's all allocated as one warehouse building.

Because normally, when you give a use permit to a grocery store, you assume that a certain amount of square footage is going to be used as storage. But if all the storage is off in one building and the grocery store proper is all sales, then it's going to be a higher density traffic in that store than you would expect from a normal grocery store.

And I guess just the final point, last night at the planning commission, one of the project representatives said that the demolition actually is...
Howard Shelanski.

HOWARD SHELANSKI: Good evening. I'll be very brief. My name is Howard Shelanski. I'm a Berkeley resident and a parent of a student of EB. Like many of the people who have spoken this evening, I share real concerns about the realistic nature or how realistic in nature the traffic assumptions are in the EIR.

And I just want to make a suggestion. There is a very elaborate business plan that must be behind a project of this scale. This is at a minimum, a 25 to $30 million project. There's a certain amount of traffic assumed in the business plan to make that money back and to make back the minimum 6 percent return on investment a grocery store has to have.

I think one form of reality check you might consider is to see whether the traffic flows in the EIR approximate the traffic flows that are necessary to make this an economically sensible project. I'm not convinced that the traffic flows in the EIR do line up with the traffic flows that would make this economically viable and that are assumed by the people who are behind the project. So it's just a suggestion to double-check the reality of those traffic flow figures.
Thank you.

ANDY KATZ: What do you think might be -- as a lay person, what would be your lay view or even your expert view of what the threshold would be for a viable project economically?

DAVID BLAKE: 6 percent he said.

HOWARD SHELANSKI: Well, I think for grocery stores, depending on whether you add depreciation in there, what depreciation rates you use, grocery stores are typically relatively low margin, they tend to be lower margin than lots of other types of businesses.

But even taking a low margin like 6 percent, you need a fair amount of traffic. I haven't looked at the business plan. I don't know what the financials of Berkeley Bowl look like, but there is a fairly high amount of traffic behind a project of this scale.

ANDY KATZ: Thank you.

That concludes the public comment portion for tonight. So the discussion is back to the board for initial comments to the EIR consultant.

I want to make sure that the comments that the board members had from earlier get provided to the court reporter --

DEBBIE SANDERSON: The applicant has a court reporter here quoting every single word, and what typically happens with an EIR is you look at all the
written comments that come in and letters and then you go through the transcript of the meeting and you pull out all of the comments from the transcript of the meeting. And those are responded to, as well.

DAVID BLAKE: One of the questions I didn't get to with my limited time was the question of how many employees Berkeley Bowl has for this site.

CHANDLER LEE: One hundred.

DAVID BLAKE: And how many of them are expected to be parking all day on the site?

CHANDLER LEE: Don't know.

ANDY KATZ: That concludes this item then.

CERTIFICATE OF REPORTER

I, LORI STOKES, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the
truth, the whole truth and nothing but the truth in the within-entitled cause;

    That said deposition was taken down in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

    I further certify that I am not of counsel or attorney for either of any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

Dated: __________________, 2005

____________________________
LORI STOKES, CSR #12732
The following comments were informally transcribed by CAJA staff from audio transcripts provided by City of Berkeley staff:

**AUDIO TRANSCRIPT #1**

**David Blake:** I don’t see an issue anywhere of the biggest mitigation that could be done at the Ashby and San Pablo signal which is the widening of the street that I mentioned before up by 10 feet due to the gas station being rebuilt. Is there an application for that? Has that been done?

**Debbie Sanderson:** To widen Ashby?

**David Blake:** To widen Ashby for 50 feet headed east

**Debbie Sanderson:** It’s not our road.

**David Blake:** No but there is a project that has a gas station that has been demolished, so this is our opportunity as part of whatever happens there to take over with in 10 feet of that land for 50 feet and really have a demonstrable effect and allow a through lane headed westward on Ashby that wasn’t interfered with by left turners or right turners. Big, Big, Big.

**Debbie Sanderson:** I’ll have to address that.

**David Blake:** I keep mentioning this to Chuck Deluth, for the last 3 years. I don’t know…

**Debbie Sanderson:** Well I don’t know not from Chuck but from Peter Eakland and Peter Hillier that it’s not, the right of way is not controlled by the City along Ashby but controlled by Cal Trans.

**David Blake:** Well of course but none the less we should be considering…

**Debbie Sanderson:** We can consider that and I am not…

**David Blake:** Can see the State objecting to it.

**Debbie Sanderson:** I have seen a lot of mitigation measures that have sat for decades because Cal Trans wouldn’t implement them. But it doesn’t mean that you can’t identify them but you can’t guarantee that they’ll take place.

**Andy Katz:** Certainly one of Cal Tran’s main objections is no money for it but if there is a project available that would help pay for it then it would be more likely that it would happen.
Debbie Sanderson: Certainly consider it…

AUDIO TRANSCRIPT #2

Christine Tiedemann: Now, comments from board members on the draft EIR for the West Berkeley Bowl Project.

David Blake: The thing before us, what’s being circulated, is the revisions to the draft EIR, is that-what it’s called? The latest Impact Analysis (Saturday Peak Hours)–the Revised Alternatives Analysis.

I guess I wanted to say something that I wasn’t clear about last time but want to make it clearer now is that the numbers we were using to figure out the impacts of this project are based on the ITE manual which is the traffic manual for regular businesses. This has disturbed me from the start because I know, from my own experience of going to grocery stores, that the existing Berkeley Bowl is hardly a regular grocery store. It is intense out there. If you think you see a scene in front of Hannah’s or the theater, you should see it out there at 7:59 on a weekday. It is pretty intense. But it is based on the ITE manual because the survey was done of the existing use of the present Berkeley Bowl site and it showed numbers not very different in terms of uses from the standard ITE manual and because the ITE manual takes into account more varieties of grocery stores, staff chose to direct the manager of the EIR to use the ITE numbers. That survey that was done of the existing Berkeley Bowl was a one day survey.

Now, originally when this project came before the city we weren’t going to do it an EIR. It was only because of complaints from certain citizens that an EIR was done at all. When we did an EIR the thing that wasn’t done and I am getting at is that we did not go and do a thorough enough survey of what’s going on at the existing Berkeley Bowl. I think this was not informing the council who need to make a decision at all fully. Further lacking in the report, nowhere do I see a discussion of the difference between the existing Berkeley Bowl and its likely use. It’s as if the consideration is that the existing Berkeley Bowl is being replaced by another Berkeley Bowl one mile West and is enough to assume that the same vehicle generation (by the way parking will inevitably be affected) is considered to be, likely be, the same use.

I think any way you look at it, the reference, very likely how they made the decision, (ref. DEIR page IV-D-28 about using ITE manual) anyway you look at it, very likely the council needs to look at the existing Berkeley Bowl. It is something of a regional use right now. People come from all over the bay area to use it. I believe that the reason the applicant is so anxious to put it where it is proposed to be now is that it will be near the freeway where large format grocery stores like these like to be and where it will be definitely of regional use.

My belief is the numbers being used to calculate trip generation and potentially parking for the site, are potentially at least if not underestimating, at least the scope and possibility of what they might be is not being included in this report. I hope the council will insist on a wider possible range for how to interpret...
the relationship between the existing Bowl and the new Bowl and rightfully get a real survey of the B and to understand the methodology on which the survey is done which is also not described in here.

**Andy Katz:** I am pleased to see that my comment about the appropriate standard for when there is LOS F intersection is the appropriate standard is the City of Berkeley standard change in vehicle capacity ratio at an increase of .01 as opposed to the county wide CMA standard of .05 for the same type intersection. LOS F. I saw the change reflected on Saturday traffic but does not show a weekday change in the recirculated Draft EIR specifically at San Pablo Avenue and Ashby Avenue. I saw that the Saturday correction was made and the appropriate designation of the City of Berkeley standard was acknowledged. However, I saw the original Oct. 2005 report on weekdays the LOS at San Pablo & Ashby is LOS F.

**Debbie Sanderson:** You’re talking about the same intersection?

**Andy Katz:** Same intersection and the VC ratio increase is .01 and that should qualify for the City of Berkeley as a standard of significant impact.

**Debbie Sanderson:** This was found on a Saturday?

**Andy Katz:** Yes, they found it on a Saturday and is reflected in the recirculated Draft EIR

**Debbie Sanderson:** They identified this as a significant potential impact was found and identified on Saturday at that intersection.

**Andy Katz:** Correct, but the recirculated EIR only includes Saturday as a significant impact but does not list a significant impact on weekdays. I think there is a significant impact on the weekdays because the evidence is there.

**Debbie Sanderson:** Typically if you have a significant impact at an intersection, the intersection is considered—not defined…

**Andy Katz:** So its the full intersection, not just Saturday or weekdays?

**Debbie Sanderson:** No, take the traffic and the worst case and mitigate down to an acceptable level then the other cases that aren’t so bad also get mitigated to a level that is acceptable. So you look for the worst case and make sure the worst case that could possible happen becomes less than significant, then anything that is not as bad…

**Andy Katz:** I think this case is significant and avoidable…

**Debbie Sanderson:** Then they are required to apply as much mitigation as is reasonable.
Andy Katz: I think when you show reasonable peak hours on Saturday I think both weekends and weekdays will give a better idea of what’s reasonable and is an issue for weekdays as well as weekends. I think your perception of what is reasonable…

Debbie Sanderson: We will pass along your comments

Andy Katz: We could get a better sense of what’s reasonable mitigation if we would reflect that is an issue on weekdays as well as on Saturdays.

Debbie Sanderson: We will pass along your comment on.

Jesse Anthony: I just wanted to talk about what you just spoke about. Also what makes a difference is what’s going on on the freeway with that whole San Pablo. Sometimes people are getting on at San Pablo and get off the freeway then get back on at Linger because of what’s going on on the freeway. Just one look will not tell the story for sure.

Debbie Sanderson: We will check to see but the way the models are set up they pick up overflow traffic into the other streets from other times. You will find overflow traffic goes back and forth depending on the amount of congestion there. We will check the modeling on that.

Rick Judd: I didn’t see any responses in the revised draft to technical questions we raised last time. I feel it is a big mistake in an EIR, as Andy points out when there is an impact that probably should be identified as significant but not identified as significant then argue that it will be mitigated by other mitigation measures is a problem.

Debbie Sanderson: I am not arguing it wouldn’t be looked at, as significant; I am just trying to explain that it as I said we will fully pass these comments on. Responses to comments are still being prepared on the first one. So I think you may find that this is not the response to comments.

Rick Judd: If I could just finish my sentence. I feel it is a big mistake when preparing an EIR is they become defensive about the work they have already done. Usually this is a situation in which an ounce of prevention is worth a pound, many many pounds, of cure.
APPEARANCES:

The Planning Commission:

Mike Sheen
James Samuels
Harry Pollack
David Stoloff
Helen Burke
Susan Wengraf
Larry Gurley
Jordon DeStaebler
Gene Poschman
Carli Paine
Mark Rhoades
March 8, 2006, 7:35 p.m.

PROCEEDINGS

HELEN BURKE: Let's move to Item 10, which is the public hearing on West Berkeley Bowl. I made an announcement at the beginning, and I'll make it again, and then we'll hear from staff. The report that initially went out was inadvertently sent out and there is since then a draft report, and the final one looks like this; it has a blue cover. And if you're here tonight to discuss it, there are differences between these two. They're very similar, but there are differences, one of them being that the traffic counts -- what this preliminary report was based on were taken in December, and the later report they were taken in January. So there is a difference between the two.

However, we've announced this as a public hearing and would be happy to take your comments tonight, and I have quite a few cards here -- or you can come back and we'll be -- after we have the public hearing, we will have -- we will set a public hearing date on the final draft circulated traffic impact analysis for April 5th. So you can either speak tonight or come back then. It's up to you.

GENE POSCHMAN: Helen, let me see if I'm clear
in terms of the memo that we have before the panel tonight. I think his third recommendation is to set a public hearing for April 5th to take public comment on the replacement copy of the recirculated --

HELEN BURKE: That's right.

GENE POSCHMAN: -- and the revised analysis.

So essentially, it's not on the final -- it's on the recirculated.

HELEN BURKE: It's on the recirculated; it's a final version of the recirculated that we will be --

GENE POSCHMAN: The final version of the recirculated, hopefully.

HELEN BURKE: A recirculation of the recirculated. So we'll have that on April 5th. But we have to make a motion later on if we do that.

Okay. So with that, let's go to staff. Mark, do you want to say anything about all this?

MARK RHOADES: No. You basically said what I had intended to say, and staff is working with the revised schedule to try to make sure that this proceeds as efficiently as the public process will allow, both through the Zoning Adjustments Board and the Planning Commission.

This change in the timing means that the Zoning Adjustments Board will be conducting its review during the time that the Planning Commission is also conducting its
review. And to remind the audience and the public, the Planning Commission's purview here is over the legislative aspects of the proposed project, that being the zoning amendment and the general plan amendment. The Zoning Adjustments Board's purview is over the quasi judicial or the use permit and physical development aspects of the proposed project. So we are moving forward with a revised schedule and probably will present that to you on April 5th.

HELEN BURKE: Mark, doesn't the third thing, the certification of the EIR, the third action the Planning Commission has to take?

MARK RHOADES: The Planning Commission won't actually certify the EIR. I believe they will -- because the Planning Commission did the recommendation to the city counsel on the EIR and the legislation. The body that will probably first certify or not, depending on whether or not they believe it's adequate, would be the Zoning Adjustments Board. But the Council will also have to certify the document, and that would be based on the Planning Commission's recommendation for the legislative piece.

HELEN BURKE: Okay. All right. Thank you. With that, why don't we take comments. If anybody out -- there's a few people that have come in. If you wish to
Gene Poschman: Do you want a motion?

Helen Burke: Okay. But I want to make the announcement that if anybody else wishes to speak on West Berkeley Bowl, now's the time to get your card in. Thank you. And I would entertain a motion to --

Gene Poschman: So moved.

Helen Burke: -- open the public hearing on West Berkeley Bowl.

All those in favor please say "aye."

Planning Commission: Aye.


We'll start off with Michael Larrick.

Michael Larrick: Hello, my name is Michael Larrick. I live at 1212 Harrison Street, which is a few blocks from the proposed West Berkeley Bowl. What I'm here to talk about -- I know that you -- this has been confined strictly to the zoning, but what I would like to say is, I don't think the zoning has as much impact if policy is not also implemented. There's a number of people who have been complaining -- seem to get a lot of ink in the Berkeley Daily Planner. I think they're friends of Becky who complained that we're going to lose manufacturing and we're not going to be securing housing
or places for artists. Well, the policies that have been
going on in Berkeley for years, have not been very
friendly to artists. An example right now -- Jesse, I
just mentioned to him -- AHA Housing is supposedly
building artist lofts about a block away from the proposed
West Berkeley Bowl. There's nothing that they can do to
ensure there's going to be one artist in that building,
not one. It's a bait and switch. They say it's for
artists; it's not for artists, and they can't ensure
they'll be one artist in it.

If you look at the Drage, again with AHA, who
Alley Kashani, you know, he's like the missionaries in
Hawaii; he came to do good and he did very well. Thank
you very much. So he was going to buy the Drage. These
people -- had we had some kind of a policy in Berkeley
that was not just for renting, but maybe condos, maybe
some home ownership, which seems to be -- Berkeley has
been vehemently against home ownership or for anybody to
own anything it seems in West Berkeley. These artists
have owned the Drage. Some people lived there for almost
20 years. They would have loved to buy a piece of that
and have it. They wouldn't have been thrown out.

Now, the -- so again, it's policy. And the
manufacturing, they're trying to throw Pacific Steel out
of West Berkeley. They're trying to throw Dotten Honda
out of Berkeley. So this talk about keeping manufacturing
and keeping artists, there's nothing. You can zone it any
way you want, but if there's no will -- political will to
do this, it's not going to happen.

And then as far as the traffic itself, I've
lived there since is 1992. One of the problems is just
there was poor planning from day one. Major intersections
for the City of Berkeley have no turn signals. I had to
teach my kids to hide behind poles at the corner of Ashby
and San Pablo for the fear because at the very end,
everybody wants to jump across there at the yellow light.
Somebody's also trying to make that red light, boom. Same
up on Ashby and Sacramento. I have a building up there
that I work on often. I hear screeching tires about two
or three times a day, and I'm always cringing for the
crash, and about once a week, there is a crash. So
without changing that, without doing something about turn
lanes, there's going to be a lot of problems.

As far as the Saturday, the big talk about
Saturday being the peak time, the highway is maxed out on
every single Saturday all day now going into the city. I
really can't see how you can add more pollution to West
Berkeley because of the way the wind blows. So you've got
cars idling out on the highway. I don't think that -- I
think it's inconsequential almost to add any more cars to
HELEN BURKE: I'm sorry, your time is up.
MICHAEL LARRICK: Thank you.
HELEN BURKE: The next speaker is Christine Staples, followed by Teresa Clarke, and Steve Donaldson.

Christine Staples is up.

CHRISTINE STAPLES: Good evening. I'm a 15-year resident of West Berkeley, and I did read the version of the EIR that was posted on the web, so I'm aware of the most recent version. I note that the new report describes the likelihood of increased traffic at Ashby and San Pablo as significant and unavoidable. So be it.

So the people in South and West Berkeley currently have no full service grocery store and need one, neither the existence of traffic nor the potential increase in traffic alters this fact, nor does it excuse the city of its obligations to provide our residents with access to healthy and affordable food. The population of the neighborhood is increasing at another escalating case. There's new high density residential units for senior citizens under construction at Dwight Wayne in San Pablo, a large project further up San Pablo, and ground is currently breaking on a project at San Pablo and Carlton. And these new residents will also need to purchase
groceries. Will they need to buy a car so that they can
drive to El Cerrito to shop and add further burden to our
traffic and parking? Will the senior citizens be forced
to purchase produce at the liquor stores, or will we allow
them easy access to a market within walking distance?

I note also that one of the proposed
alternatives to the project would be to make the facility
smaller. I assure you that this would not mitigate the
traffic impact. Anyone who has stood in line at the
current Berkeley Bowl on a morning when a number of the
checkers have called in sick illustrates this point. The
shoppers stand in line 20 deep; the wait to pay may be 40
minutes long. And meanwhile, their parking spaces are
occupied, and more and more shoppers are arriving looking
for parking spaces, clogging up traffic and parking
further and further away. Fewer checkers and less square
footage does not translate to fewer shoppers and less
traffic, quite the contrary. Just as many shoppers will
come, and it will take far longer to serve them quickly,
increasing the impact on the neighborhood. More checkers
translates to a quicker shop and a briefer time in the
parking space. And how can we expect a grocery store, any
grocery store, with the low profit margins associated with
a business to survive in the neighborhood without high
turnover. There was a Safeway at the location of the
current bowl, and it died a quiet and lonely death and
even is mourned by none.

In conclusion, please build a store for the
good of our neighborhood and build it at the size that is
proposed. Thank you very much.

HELEN BURKE: Thank you. The next speaker is
Teresa Clarke, followed by Steve Donaldson, and then Betsy
Morris.

TERESA CLARKE: Good evening. My name is
Teresa Clarke, and I live on Otis Street in Berkeley and
that's very, very close to the existing Berkeley Bowl.
I've lived there for over 20 years, and no one did a
traffic study for that Berkeley Bowl, and that's fine; we
deal with it. We love the Berkeley Bowl, even though it
is a pain sometimes with all the traffic. And I think our
experience there has been, you know, this is a good thing
for the neighborhood, even though we have traffic
problems. So I would say the Saturday traffic issue is
one we can deal with. I mean people will deal with it.
And as people have already said, Ashby and San Pablo is
already a mess. Ashby is already a mess. It's not going
to really make anymore of an impact really.

And I have a little skepticism with these
traffic studies in general, and they get very specific and
all this, and we're not going to be able to totally
predict the behavior of what's going to happen with the new Berkeley Bowl, but we'll all adjust, and we'll figure out a way to make it work.

One of the things I also wanted to point out is the commercial node at the intersection of 9th and Ashby. It's really not deep enough to create a viable commercial district, and I think having the Berkeley Bowl there really does improve that commercial node, having a deep commercial node. The way it was originally proposed having to literally stop, began at Potter; it's too small. And I think the Berkeley Bowl would really make a vibrant commercial node there. It will really help the rest of the zoning be positive.

So I think the zoning change is going to be positive partly because we all want this grocery store, and it's going to be a great addition to the neighborhood. And also, it's going to make the whole commercial node there much more vibrant, and that's going to be a benefit to the city.

And the -- I'm also here as a representative of Affordable Housing Associates. We're putting in 54 apartments just at the end of Ashby there. So we feel it's going to be an excellent benefit for our tenants, our low income tenants. And also what our experience with our property on University, it's a very well-traveled street,
as you all know, very high traffic volumes. That property we don't have any problem with people coming in and out. There's going to be much more traffic at University than there is on our -- on the Market Street garage exit. So we're fine with the potential traffic that's going to be coming across, you know, that area. And we're also doing some pedestrian improvements along our property. There's going to be new rows of trees, a widened sidewalk that we're adding at our own cost because we want to see this become a really vibrant pedestrian neighborhood, and we're really glad to see these vibrant improvements that are going in, et cetera.

HELEN BURKE: Time is up.
TERESA CLARKE: Thank you.
HELEN BURKE: Okay. Thank you. Thank you very much.

Stephen Donaldson, followed by Betsy Morris, followed by Claire Risley.

STEPHEN DONALDSON: Good evening. I'm Stephen Donaldson. I live in West Berkeley. I have a small business in West Berkeley, and my kids go to school at Rosa Parks in West Berkeley. I know this project has been proposed for over two years and has been quite controversial from certain sectors of the community. As the other two speakers brought up, I know there is an
impact regarding traffic, and it's considered unmitigable, but you have to look at the positive aspects of a proposed development in the context of a community as a whole. Most cities around here would beg to have the Berkeley Bowl be built within their city limits that would provide the quality of food and the service, and to, as mentioned by the last speaker, have a viable commercial node at this intersection into this area will bring a lot of really positive attributes to the community. Much of that area is a combination of lower income people and newer or (unintelligible) people moving in. As I talked to some of the people I know around there, a lot of the older folks do most of their shopping at liquor stores. There is no grocery store. There is no viable place for them to shop. And many of the individuals opposing this project that have spent money on their own traffic studies don't live in this neighborhood. Their interests are not in this neighborhood; they're on their personal point of view how they think Berkeley should be. The loss of industrial land in this area, this land would have been built on a long time ago if it was a viable industrial location.

There are changes in Berkeley going on. I'm not glad to see things leave, but this is a need; this is something that's desired by the community. I supported it; many of my neighbors support. We're working people;
we have kids; we have families; we need food. So I'm all
for this, and I think that we have to look seriously at
changing this zoning to support the community as a whole.
Thank you very much.

HELEN BURKE: Thank you. Betsy Morris,
followed by Claire Risley, followed by Edward Levitch.

BETSY MORRIS: Good evening. My name is Betsy
Morris. I live at 2220 Sacramento Street, which I call
sort of the nether regions of West Berkeley. I'm the
President of the West Berkeley Neighborhood Development
Corporation, a small nonprofit that was established in
1989 out of a series of community meetings with the church
leaders and economic development activists around the West
Berkeley area plan. And I can say that in -- at that
time, a supermarket, a full-service grocery store in
Southwest Berkeley was actually on the list, the wish
list, that the community had put forward.

So if we did not speak up in support of this
project, I know that Margaret Breland, who was one of our
founding members, would rise up and be knocking at my
doors. So the Board of Directors of the West Berkeley NDC
last summer actually asked me to come and issue our
support for this project, both for the services that it
provides and also because of the nature of the jobs that
are incorporated into it.
That said, I wanted to bring up to you all so much -- well, I wanted to bring up to you the example of the Bayer Development Agreement, the Miles-Cutter Development Agreement, which we were involved in. And think -- as you consider zoning -- potential zoning changes and general plan amendments, I wanted to put forward a series of strategies that I actually sent to you in November, so hopefully you got those in November. But that might as well be a hundred years ago if your in-box is like mine.

So I'll repeat what those strategies are, ways that I think we can make this project even better and more strategic, and hopefully a way to think about, well, if we have to tinker with the West Berkeley area plan, let's make sure the benefits are very clear. For example, an independent grocery store -- a grocery store is an economic invention of sorts for local food manufacturers. The Berkeley Bowl, I know, supports local growers and local food suppliers, but I think we can actually do a little more with that and ask the Berkeley Bowl to create a "Made in Berkeley" section.

Also, I think we can talk about actively using portions of that space, minimizing the non-light industrial uses of the space. For example, they are suggesting a 3,000 square foot community room, which is a
very nice gesture to the neighborhood. I'd like to
suggest a 3,000 square foot rental commercial kitchen,
which personally, I know of several nonprofit economic
development groups that are continually trying to find
space for small caterers and small food manufacturers,
specialty food manufacturers, who need these type of
kitchens, completely, appropriately and compatible with
what the Bowl is creating. They wouldn't necessarily !
to do it alone; there are partner groups that would be
willing to work with them.

I also wanted to speak to something that I do
know that the city practices, and that is we could go
further and that is having -- ensuring that the Bowl
actually has an active pedestrian --

HELEN BURKE: Time is up. Thank you.

BETSY MORRIS -- and bicycle delivery program
because we do have others in the neighborhood or people
with kids, sometimes it's hard for them to get to a store
without driving. If we took advantage of the fact that
West Berkeley is flat, it's an excellent bicycle area, I
think we can actually have a concrete plan to reduce
trips.

HELEN BURKE: Your time is up.

BETSY MORRIS: Thank you.

HELEN BURKE: Thank you.
Claire Risley, followed by Edward Levitch, followed by Rick Auerbach.

CLAIRE RISLEY: Hello, my name is Claire Risley, and I've lived in Berkeley for 36 years, and I live in West Berkeley. And I would really appreciate you not changing the zoning but giving the Berkeley Bowl a variance. I like the things that are the artists and the people who are in West Berkeley, and I don't think the zoning needs to be changed.

I also approve greatly of using Ted Express or a bicycle delivery system for elders and other people who cannot get out and use bicycles. Thank you.

HELEN BURKE: Thank you. Next is Edward Levitch, Rick Auerbach, and John Curl.

EDWARD LEVITCH: Good evening. I speak to you as a senior citizen. I'm 81-years-old, and luckily, I still can get around. And I'm appalled on this project. As an architect and a builder who has been restoring buildings, homes and improving people's lives since 1960, to see a project of this monumental proportions on this location, it's unconscionable to me. The forefathers and mothers of our community where I've lived for the last 56 years did not intend this to become a megalopolis. This is a small neighborhood kind of an area that needs to be preserved in the character in which it has been initially
intended. Yes, it's true, many people live here that
cannot get around as often as we would like them to, and I
won't be soon myself. Sure the delivery project, the
delivery idea is wonderful, but why can't we deliver from
the existing Berkeley Bowl. It's just only a
mile-and-a-half away. Why can't we do something that
makes sense for the community that's not a monumental
atrocity. No matter how beautiful and architecturally it
is, it will have 210 cars that will rotate every two hours
around that will inundate kids at the Berkeley -- at the
school, that will inundate a few neighbors that live
there. They are already struggling with the parking over
there with the situation of getting around on these narrow
streets of ours.

So I, as an architect and a resident of 1025
Hines Avenue, urge you to please consider seriously
denying this project unless it becomes half the size,
unless it doesn't have this atrocious monumental scale on
two levels. Who do you think is going to come here?
Automobiles. People are not going to walk into this
neighborhood to go to this market.

So I am very frustrated over this. I don't
know enough details, but I know that we've been lied to.
I know that the impact of all this has been noosed around
our necks because we tried and we forced the city and the
developers to do something about it and tried to ram it through without any action, and now, we're taking people telling us this is a beautiful thing for our community. I cannot believe that. It would be a disaster. Thank you very much.

HELEN BURKE: Thank you.

MARK RHOADES: Madam chair?

HELEN BURKE: Yes.

MARK RHODES: Madam chair, I just want to remind folks that the purpose of tonight's meeting is specifically to comment on the adequacy or not of the recirculated traffic impact analysis Saturday peak hour and the revised alternative analysis of the draft environmental impact report.

HELEN BURKE: Okay. Thank you.

Our next speaker is Rick Auerbach, followed by John Curl, and the last reserved is Mary Lou Van Deventer.

RICK AUERBACH: My name is Rick Auerbach, and I live a block from the project, I think closer than anybody else in this room. And I find this process actually really sad because you think in Berkeley we could accomplish all the goals we want, and we easily can. This neighborhood that I live in, I'm a part of the Potter Creek Neighborhood Association. The group I worked with (unintelligible), which is West Berkeley Artisans and
Industrial Companies Association. These are businesses that are worried about the traffic overwhelming them, their supplies, and their customers. Everybody in these groups I've mentioned, we all think the Bowl would be fine, but be fine at a size that would accomplish the goals of providing good affordable food to the community and not overwhelming the neighborhood with traffic. All the grocery stores in Berkeley are between 26 and 30,000 square feet, all the Safeways, the Andronico's, the Whole Foods. The present Berkeley Bowl is 42,000 square feet. This Berkeley Bowl is 55,000 square feet, plus the 15,000 square feet of warehouse dedicated to it makes it a 70,000 square foot grocery store. This is larger than any grocery store in the East Bay except for Costco. It is overkill. We can supply the West Berkeley community and meet the goal of the West Berkeley plan by supplying good food without overwhelming the neighborhood and having these businesses potentially lose business, which they're very worried about doing. Because no one is going to come to this intersection when it's overwhelmed. Ashby and San Pablo is going to be (unintelligible) in perpetuity.

I have the Durkee -- the 1985 Durkee project EIR on the traffic. Ashby and 7th was an "F" at that time. Right now Ashby and 7th southbound is an "F."
It's -- the traffic is really terrible. I mean, I've been studying the EIR. The numbers are really low balled.

Everyone who lives down there -- traffic is backed up on 7th Street past Grayson Street, going beyond a quarter of a mile all the time. So for them to say, it's a going to be a "C" or something is ridiculous. We all know that who live and work in the area. It's -- and they're making an analogy that if they're adding a 5,000 square foot grocery store, it's going to put Ashby and San Pablo over into the unmitigable range. And so, therefore, we might as well put a 70,000 square foot store. That's why I'm saying, if somebody is holding up a weight and you put five pounds more on them, and they'll crumble. And it doesn't matter if you put 500 pounds on top of them. This size store is going to completely make life very, very difficult for the businesses and the residents in the area.

And also, I'd like to know, which I haven't seen anywhere in any of the analysis, where do they plan to have the employees park? I haven't seen any mention of that. I really would like that to be addressed.

HELEN BURKE: What did you say, sir?

RICHARD AUERBACH: No employee parking. I have not seen that addressed whatsoever in the draft EIR or the further analysis.

HELEN BURKE: Thank you. Your times up.
RICHARD AUERBACH: Thank you.

HELEN BURKE: Next is John Curl and then Mary Lou Van Deventer.

JOHN CURL: Yeah, after spending a number of years of working on the West Berkeley plan in the 1980's, this whole process here makes me really very sad. It is just the opposite of the spirit that we had back then. We argued, we disagreed, but then we came together and we found solutions that worked for everybody. And I don't know where this new attitude is coming from, whether it's coming from City Hall, in part, or whether it's partially coming from the people who oppose this project. But it is a quite compromising proposal that really just says, this is what we want, take it or leave it, and the rest of the community down there be damned. And it's not just in the size and in the -- all of the details of this project which, in my opinion, is really going to be a tremendous disaster for the area. It's like dropping a bomb on the area.

And what you're being asked to do as the Planning Commission is to change the zoning for it. And, I think, that is also really wrong-headed that the way we got this zoning is the West Berkeley community came together in the spirit of unity in that we wanted to find something that worked for all of us and, you know, we
worked it out, just week-by-week and month-by-month and
block-by-block. And, you know, here the new attitude is,
well, some people are opposed to the project on an
opportunity site, and everybody else has to, you know,
just scamper away and make due and then deal with the
repercussions rather than trying to work together and find
some project that is of a scale and is of a type that
really does work for everybody. And we could have a great
grocery store, and we could have a great community in West
Berkeley.

And I really urge you to not go along with
this. There's something really wrong that's going on in
this whole process. And, you know, I just want to urge
you to put your foot down. You're the Planning Commission
and, you know, you're supposed to think of the larger
community and not just, you know, this very, very narrow
framework in which it's being presented to you. So, you
know, I really urge you to do your job as Planning
Commissioners and help us plan West Berkeley, public plan
West Berkeley that works for everybody and not just for a
few people. Thank you.

(Applause)

HELEN BURKE: Okay. And the last speaker is
Mary Lou Van Deventer.

MARY LOU VAN DEVENTER: Hi, my name is Mary
Lou Van Deventer or Van Deventer or however you get out all the syllables. I represent Urban Aura. I do not live in Berkeley. I have worked in Berkeley for 25 years, and I'm part of a company that has built itself from a little pile of -- one would want to call it junk at the side of the road at the dump, and now we have three acres in Berkeley, and we provide $2 million worth of goods and services to the citizens of Berkeley and surrounding neighborhoods. And we provide 34 living wage jobs with fully paid health benefits for all of our staff and their families. So we're an integral part of the City of Berkeley resource system. We're very interested in seeing the resource industries in Berkeley, especially in West Berkeley, grow. And the only way we can do that is with land, and the only way we can stand Berkeley is if we don't get swamped by traffic added to the intersections where our customers are already complaining. Sometimes they don't come because they know it's going to be on a day or at an hour when the traffic is already deadlocked.

So my concerns now are I would like to refer you again to the letter from Jeannie Thompson of Thompson Traffic Engineers that was submitted November 21st, 2005. Not all her concerns have been answered. Current concerns for reading the new traffic impact study on Saturdays is -- my concerns are, what about neighborhood parking
spillover because there are going to be way more cars than can park in the lot and where are they going to spill over to? And I wondered, now that we know for sure from the official impact studies as well as our own that there's going to be an economic impact on businesses like mine, I wonder if you would be so kind as to do an economic impact analysis on the business community in the neighborhood because whatever you gain from one business coming in, you may lose from the businesses that are already there that are being overwhelmed.

I'm wondering why traffic impact south of Ashby, at 7th and Ashby, were not considered in the study because that's also part of the traffic impact. And I'd like to point out that as one of the proponents or one of the enthusiasts for the project mentioned, the zoning -- or including this project in the area will expand the commercial area; it will increase -- that will increase both the traffic and the business impact also, and I think the phrase was to Berkeley Bowl, "includes the commercial node." That was not intended to be a commercial node. That was the point of the zoning; it was not a commercial node.

So improving the commercial node is not what's envisioned in the West Berkeley plan. And we're fine with the traffic; it's coming from someone who doesn't have
enough parking on their own site.

HELEN BURKE: You're time is up so...

MARY LOU VAN DEVENTER: Thank you very much.

HELEN BURKE: Thank you very much.

Okay. That concludes our speakers for this evening. I wanted to -- before we set the public hearing, I wanted to -- I think Mark Rhoades made a good point about the fact that -- okay. I'd entertain a motion to post a public hearing and a second.

All those in favor please say "aye."

THE PLANNING COMMISSION: Aye.


CARLI PAINE. Are you going to talk about the next public hearing?

HELEN BURKE: We're just about to get into that. I think -- so the final document -- oh, it has passed.

CARLI PAINE: This will take just a brief second to change the --

HELEN BURKE: Well, while the tape is being changed -- I'll just. So anyway, this is the correct version of the recirculated traffic impact analysis, Saturday peak hour and revised alternative analysis of the draft environmental impact report. And we had a few
comments on this, but I think if you come again and want
to talk on the final, I think that's our accessible topic.
We will be having a public hearing on the
final environmental impact report later on, probably, I
guess, Mark, is it now June that you're thinking about or
in May?
MARK RHOADES: We are currently anticipating,
and again, we'll come back with a revised schedule. But
given the narrow nature of this recirculation, we've
pretty much completed responses to comments. We
anticipate having the hearing on this other version that's
being recirculated on April 5th and intend to bring the
entire thing potentially back to you at the very next
meeting.
HELEN BURKE: What about the hearing for the
final --
MARK RHOADES: That's what that will be.
HELEN BURKE: At the next meeting?
MARK RHOADES: It may be the first meeting of
May or it may be the second meeting of April, but we're --
HELEN BURKE: Okay. All Right. Well, with
that I would entertain a motion to set a public hearing on
the final version of the blue version of the recirculated
traffic impact analysis document for April 5th.
All those in favor please say "aye."
THE PLANNING COMMISSION: Aye.

HELEN BURKE: Any opposed, no? Any abstentions? So that was unanimous, Carli.

CARLI PAINE: Thank you.

HELEN BURKE: So we'll have another hearing on April 5th on this topic.

(WHEREUPON, THE HEARING WAS CONCLUDED AT 8:12 p.m.)

---oOo---
CERTIFICATE OF REPORTER

I, MONICA D. POPPER, hereby certify that said proceedings were taken in shorthand by me, a Certified Shorthand Reporter of the State of California, and was thereafter transcribed into typewriting, and that the foregoing transcript constitutes a full, true and correct report of said proceedings that took place;

That I am a disinterested person to the said action.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of March, 2006.

________________________________________
MONICA D. POPPER, CSR No. 12816
APPEARANCES

Kerrie Nicholson
Mark Rhoades
Allan Gatzke
Curli Paine
Mike Sheen
Harry Pollack
Susan Wengrat
Helen Burke
David Stoloff
Larry Gurley
Gordon Destaebler
Gene Poschman
MS. BURKE: Okay. We now move into the West Berkeley Bowl public hearing. We'll also be setting a date for the hearing on the final EIR. And I would entertain a motion to open the hearing on the West Berkeley Bowl. And we are -- tonight would you direct your comments to the replacement copy of the recirculated traffic impact analysis and revised alternative analysis?

MR. STOLOFF: Moved.

MR. SHEEN: Seconded.

MS. BURKE: Moved by Stoloff. Seconded by Sheen.

All those in favor? Any opposed? Any abstention?

Okay. Let's see, Mark or Dan -- Allan, would you like to give us an idea of what is going on?

MR. GATZKE: If I can get this untangled. Thanks, Madam Chair. I would like to point out a couple of things regarding the staff report for tonight. One is the recirculated traffic analysis. This is for the Saturday peak hour analysis and the subsequent revised alternative analysis. And that's what the public comment and public hearing should be oriented towards. Don't expect to, in this document, answer your questions on other elements of the draft EIR. Those responses to that will be brought to you next time at the final public hearing set for May 10th.

But two items additionally, I just want to identify an error in the stack report of substance. Hopefully you
weren't confused. In the background report there was, in
the first paragraph, it says the re-zoning is for one acres
changed from CW to MULI, and it's the other way around, 1.9
acres from MULI to CW. The rest of the text is correct.

It's an error that I just wanted to make abundantly clear.
The next item I would like to remind you is that the
comment period for this recirculation item will close on
April 24th. So comments need to be in to the City by
5:00 p.m. on April 24th for that.

With those two things, I -- one more item is that
we passed out to you tonight at the request of one of the
Commissioners a set of anticipated meetings for the
subsequent City review. These are draft expectations for
meetings for a review in which the Planning Commission will
repeat its work on May 10th, and if that takes place it
will be accomplished and we will hold a preview in May and
a hearing on May 11th.

And subsequent to that would be a Council meeting
on May 23rd, and then a Council hearing on the general use
permit EIR in June and a second meeting probably in June or
July, July 18th. So we are anticipating that run. This
moves the review sequence to ZAB before it goes to City
Council. This way the Council can hear local legislative
changes as well as the applicant for-use permit all at the
same time. So that is the only information that we have
for you tonight.

I would like to introduce you, again, to Kerrie Nicholson, who is representing the consultant in the preparation of the EIR for the City and to prepare the recirculation document.

MS. BURKE: Thank you, Allan. Gene?

MR. POSCHMAN: Two quick things, as I read the recommendations, it is always confusing. The Planning Commission will hold the public hearing and discuss the correct version. Am I supposed to come in as a planning commissioner and discuss the correct version? I think what you mean there is hold the public hearing and have the public comment on it. I hope we are not, after they're through, starting to discuss the correct version and so on and so forth. I think we are just here to hear comments.

Second, as I look on your "Draft, Major Steps, May 10th Planning Commission Hearing," while I have had a draft EIR in front of me, I never had any general plan zoning commitments staff explanation of that. And I am wondering when I am going to get that, because that is a very important step in your sequence. It looks like we get those things and then we approve them and throw them up to the Council. I am a little worried about the material on that. Maybe it's sitting on the web somewhere. When do we expect to get the materials?
MR. RHOADES: The Planning Commission has been provided a number of times over the last year and a half the legislative language necessary for the general planning and zoning changes. It's been in the staff report a number of times. The elected strike-out underline versions are all there. We'll bring them back to you that night along with the final EIR.

MR. POSCHMAN: In the packet?

MR. RHOADES: They've been there a long time. We recommended no changes to those. Usually the Commission voted on that direction a while back or directed staff to consider or not consider but to follow that direction.

MR. POSCHMAN: Thank you.

MS. BURKE: Any other comments? If not, we'll open the public hearing. And I took these more or less in the order that I received them. Diane Keena first, Michael Larrick, David Sniffer, and Steven Donaldson. Those are the first four speakers.

KEENA: Hi. I am Diana Keena, and I live in Berkeley, but I am here representing the City of Emeryville where I work as a planner. You have copies of a letter before you from Emeryville City Manager John Flores about Berkeley Bowl and bicycles. I'll briefly summarize it.

The recirculated draft EIR does refer to bicycles. The Berkeley Bowl site is where an important link needs to
be made in Alameda county-wide bicycle route 25 to connect the Ninth Street bike boulevard with the Emeryville greenway.

The City of Emeryville requests that a condition of approval be added to the project requiring Berkeley Bowl to design and build the connection from Ninth Street, northeast of the site, to the border, including signs, pavement markings and a path on the railway right of way. This will accommodate cyclists going to the store, reducing the traffic impacts of the store and make a critical connection to the county-wide bikeway.

The City of Emeryville presents the opportunity to comment on the recirculated EIR and looks forward to working with the City and the Applicant to develop a pleasant, safe, usable link in the county-wide bikeway.

MS. BURKE: Thank you. David?

MR. STOLOFF: Is the bike-way issue coming up during the design review with the ZAB, or do you have any influence on that? Gene, do you know?

MR. POSCHMAN: I am not sure. My feeling when I got this, I thought I don't think that will come up in the ZAB.

MR. POLLACK: The question I had in reading the letter -- thanks for raising it -- is are there, you know, either legal or technical -- what are the legal-technical
conditions involved in this suggestion? Do they have the right to do that on the railway right of way?

MR. RHOADES: It's a longer story than that, but I will try to distill it down. Right now the City doesn't own the railroad right of way. It is intended and planned to be the extension of the Ninth Street bike path. And the City, I believe, is in negotiations or is pursuing acquisition of that land to ultimately become a permanent connection for the bike-way.

MR. POLLACK: The railroad does?

MR. RHOADES: The railroad still owns it. The applicants for this project have proposed, offered to the City that until such time as the City acquires that land to make it a permanent part of the bike-way, that they will allow that the bike-way can traverse through their property so that there is a continuous path on a temporary basis until that permit land acquisition is completed.

MS. BURKE: Michael Larrick.

MR. LARRICK: My name is Michael Larrick. I live at 1212 Carrison Street in south-west Berkeley, probably within a quarter of a mile of the proposed West Berkeley Bowl. It is sometimes difficult to talk just about the environmental impact report, since in my neighborhood, at any rate -- and I was the neighborhood watch captain for over five years there -- most people in my neighborhood
cannot believe there is any opposition to the West Berkeley Bowl. They are dying to get it in there. So it is a wonder about an environmental impact report.

Everyone is well aware that there is going to be more traffic. They are willing to deal with that. It seems that Zelda Bronstein doesn't live anywhere near the project. One thing she does bemoan is the loss of artist housing. And at the last meeting I did bring it with -- AHA Housing is now putting in housing, probably within a stone's throw of the Berkeley Bowl. They sold it as artists' housing. Artists' lofts is what they called it. Now there is no artists going to be in there. In fact, 25 percent will be Section 8 housing. If there is one thing our neighborhood does not need it is any more Section 8. We are carrying the burden and the load of Berkeley in Section 8. Look on the map and you will see where Section 8 is located. We don't need any more, and I think we should distribute it throughout the City.

Now if, indeed, Ashby Avenue is going to be impacted -- and it is already about at capacity -- we shouldn't allow any more buildings. All the senior homes that are coming on, they are all going to funnel onto Ashby Avenue. So just stop everything. It's over. We can't do anymore. But seemingly we can put -- scam artists are allowed into Berkeley. And the other thing are the
non-profits. They are taken off the tax rolls, and we put
people in who are going to use more of the services and
therefore a burden on the taxes. Yet we don't want to put
in the Berkeley Bowl, which is going to generate jobs and
taxes. It's another one of those "only in Berkeley."
People around the country go, "You got to be kidding me.
This is what they do?" That is what they do, exactly, or
try to do. Hopefully we are getting it changed, but under
the housing -- or the policy against home ownership in
Berkeley, we now have 57 percent renters. So they will
vote a certain way. They seem to get bribed all the time.

Now, if we were allowed to have condos and
tenancies in common, perhaps there would be more artists in
West Berkeley now instead of always having to be renters.
But it must be romantic to have only poor artists in
Berkeley, but I don't know. But it seems absurd to me the
way things have been going on. I have been living here
since '92. We've constantly been the dumping ground for
everything to placate some guilt from others in the City.

Thank you.

MS. BURKE: Thank you. David Sniffer, followed by
Steven Donaldson.

MR. SNIFFER: Good evening, members of the
Commission. I have nothing to say about the EIR draft
report or recirculated report or the original report. I
think all of that nonsense speaks for itself. We have
wanted the Berkeley Bowl project to go through. The
previous speaker is absolutely correct. I know of no one
with one single exception. Of all the people that I know,
all the people I've met with over the years -- and it has
been, literally, decades of begging for a supermarket down
there -- Berkeley Bowl project is a ray of sunshine for
everybody that lives in southwest Berkeley. We want it and
we want it as soon as possible.

The problem most of us have with the project is
that there will be lots of traffic. Regardless of what the
EIR consultants report -- with all due respect, I don't
mean to disrespect the consultants. I know it's a
difficult job to do -- there will be more traffic --
everybody knows that, regardless of what they say -- on
Ashby, on San Pablo, on Seventh. That is a problem for the
city traffic engineers to deal with. What we want in our
neighborhood is not to be overwhelmed by the rush of
traffic going to Berkeley Bowl.

So far it seems to have been directed in from
Ashby, and it's good, but there is a substantial
residential neighborhood and a private school immediately
adjacent to the Bowl. And we want some protection for
Eighth Street, Ninth Street, and Tenth Street north of
Berkeley Bowl. We have met several times among ourselves
and come up with good solutions for redirecting traffic that will allow patrons to visit Berkeley Bowl without flooding through our neighborhoods and also for the various commercial developments in that neighborhood to continue to receive the service of delivery trucks and so on. It works very well.

The people at the French school are in favor of it. All of the neighbors who have looked at it are in favor of it. We would like to present it to whoever has the authority to recommend those changes to the Commission or anyone else. That's about all I have to say. It's a project that is wanted, and we just want control over the traffic flowing through our residential neighborhood.

Thank you.

MS. BURKE: Thank you. Steven Donaldson followed by Renee Deljohn, followed by Gary Robinson.

UNIDENTIFIED SPEAKER: Steven had to leave. He has a sick child.

MS. BURKE: Okay. Next is Renee Deljohn, followed by Gary Robinson, followed by John Curl. Is Renee Deljohn here?

MS. DELJOHN: Hi. I'm Renee Deljohn. I live at 1229 Oregon Street, which is half a block from San Pablo Park. So I live on the other side of San Pablo from where the West Berkeley Bowl is proposed for. I am here not so
much to speak in support of the revised EIR draft report, because it seems fine to me and I agree with everybody who says in the Berkeley Daily Planet and in the casual conversations, so there is going to be more traffic. So be it. The traffic is bad already. It is never going to be perfect. I think the City can accommodate it because the truth is that the neighborhood is so desperate for that market.

And a couple of months ago I wrote a letter in support of the market and went neighbor to neighbor around where I live, and I collected 50 signatures within an hour and a half. And I would have collected hundreds more if I had time and if people had been home. I know of only two individuals in the entire neighborhood surrounding San Pablo Park who are opposed to the West Berkeley Bowl. And their friends -- I like them, but they are kind of opposed to development in general. And so the neighborhood is completely behind this project.

And just in terms of traffic, I also wanted to say that every time somebody talks about the traffic on Ashby and San Pablo, I think they are forgetting that Ninth Street will be open, and that is going to have a tremendous impact on how the traffic moves through the neighborhood. I am not a traffic engineer. I have no specialization, but it just seems logical, and also I don't think that people
are going to start driving into southwest Berkeley from all around the East Bay to go to the West Berkeley Bowl. 

Frankly, I don't think there is going to be that much more traffic. I think the people that are going through there already are going to say, "Great, I can stop and get some milk or I can get some fresh produce." It is not going to be this onslaught of additional traffic. So thank you.

MS. BURKE: Thank you. So next is Gary Robinson followed by John Curl.

MR. ROBINSON: I am here representing Meyer Sound, which is adjacent to the Bowl project. From the beginning, first I want to congratulate all of the groups that have worked on the project so far, because it is getting closer and, like everybody says here, nobody opposes this project. It is just a matter of scale. Reviewing WBBA, West Berkeley Business Association, Potter Creek, I have had five, ten people come to me in the last few weeks asking, "What would work for you, what kind of traffic barriers, what kind of traffic implications?"

From the beginning the bike path seems to be off the map. Ninth Street will not be open. Potter will be open. The supplemental staff report on the new EIR has an alternative deed. If you look at the finalizations for that it recommends that a 15,000 to 16,000 square foot
store would mitigate the traffic at Ashby and San Pablo.

So once again, I think one of the things that may have to happen here is look at the person's plans that the neighbors have come up with, some barriers, right turn only. There is a lot of rumor and a lot of speculation, a light on Ninth and San Pablo, left turn only, and what is going to happen? Everybody is freaked out because they don't really know. Where is the bike path going to go? Where is the French school parking going to be? What is going to happen?

I think part of the opposition is the uncertainty of the plan. Maybe a public hearing on the exact traffic plan, the lane changes, barrier installation, where the bike path is going to go, would clear a lot of information off before the May 10th meeting.

I think everybody's work is starting to pay off, but there is still a lot of disparity of what is actually going to happen. Yes, people will freewayshop the Berkeley Bowl, and any business that has deliveries in that neighborhood will be shut down. So I think we need to come up with an adequate way to mitigate the traffic.

MS. BURKE: Okay. Thank you. The next is John Curl.

MR. CURL: Hi. I think several speakers have identified what really the problem is, is that this -- the
Planning Commission is really not being asked to look at the impacts, the real impacts of the traffic and the real situation if they do build a 92- or 93,000 square-foot supermarket there. And you are just being asked to look at the -- the zoning regulations to change the zoning from MULI to CW. And then this, presumably, is going to be passed onto the zoning adjustments board where perhaps they will really start looking at this in terms of mitigations.

So what we are talking about is wild speculation. You have neighbors here who really would like a supermarket, really would like something, and they are being hopeful. Well, maybe we can do this without it being a disaster. Then there are other people who are looking at worst-case scenarios and say, "Gee, these people really just don't know what they are getting into. It's wishful thinking, and it is really going to be a terrible disaster on a much greater scale than they think." A few years from now they are going to come back and say, "Why in the world are we going along with this? We didn't know what we were getting into."

So to get back to the EIR, this finalized version, when I look at it I keep coming back to this phrase of what they call a full-service supermarket. I actually Googled that today. What are they talking about, a full-service supermarket? They say -- this EIR says that they could not
1 put a supermarket on a scale of any other supermarket of
2 Berkeley. In other words the average -- the existing
3 Berkeley Bowl is the biggest supermarket in Berkeley, which
4 is 42,000 square feet. Other supermarkets range from less
5 than 30,000 to about 35,000.
6 So they are saying that they could not -- this
7 document, they are saying that they could not put a
8 supermarket on the scale of any other supermarket in
9 Berkeley because that would not be a, quote, full-service
10 supermarket. Well, from what I am able to gather,
11 nationally, over the last ten years, the average
12 supermarket has gone from 35,000 square feet to 45,000.
13 You have these huge, big, what they call full-service
14 supermarkets across the country, these big boxes, these
15 Walmart, et cetera, big boxes.
16 And, you know, I am sorry to say, in my opinion
17 that is what we are going to get. We are being presented
18 with something very pretty and very nice. And everybody
19 loves the Berkeley Bowl. But I think in the end, when all
20 is said and done, this is the entry into Berkeley of this
21 whole brave new world of the big box, the 93,000
22 square-foot supermarket.
23 MS. BURKE: Time.
24 MR. CURL: Thank you. And I really want you to
25 think carefully about what we are getting into.
MS. BURKE: Thank you. Next is Dr. Nancy Jewel Cross followed by Mary Lou Van Deventure.

MS. CROSS: My name is Nancy Jewel Cross. I am here representing Clean Air Transport Systems. This is the first time I've appeared before the Berkeley Planning Commission. I have appeared before many other city councils and commissions in the Bay Area. I am a transportation systems developer. I can -- we are behind the Altamount Express. We are responsible for the connection between BART and CalTran in San Francisco. We have originated a bus route in San Mateo County. I won't spend my time talking about what we have done, but I want to say that I am here as a professional in the field of transportation systems.

What I see on this project is that people want the supermarket. I am for the supermarket. They don't want the traffic. I am against the traffic. But the point is that you haven't talked transportation. There is a hole there. The University of California Institute of Transportation Engineering is supported by the car companies. When they see a project they say, "Oh, here is an article in Traffic Quarterly, the Profitability of Maximizing Congestion." They don't think about solving how to get people where they want to go efficiently and have clean air. They think about how could we manage things so
that we will have continued projects in making bigger super connections to the exchanges and putting in just jobs for us. So they welcome the congestion. They tell you about it, but they don't talk transportation. Clean Air Transportation Systems looks into how do we get the people where they want to go efficiently and have clean air.

Now Emeryville, they said, "Oh, Emeryville it's a rich city." Why is it rich? Because it is thought-through transportation. It has a Trader Joe's that is just flooded with people constantly. I don't know if you go over there, but it is the nearest thing to Whole Foods and Berkeley Bowl and Berkeley -- how do they do it? They have a free shuttle that connects with BART and goes to other places. It is an extensive shuttle. It isn't just a little piece of a shuttle.

Berkeley needs to think about access to this place by other means than bicycles and cars. And that means maybe Berkeley needs to have its own free shuttle. AC Transit is pretty lugubrious, and it is hard to manage. And the Berkeley Daily Planet doesn't keep up with what is going on, and the people in Berkeley don't know, and the people that are running the show there don't want to you know. They don't want public input, meaning they just want more money from us. They want to design everything.

But we can design things. Emeryville did it. It
has extensive routing in that little community for its free shuttle bus. I rode on it Monday evening when I shopped at Trader Joe's. Now I would like to see this matter re-referred to people that talk to transportation and not simply how do we accommodate traffic, because we can have the store and we can have people get there and clean air.

MS. BURKE: Thank you very much. Next Mary Lou Van Deventure, followed by Claire Risley.

MS. VAN DEVENTURE: Hello. My name is Mary Lou Van Deventure. I work at Urban Ore. I am representing Urban Ore, which is only a block and a half from the proposed, what we call, megastore. And I do want to say -- I used to work in Sacramento for the California Governor in the Office of Appropriate Technology. And I was a writer-researcher there. And I remember when I first went to Sacramento I had some coaching by various people, and one person told me one thing that you will hear in Sacramento, is that when somebody wants to really hammer somebody they'll say, "Give them what they want good and hard." And with this you can hear the desperation in the neighborhood. People really want a store. They want a neighborhood supermarket. They want a market, they want a market, and this is going to give it to them good and hard, because it is 50,000 -- it's saying that, well, the street is already crowded. So what's a little more traffic?
Well, it is 50,000 vehicle trips a week. That is more than a little more. And as John said -- as John Curl said, nobody is objecting -- nobody is opposing this market -- or I think it wasn't John. It is from -- nobody is opposing the market per se. It's a question of scale. We would be very much in favor of this market if it were scaled down, I would say, to its original proposal.

But in this case traffic is a problem. Parking is a problem. The AHA Housing going in, when they -- I remember the day that got approved and the obviously inadequate parking for that whole housing facility was approved because it is on a transportation corridor. And everybody knows that the poor people and the low-income people who are going to live there, they don't have the cars. Well, sure they do. They just don't start so well. But they have the cars. And they are going to have to park somewhere. Now this store also has parking.

So I would like to say that I would be in favor of the store if it were scaled down and were not a mega-store. And also I did want to let you know it's -- this re-zoning proposal means that we would be losing industrial land. We would be losing industrially-zoned land. I went to a city council workshop in the City of Oakland. It was a whole-day workshop where they are considering re-zoning industrial land because They have the same pressure that
Berkeley does for competition for the land for housing and commerce. And Monday I went to a meeting in San Francisco on a citizen's advisory board, meeting with the citizen's advisory board that was installed by the City -- the supervisors over there.

They are talking about their -- what they are calling re-balancing of the industrial lands because they also have the same competition for industrial land.

If you have -- I think that we sent around an article from the Los Angeles Times about this. It is a problem all over the nation. It is a problem in Los Angeles, in New York. It is everywhere. And we are losing our industrial land. So you have to think about all these people who live somewhere. Where are they going to work?

Thank you.

MS. BURKE: Thank you. Next is Claire Risley and then Rick Auerbach.

MS. RISLEY: I would urge you to look at Alternative C and D. I am so opposed to the CW zoning. I do not want a whole bunch of office buildings slashed and burned in Berkeley. Thank you.

MS. BURKE: Mr. Auerbach.

MR. AUERBACH: I am going to do something novel. I am going to speak to the recirculated EIR. I hope it doesn't take you too much by surprise. Get ahold of your
breath. The December counts that the consultant took, they were high. So they didn't like them. So they said, "We better do another one. Let's do them in January." What we would say is that the December counts, everyone knows they are high. Everyone in retail also knows the January counts are the lowest of the year.

The December counts were two to six times what the January counts were. They need to be averaged to give us a reasonable look at what the traffic will be throughout the year. You can't get rid of the highest and then say, "Let's take the lowest." So let's be reasonable on that count. They took Saturday traffic counts between one and four on the intersections. But they identified the peak hours at the store where transactions are made as between five and six. They need to take traffic counts between four and seven, when people are coming and leaving the store. Those need to jive. For some reason they don't jive in the report.

The EIR identifies Alternatives C and D. It says both -- it says D, which is 72,000 square feet, total project, meets all of the 13 objectives of the City of the developer of the neighborhood. We need to look at this seriously. It also says C meets every objective. It is the same size store as the existing Berkeley Bowl. It says it meets all the objectives everybody is looking for except
it does not meet the objective of providing a -- the West Berkeley plan's goal of having a retail-serving grocery store for the neighborhood. So that is nonsensical. What that is saying is that there is no Berkeley grocery store, including the existing Berkeley Bowl, that meets the definition of the neighborhood-serving grocery. That's exactly what it says. So basically Alternative C, which is 44,000 and D, which is 72,000, meet every objective, and this is what is the EIR states. There is also some nonsensical things in there. It says the traffic now at the intersections, when you add traffic at the Bowl at three of the intersections there, Seventh and High, Seventh and Potter, it's only going to be one second greater delay with these 56,000 trips at that intersection. So in the minutiae of the details there is a lot of things that don't make sense.

Beyond that I would like to ask if you could look at changing a new zoning classification. This is very important to us in the neighborhood. None of this would be happening if it wasn't the Berkeley Bowl. If Safeway or Lucky came in we wouldn't be getting rid of industrial land. If you are going to make a new zoning, CWG for Grocery, so if it goes out of business you don't -- it has to be a grocery store. You don't end up with a Best Buy, you don't end up with some other large box. This is half
the size of a Walmart superstore. We have to protect the neighborhood from some crazy commercial thing coming in.

MS. BURKE: You are out of time, Rick.

MR. AUERBACH: Thank you very much.

MS. BURKE: Okay. That is our last speaker for the public hearing. I would entertain a motion to close the public hearing.

MS. WENGRAF: Moved.

MS. BURKE: Do I hear a second?

MR. STOLOFF: Second.

MR. POSCHMAN: Second.


Is there any discussion by the Planning Commissioners? No discussion or comment. Start at the beginning. Harry?

MR. POLLACK: There was reference from a couple of the speakers as to some suggestions, you know, that a bunch of folks put together for houses that are threatened from certain streets, et cetera. Do we have that?

UNIDENTIFIED SPEAKER: That is not done yet. It hasn't been finalized.

MR. POLLACK: Okay. Thank you.

MR. RHOADES: We do have some information that was
provided earlier on in the process from the folks in the neighborhood, but the specific circulation pattern is one that will be addressed by the ZAB.

MR. POLLACK: That's my next question, so it is not -- as we look at the this from the EIR level, which is our job, we are not going to need to worry about the details, do we?

MR. RHOADES: You are looking at the legislative material, and as a policy issue you are looking at the more generalized aspects this. It is ZAB's responsibility for adopting the EIR if they choose to do that more functionally for how the project works on the ground.

MR. POLLACK: One thing, if I understand how this works, is that if we were to recommend conditions or mitigations in the EIR and those carry through to the Council, then those are written in stone. And so we want to find appropriate mitigations. And my little experience I have with traffic things is that despite the expertise of the experts and what we think of the work, that if we plan and we are too rigid in the mitigation, it doesn't leave flexibility for experience that we as a neighborhood have once the project is open, to adjust things if it turns out that is inappropriate. So there is a balance between the extent of those mitigations.

MR. RHOADES: We need to make a distinction between
issues that rise to the level of potential environmental
significance as it pertains to CEQA and things that might
be conditions of approval that might help the circulation
pattern of the project. We don't add mitigations for
something that doesn't rise to the level of potential
significance from an environmental perspective. We leave
that to the zoning and adjustments board to address to
approve circulation or things of that nature. So unless we
are identifying a new potentially-significant impact, we
wouldn't be adding mitigations to the EIR documents.

MR. POLLACK: Thanks.

MS. BURKE: Jordan?

MR. DESTAEBLER: Let me ask the EIR consultant,
based on Mr. Auerbach's premise that the original study
that was deemed not correct, the December studies on
traffic, and then they were done in January, which he made
a point that that is the lowest retail time within a year
and resolved a lower traffic flow, substantially lower, and
he conjectured that maybe it would make sense to average
out a high and a low, do you have a response to that?

MS. NICHOLSON: The response to that will be
provided in the final EIR.

MR. RHOADES: Specific and detailed response will
be provided then, if it is correct. Yes.

MS. BURKE: Okay. Is there any further comments?
Okay. If not, I would entertain a motion that we have reset a final -- a public hearing on the final environmental impact report for our meeting on May 10th.

MR. POLLACK: So moved.

MS. BURKE: Is there a second?

MS. WENGRAF: Second.

MS. BURKE: Moved by Pollack. Seconded by Wengraf.

All in favor please say aye. Any opposed? Any abstentions? We will have a hearing on the final EIR.

MR. RHOADES: Madam Chair, I want to make it clear that is on the final EIR and the proposed legislation to go on from the Council.

MS. BURKE: The whole project. So at that meeting we will have the final EIR, which will contain responses to all the comments we've heard tonight and previous hearings. And we will have three resolutions, recommendations to the Council, to adopt the final EIR, to change the general plan amendment and the rezoning.

MR. RHOADES: That is correct.

MR. POLLACK: The public hearing will be on all of those.

MS. BURKE: All that. The public hearing will be on all of that.

UNIDENTIFIED SPEAKER: Is there a schedule from ZAB?
MR. RHOADES: Yes. The zoning board will take that up on May 11th. But I also believe there may be a meeting before that.

MS. BURKE: May 4th, a preview.

MR. RHOADES: May 4th, a special meeting of the adjustments board.

MS. BURKE: Are copies of this on the back table? So if any of you are interested in getting schedules they are on the back table. It looks like this. There is copies on the back table. Okay.

--o0o--
I, Joanna Broadwell, Certified Shorthand Reporter No. 10959 in and for the State of California, hereby certify that the foregoing is a full, true and correct transcript of the proceedings to the best of my ability.

Date:_________________        _________________________
Joanna Broadwell CSR # 10959
COMMENTS ON WEST BERKELEY BOWL
By Fran Haselsteiner
Transportation Commissioner

Bicycles
Table IV.C-2, T-10, Trip Reduction: EIR states only the set-aside of a bicycle path among the possibilities offered. Delivery services are another practical option. Note also IV.D-69: Vehicle traffic may be higher than 4,000-vehicle threshold for a bike boulevard.

Parking
Table IV.C-2, T-14, Private Employers, and Table IV.C-3, Transportation, Goal 4: Current Berkeley Bowl site has 100 employees, but proposed development offers a total of 211 parking spaces. Economic Development Goal 5 of Table IV.C.3 notes that the project would provide at least 100 jobs. The proposed site is larger and may in fact require more staff than at the current location.

Parking
This EIR concluded that the proposed project would not result in any significant impacts related to parking capacity. Under Alternative C, it is assumed that development of the site would occur in conformance with the applicable municipal code requirements for the site, including parking requirements. Thus, this alternative would result in less-than-significant parking impacts, similar to the proposed project.”

Please note, however, at page IV.D-23:

Parking deficits may be associated with secondary environmental impacts, such as air quality and noise effects, caused by congestion resulting from drivers circling as they look for a parking space. However, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit services, shuttles, taxis, bicycles, or travel by foot), may induce drivers to shift to other modes of travel, or change their overall travel habits.

Please provide support regarding mode shift at current site.

Total Vehicles
Fehr & Peers used 2003 numbers in its analysis. I could not locate a total estimate in the Draft EIR or in the 10/28/04 Technical Memorandum re West Berkeley Bowl Access Study. I have heard their estimate to be approximately 38,500 cars a week, with an outside consultant suggesting approximately 50,000 cars a week. I believe much of this is considered “passby” traffic. How many cars/customers do the owners estimate they must have to support their substantial investment?

IV-D-26: “Project vehicle trips … were estimated using vehicle trip generation rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual (7th edition) for office, warehouse, and grocery store.”

Fifty-nine percent of current Bowl customers are from outside Berkeley, which argues against the notion that the proposed market is a typical grocery store.
Table IV.C-3, Transportation, Goal 1: Discussion appears non-responsive, citing only proximity to transit and bicycle and pedestrian access but not addressing the majority of customers who are more likely to access the site by car. Please see Exhibit J, Summary of Customer Zip Code Survey, which indicates that the West Berkeley residents constitute only 4.3 percent, and South Berkeley residents only 11.3 percent, of the present Bowl’s customer base.

Core Neighborhood

Table IV.C-3, Land Use, Goal 3: Protect residential core neighborhood from adverse impacts of economic growth—especially traffic and parking congestion and noise.

How does the developer know that the core neighborhood will not experience substantial traffic impacts when they did not study it despite numerous requests to do so?

The project is close to and abuts residential areas and likely would have traffic impacts on the very neighborhoods it purports to serve on both sides of San Pablo Avenue because non-customers will be more likely to use alternative routes as traffic circulation further degrades.

Vehicle Access

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 use street parking in the area to the north of Heinz Avenue. …

How will customers driving eastbound Ashby cross the [heavily traveled] westbound lane at 9th? (Is there a turn signal? But if there is, one could expect significant backups on Ashby.)

How will the “majority” of Berkeley Bowl traffic be directed to use Ashby?

Study Period

IV-D-27: Studied weekday 4 to 6 p.m. only. Store will be open until 8 p.m. Why did consultants not study 5 to 8 p.m., when many people are returning from work? Saturday, when the current store’s business is at a peak?

Alternatives

VI. ALTERNATIVES TO THE PROPOSED PROJECT
The objectives of the proposed project are as follows: ...

- To relieve in-store congestion and parking problems at the existing 2020 Oregon Street store by serving customers from West Berkeley, Oakland and other areas.

- To prevent adverse impacts on the mixed-use neighborhood to the north, and on commercial uses to the east and west, by placing the primary access point at the south so that deliveries and most other vehicular traffic will enter and exit the site via Ashby Avenue.

Alternative B.1 generally includes development of the site with a 150,000-sf office building. The office alternative would generate a level of potentially significant traffic impacts similar to the proposed grocery marketplace (and a greater level in the AM peak hour), although these impacts could be reduced to less than significant levels with mitigation. It should be noted that no such development of the project site is currently being contemplated by the City or the project applicant.

Alternative B.2 includes a 50,000-sf, single story light industrial/manufacturing building with all surface parking. The light industrial alternative would generate significantly less traffic than the proposed grocery marketplace but would still create potentially significant traffic impacts. The potentially significant impacts created by the light industrial alternative also could be reduced to less-than-significant levels with mitigation. Although this development scenario would generate less traffic than the office use in Alternative B.1, it is less likely to be built given current land prices and market demand in West Berkeley. The City has not received an application for an industrial/manufacturing use of this size in several years. Additionally, all manufacturing projects built recently in West Berkeley have been boutique spaces that were developed for small independent users or contractor spaces of a smaller size.

What has not been considered in the above is that while office employees may commute by car, their traffic impact is less because it is generally limited to commute periods during weekdays, with no turnover. Study period was limited to the P.M. weekday commute period and did not include Saturdays, a peak period at the current store. This comment also applies to the manufacturing alternative.

**Impacts**

**LOS/Roadway Segments**

This EIR concluded that with the addition of project traffic, side-street traffic operations of the eastbound approach at the unsignalized San Pablo Avenue/Heinz Avenue intersection would degrade from LOS D to LOS F, and the intersection traffic would satisfy the peak-hour signal warrant. Further, with the addition of project traffic to the 9th Street corridor between the project site and Ashby Avenue, the 95th percentile vehicle queues would extend from Ashby Avenue approximately 200 feet, potentially blocking the unsignalized 9th Street/Potter Street intersection. These are considered potentially...
significant impacts of the proposed project.

The analysis of the alternative conducted by Fehr & Peers (refer to Appendix VI) concluded that traffic generated by Alternative B.1 would also result in similar potentially significant impacts and that the mitigation measures prescribed in this EIR for the project for these impacts would reduce the impacts to a less-than-significant level, similar to the project. However, Alternative B.1 would generate AM peak hour traffic trips, and could result in potentially significant impacts along the San Pablo Avenue, I-80, and Ashby Avenue corridors, unlike the proposed project. The analysis conducted by Fehr & Peers (refer to Appendix VI) concluded that traffic generated by Alternative B.2 would also result in potentially significant impacts at one of the same study intersections as the proposed project, and that the mitigation measures prescribed in this EIR for these impacts would reduce the impacts to a less-than-significant level, similar to the project. However, because Alternative B.2 would result in fewer traffic trips compared to the proposed project, this alternative would not result in significant traffic impacts at the intersection of San Pablo Avenue/Heinz Avenue, unlike the proposed project.

This assertion does not adequately argue for the project, especially considering the limited study area and period (PM commute period on weekdays). The project will operate until 8 p.m. seven days a week in an area with already poor circulation. The project is not like normal supermarkets, in that Saturday is a peak period for the present store. If a City of Berkeley standard exists for measuring significant impacts of increased traffic volume, such as an increase in volume/capacity ratio at intersections with LOS F, it should be applied to this project in lieu of the less stringent Alameda County standard.

**Site Access**

This EIR concluded that due to the unrestricted access in and out of the project site and the potential for cut-through traffic in the proposed parking lot, project impacts related to site access would be potentially significant. Under Alternative B, depending on where/how the site access and parking areas would be located and designed, it is possible that similar site access issues could occur. If such issues would occur, the resulting impact would be potentially significant. However, it is reasonable to assume that either this alternative could be designed to avoid these issues or that the mitigation measure prescribed in this EIR for the proposed project could apply to this alternative (depending on site design), reducing the potentially significant impact to a less-than-significant level, similar to the proposed project.

The Draft EIR acknowledges that traffic on Ashby and San Pablo will degrade. There are practical realities to consider with these volumes. Ashby’s congestion is already frustrating to drivers. At least some non-Berkeley Bowl traffic is likely to divert to other streets, such as 6th/7th and Dwight Way, the latter of which is residential, 36 feet wide, and already at capacity during commute periods and weekends, as evidenced by substantial queuing. Mitigations were not proposed to deal with such diverted traffic.
This EIR concluded that with the addition of cumulative traffic, side-street traffic operations at the San Pablo Avenue/Heinz Avenue intersection would operate at LOS F, and the intersection traffic would satisfy the peak-hour signal warrant. Also, the proposed project would worsen LOS F conditions in the PM peak hour at the San Pablo Avenue/Ashby Avenue intersection and would increase the average V/C ratio by more than 0.01. Additionally, the proposed project would degrade the operation of the signalized 7th Street/Ashby Avenue intersection from LOS D to LOS E in the PM peak hour and would increase the delay at this intersection by four seconds. Further, with the addition of project traffic to the 9th Street corridor between the project site and Ashby Avenue, the 95th percentile vehicle queues would extend from Ashby Avenue approximately 200 feet, potentially blocking the unsignalized 9th Street/Potter Street intersection. These are considered potentially significant cumulative impacts. The analysis of the alternative conducted by Fehr & Peers (refer to Appendix VI) concluded that although traffic generated by Alternative C would be less than traffic generated by the proposed project, Alternative C would also contribute to potentially significant cumulative impacts and that the mitigation measures prescribed in this EIR for the project for these impacts would reduce the impacts to a less-than significant level, similar to the project.

- To prevent adverse impacts on the mixed-use neighborhood to the north, and to the east and west, by placing the primary access point at the south so that other vehicular traffic will enter and exit the site via Ashby Avenue.

Given the consultant’s use of 2003 numbers, one can only conclude that realistic assumptions were not utilized in the analysis.

**General Impact Categories**

- The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

This is a potential, important issue if additional substantial traffic is added to the area’s designated emergency routes, such as Ashby and Dwight Way. Emergency vehicles may already be using alternative routes because of existing queuing.
November 17, 2005

Allan Gatzeke, Principal Planner  
City of Berkeley  
Land Use Planning Division  
2118 Milvia Street Third Floor  
Berkeley, CA 94704

Re: Draft Environmental Impact Report, West Berkeley Bowl Project, Berkeley

Dear Mr. Gatzeke:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the West Berkeley Bowl Project located in the City of Berkeley (City). EBMUD has the following comments.

WATER SERVICE

EBMUD’s Central Pressure Zone, with a service elevation range between 0 and 100 feet, will serve the proposed development. EBMUD owns and operates distribution pipelines in Heinz Avenue and 9th Street, which provide continuous service to customers in the area. Off-site pipeline improvements, at the project sponsor’s expense, may be required to serve the proposed development depending on domestic water demands and fire flow requirements set by the local fire department. Off-site pipeline improvements include but are not limited to replacement of existing pipelines to the project site. When the development plans are finalized, the project sponsor should contact EBMUD’s New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of off-site pipeline improvements and services requires substantial lead-time, which should be provided for in the project sponsor’s development schedule.

The Draft EIR indicates that there is no evidence of significant soil or groundwater contamination related to past site uses and that concentrations of hydrocarbons and lead in soil and groundwater are below regulatory risk-based screening levels based on Phase 1 and Phase 2 site investigations. Applicants for EBMUD services requiring excavation in potentially contaminated areas must submit copies of all known, existing information regarding soil and groundwater quality within or adjacent to the project boundary. Copies of the Phase 1 and Phase 2 site investigations should be submitted to EBMUD’s New Business Office when requesting water service to the proposed development.
WASTEWATER SERVICE

On page V-18 of the Draft EIR, it mentions the City provides sanitary sewer service to the proposed project site. It should also be mentioned that EBMUD provides the treatment of the wastewater. EBMUD's Main Wastewater Treatment Plant is anticipated to have adequate dry weather capacity to treat the proposed wastewater flow from this project, provided the wastewater flow meets the standards of EBMUD's Environmental Services Division. However, the City's Infiltration/Inflow (I/I) Correction Program sets a maximum allowable peak wastewater flow from each subbasin within the City, and EBMUD agreed to design and construct wet weather conveyance and treatment facilities to accommodate these flows. EBMUD prohibits discharge of wastewater flows above the allocated peak flow for a subbasin because conveyance and treatment capacity for wet weather flows may be adversely impacted by flows above this agreed limit. The project sponsor needs to confirm with the City's Public Works Department that there is available capacity within the subbasin flow allocation and that it has not been allocated to other developments. The projected peak wet weather wastewater flows from this project need to be determined to assess the available capacity within the subbasin and confirmation included in the EIR. Suggested language to include in the EIR is as follows: "The City of Berkeley Public Works Department has confirmed that there is available wastewater capacity within Subbasin (insert subbasin number here) that is reserved for this project."

In general, the project should address the replacement or rehabilitation of the existing sanitary sewer collection system to prevent an increase in I/I. Please include a provision to control or reduce the amount of I/I in the environmental documentation for this project. The main concern is the increase in total wet weather flows, which could have an adverse impact if the flows are greater than the maximum allowable flows from this subbasin.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning, at (510) 287-1365.

Sincerely,

[Signature]
William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:SCB:sb
sb05_311.doc

cc: Berkeley Bowl Produce, Inc.
    2020 Oregon Street
    Berkeley, CA 94703
November 21, 2005

Planning Commission
C/O Allan Gatzke
Principal Planner
Land Use Planning Division
2118 Milvia Street Third Floor
Berkeley, CA 94704

SUBJECT: Comments on the Draft Environmental Impact Report (DEIR) for the West Berkeley Bowl Project

Dear Mr. Gatzke:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the West Berkeley Bowl Project in the City of Berkeley. The proposed project generally includes demolition of the existing 8,575 square foot structure, and development of a 90,970 square foot full-service grocery marketplace (i.e., the Berkeley Bowl) in two buildings, including a general grocery store, ancillary office, storage, adjacent prepared food service area, a community room, and above & below ground parking. Parking would be provided in both a 99-space underground parking garage and a 102-space surface parking lot.

The ACCMA respectfully submits the following comments. Where possible page numbers in the DEIR are referenced.

- Pages IV, C-7 and IV D-41: Potential impacts of the project on the Metropolitan Transportation System (MTS) were partially addressed in the DEIR, including I-80, San Pablo Avenue and Ashby Avenue. Impacts were not addressed for I-580, SR 24, Dwight Way, University Avenue, 6th Street, and 7th Street. Potential impacts of the project on these roadways must be addressed for 2010 and 2025 conditions and mitigation developed to minimize those impacts.

- Page IV D-42, ACCMA Roadway Significance Measurement: From the first sentence, delete the following: Based on LOS standards for the Development Plan EIR established by the AGCMA the standard of significance for determining project impacts is as follows. The ACCMA does not have a policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP. Professional judgment should be applied to determine the significance of project impacts (Please see chapter 6 of 2003 CMP for more information).

- Page IV D-42, ACCMA Roadway Significance Measurement: In statements 1 and 2 in this section, significance criteria is defined for roadways projected to operate at LOS E or better and for those that are projected to operate at LOS F. The criteria includes that the project...
must add at least five percent to the future peak hour traffic volume. What is this percentage based on and why is it different from the standards proposed for the City? As noted in the DEIR, the City requires that mitigation be developed at intersections if the project adds at least one percent to impacted intersections.

- Page IV.D-42, ACCMA Roadway Significance Measurement: The DEIR states that "The LOS standard on I-80 in the project vicinity is LOS F." The LOS standard for all roadways on the MTS network is LOS E. This portion of I-80 was grandfathered in at LOS F in 1991 making it exempt from the preparation of a Deficiency Plan as part of the bi-annual Level of Service Monitoring efforts conducted by the ACCMA. Grandfathered segments are not exempt from analysis and mitigation for the purposes of satisfying the requirements of the Land Use Analysis Program. The analysis and mitigation for I-80 should be redone to reflect this.

- Page IV.D-43 and D-44: San Pablo Avenue and Ashby Avenue are projected to operate at LOS F with and without the project in 2010 and 2025. The project will impact these roadways between two and four percent of increased traffic. When roadways on the CMP network are found to be LOS F during the bi-annual LOS Monitoring process, the City will be responsible for developing deficiency plans to correct deficiencies if they are not found to be statutorily exempt. Since CMP roadways are projected to operate at LOS F and the project will contribute to the LOS F conditions, the City should consider collecting a fair share portion from the project sponsor for correcting future deficiencies on CMP roadways in the project vicinity and holding it in escrow until it is needed. The San Pablo Avenue/I-80 Corridor Plan, initiated by the CMA at the request of the cities of Berkeley, Oakland and Emeryville, developed an implementation plan for the corridor to manage present and future congestion in the San Pablo Corridor. It consists of projects and programs that collectively benefit the corridor. In April 1997, the CMA Board recognized the corridor study as a basis for a future deficiency plan. The Berkeley Bowl project is within the limits of the Corridor Plan; therefore, the recommended projects and programs in the Corridor Plan should be considered in the development of mitigation for the San Pablo Corridor where the project notes LOS F conditions.

Thank you for the opportunity to comment on this Notice of Preparation. Please do not hesitate to contact me at 510/836-2560 ext. 24 if you require additional information.

Sincerely,

Saravanan Suthanthira
Associate Transportation Planner

cc: file: CMP - Environmental Review Opinions - Responses - 2005
November 28, 2005

Mr. Allan Gatzke
City of Berkeley
Planning and Development
2120 Milvia Street
Berkeley, CA 94704

Dear Mr. Gatzke:

BERKELEY BOWL - DRAFT ENVIRONMENTAL IMPACT REPORT

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Berkeley Bowl project. The comments presented below are based on the Draft Environmental Impact Report (DEIR). As lead agency, the City of Berkeley is responsible for all project mitigation, including any needed improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. The project's specific traffic mitigation fee should be identified in both the Traffic Impact Study and the DEIR. Any recommended roadway improvements should be completed prior to issuance of the project's building permit. Since an encroachment permit is required for work in the State Right of Way (ROW) and the Department requires resolution of our concerns prior to issuing a permit, we strongly recommend that the lead agency ensure resolution of the Department's CEQA concerns prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

Traffic Signal Operations
1. Installation of the proposed traffic signal at the Heinz Avenue/State Route (SR) 123 (San Pablo Avenue) intersection requires concurrence by the Department. Please forward traffic signal warrants and synchro files showing operations with proposed signal phasing to the following address for review:

   Patricia Maurice, Associate Transportation Planner
   Community Planning Office, Mail Station 10D
   111 Grand Avenue
   Oakland, CA 94612

“Caltrans improves mobility across California”
2. West- and eastbound left-turn phasing of the proposed Heinz Avenue/SR.123 (San Pablo Avenue) intersection traffic signal should be protected rather than permitted.

**Encroachment Permit**

Work that encroaches onto the State Right of Way (ROW) requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans, clearly indicating State ROW, must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link below for more information.

http://www.dot.ca.gov/hq/traffops/developserv/permits/

Sean Nozzari, District Office Chief
Office of Permits
California DOT, District 4
P.O. Box 23660
Oakland, CA 94623-0660

Please feel free to call or email Patricia Maurice of my staff at (510) 622-1644 or patricia.maurice@dot.ca.gov with any questions regarding this letter.

Sincerely,

Timothy C. Sable
TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: Mr. Scott Morgan, State Clearinghouse

"Caltrans improves mobility across California"
November 30, 2005

Mr. Allan Gatzke  
City of Berkeley  
2118 Milvia Street  
Berkeley, California 94704

Dear Mr. Gatzke:

Thank you for the opportunity to comment on the draft Environmental Impact Report (EIR) (SCH#2005072017) for the West Berkeley Bowl Project. As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8.

On July 29, 2005, DTSC commented on the Notice of Preparation for the draft EIR. Though the comment letter was attached to the appendices of the EIR, the issues identified by DTSC were not addressed in the draft EIR.

On page III-45, last paragraph, the draft EIR discusses preparing a soil management plan if contaminated soils are identified during project construction. In order to prevent the exposure of the construction worker and surrounding community to hazardous substances, adequate soil sampling should be conducted prior to any construction activity. After sampling is done, if soil contamination is identified, a soil management plan should be prepared before construction work begins.

DTSC recommends that adequate sampling be conducted to characterize the site prior to development to ensure that no contamination exists which could affect the future use of the property. If remediation is needed, the remediation activities would then need to be addressed in the California Environmental Quality Act (CEQA) compliance document.

For example, if the remediation activities include the need for soil excavation, the CEQA document should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should be there an accident at the Site.
Mr. Allan Gatzke  
November 30, 2005  
Page 2

Please contact Ms. Barnali Barua at (510) 540-3757 if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,

Karen M. Toth, P.E., Unit Chief  
Northern California - Coastal Cleanup  
Operations Branch

cc:   Governors Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street  
P.O. Box 3044  
Sacramento, California 95812-3044

Guenther W. Moskat  
CEQA Tracking Center  
Department of Toxic Substances Control  
1001 "I" Street, 22nd Floor  
P.O. Box 806  
Sacramento, California 95812-0806
November 29, 2005

Land Use Planning

Allan Gatzke
City of Berkeley
2118 Milvia Street
Berkeley, CA 94704

Subject: West Berkeley Bowl
SCH#: 2005072017

Dear Allan Gatzke:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 28, 2005, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project’s ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

“A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation.”

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency
The project site is located in West Berkeley at the southwest corner of the intersection of Heinz Avenue and 9th Street. The proposed project generally includes demolition square foot (sf) structure, site preparation, and development of a 90,970 including a general grocery store, ancillary office, storage, adjacent prepared food service area, a community room, and above- and below-ground parking. Parking would be provided in both a 99-space underground parking garage and a 102-space surface parking lot.
December 8, 2005

Alian Gatzke
City of Berkeley
2118 Milvia Street
Berkeley, CA 94704

Subject: West Berkeley Bowl
SCH#: 2005072017

Dear Alian Gatzke:

The enclosed comment(s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on November 28, 2005. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2005072017) when contacting this office.

Sincerely,

[Signature]

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency
November 30, 2005

Mr. Allan Gatzke  
City of Berkeley  
2118 Milvia Street  
Berkeley, California 94704

Dear Mr. Gatzke:

Thank you for the opportunity to comment on the draft Environmental Impact Report (EIR)(SCH#2005072017) for the West Berkeley Bowl Project. As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8.

On July 29, 2005, DTSC commented on the Notice of Preparation for the draft EIR. Though the comment letter was attached to the appendices of the EIR, the issues identified by DTSC were not addressed in the draft EIR.

On page III-45, last paragraph, the draft EIR discusses preparing a soil management plan if contaminated soils are identified during project construction. In order to prevent the exposure of the construction worker and surrounding community to hazardous substances, adequate soil sampling should be conducted prior to any construction activity. After sampling is done, if soil contamination is identified, a soil management plan should be prepared before construction work begins.

DTSC recommends that adequate sampling be conducted to characterize the site prior to development to ensure that no contamination exists which could affect the future use of the property. If remediation is needed, the remediation activities would then need to be addressed in the California Environmental Quality Act (CEQA) compliance document.

For example, if the remediation activities include the need for soil excavation, the CEQA document should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should there be an accident at the Site.
Please contact Ms. Barnali Barua at (510) 540-3757 if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,

Karen M. Toth, P.E., Unit Chief
Northern California - Coastal Cleanup
Operations Branch

cc: Governors Office of Planning and Research
State Clearinghouse
1400 Tenth Street
P.O. Box 3044
Sacramento, California 95812-3044

Guenther W. Moskat
CEQA Tracking Center
Department of Toxic Substances Control
1001 "I" Street, 22nd Floor
P.O. Box 806
Sacramento, California 95812-0806
Dear Allan Gatzke,

I’m a resident of the West Berkeley area and very excited for the West Berkeley Bowl! The closest grocery store for my family is Trader Joe’s in Emeryville.

I’m looking forward to walking to getting food instead of driving...so our my neighbors...especially my elderly ones! It’s a great addition to the neighborhood to get healthy fresh food!

Please keep me updated when it will be built!

Thanks for reading my thoughts!

Jenny Bellisle

10/18/2005
October 24, 2005

Planning Commission
2120 Milvia Street,
Berkeley, CA 94704

Re: Review of the Draft Environment Impact Report (EIR) for the proposed General Plan Amendment and Rezoning to allow for the West Berkeley Bowl Project at 920 Heinz Avenue.

Dear Mr. Gatzke,

I am appreciative of the efforts exerted by your office and the Planning Commission to allow Berkeley Bowl to build a 9,1060sq. Ft., full service grocery market place at 920 Heinz Ave.

Isn’t it funny how the new generation tramples upon the thought-out and considered decisions of the old one, what is wrong with preserving the character of West Berkeley as our forefathers envisioned it? To change the zoning just because someone wants to build a market place is unconscionable, simply because it is obvious that it is favoritism at its worst. Why not subdivide the land and build some 2-bedroom, ½ bath, bungalows with a corner grocery store where Scharffen Berger is now. Now that Scharffen Berger has been sold to Hershey Corp., watch for Hershey applying for an East Bay Distribution facility of 2 or 3 story buildings in its place.

Yes, I am opposed to this project because it will totally change the mixed-use residential character of this area.

Traffic alone is not the issue it is much, much more than that. Simply put, its immoral to consider destroying the character of a neighborhood in order to benefit a corporate entity that is bursting at the seams on Shattuck Avenue. Advise them to go to San Leandro and develop a regional center in a city that would welcome them and build a corner grocery store in Berkeley where the locals can walk to buy a quart of milk.

Respectfully yours,

Edward J. Levitch, AIA

cc: Allan Gatzke, AICP, ASLA
Principal planner

1029 Heinz Ave., Berkeley, CA 94701
Tel: 510.845.6941  Fax: 510.845.6950
www.levitch.com  ejl@levitch.com
November 1, 2005

Berkeley Planning Commission
c/o Allan Gatzke
Land Use Division
2118 Milvia Street, 3rd Floor
Berkeley, CA 94704

Re: Proposed Second Berkeley Bowl Store

Dear Mr. Gatzke,

I am writing in support of the 91,000-square-foot store at the corner of Ninth Street and Heinz Avenue in Berkeley. I work within a block of the proposed location and would very much welcome a grocery store and café in our neighborhood. This industrial area of West Berkeley has many different businesses (furniture, auto-repair facilities, restaurants, schools) and residential homes, but is lacking a grocery store.

A traffic plan that supports pedestrian walkways, bike routes, in addition to properly channeled automobile traffic, can make this an attractive economic and life-style addition to our neighborhood.

Thank you.

Sincerely,

Magali Salomon
Please add to comments received.

-----Original Message-----
From: Rhoades, Mark
Sent: Thursday, November 10, 2005 5:16 PM
To: 'Sandy Simon'
Cc: Gatzke, Allan E.; Powell, Greg
Subject: RE: Viewpoint on the west Berkeley Bowl Project

Sandy,

Thank you for your comments, I am forwarding them to our Project Manager.

Mark Rhoades, AICP
Planning Manager

-----Original Message-----
From: Sandy Simon [mailto:sandy@traxgallery.com]
Sent: Wednesday, November 02, 2005 10:59 AM
To: Rhoades, Mark
Cc: Sandy Simon
Subject: Viewpoint on the west Berkeley Bowl Project

Dear Mark,

At last week's planning commission meeting, we were directed to put comments in writing.
I have done so below, but I do not have an email for the city planning dept. other than you.
I hope you can see that this gets to the right place. Thank you ahead for forwarding it.

I am currently working with the school, Ecole Bilingue, (on their task force) investigating traffic flow and parking with the addition of the proposed new Berkeley Bowl at 9th and Heinz. Many people believe the school is against the project. Truthfully it is not.
The task force is looking at the larger picture, which it "feels like" the developer fails to see: the impact of traffic in an already congested area. Dutifully noting the lack of concentration of drivers "looking for parking" when there is a school and children crossing at the nearby intersections. Also noting the congestion which already exists at Ashby and 7th.

I am recommending the developer give serious thought to alternative parking for employees, providing a "bike check" cage whereby a user can simply leave their bike safely attended w/c locking it, and very importantly, changing the area where the trucks unload (which right now will undoubtedly block one of the two entry's to the Bowl). Other considerations are working the roadways to provide easy and unobtrusive access in and out of the Bowl NOT using 9th St. from the north where the school is located.

As a resident of west Berkeley, I am passionately FOR this project but I 'd like them to get smart with the reality we will all face if they don't pay attention NOW to the fact that parking at the
Berkeley Bowl is like the insanity of in and out of a Giant's game it will create a madness that we can avoid by adjusting the placement of the building.

Be smart, make it work with planning for positive traffic flow and REALLY encouraging bicycling. How about talking to the RR and getting the spur leased? Rails to trails is an active organization doing just that. There are many ideas to explore.

Thank you: Berkeley's brain power can work this out to betterment of all concerned.

Sincerely,

Sandy Simon
1812 5th St.
Berkeley, CA
owner, TRAX ceramic gallery
San Pablo Park Neighbors
- c/o 1229 Oregon Street, Berkeley, CA 94702
- sanpablopark@felix.monkeynoodle.org

3 November 2005

Principal Planner Allan Gatzky
City of Berkeley
Planning and Development
2180 Milvia Street, First Floor
Berkeley, CA 94704

Dear Mr. Gatzky:

This letter constitutes a petition from residents of the neighborhoods surrounding or near San Pablo Park. We are writing in support of the West Berkeley Bowl proposed for 920 Heinz Avenue and urging the City to certify the Final Environmental Impact Report, approve the proposed project, and rezone the land as necessary—all without further delay, so that construction may begin.

We view the draft Environmental Impact Report as comprehensive and accurate, and therefore ready to be certified as final. It provides more than sufficient reliable information about the proposed project and each alternative to it. The draft EIR identifies Alternative B.2 as the environmentally superior alternative. However, we urge the City to keep the very important goals of the West Berkeley Area Plan, especially the need for a supermarket in southwest Berkeley (Goal 3), in mind. The Plan’s goals, combined with the Report’s findings that, with proper mitigation, the environmental impacts of the proposed project are "less than significant," make approving the proposed project the sound, socially and economically superior, and necessary, choice.

Having the proposed West Berkeley Bowl supermarket within walking distance of our homes would dramatically improve the quality of our lives and West Berkeley as a whole. We are dismayed that such a well-conceived project has encountered so many challenges and a protracted approval process. That it has is actually inconceivable, as the areas of controversy raised by surrounding individuals, businesses, and organizations are clearly prejudiced or self-serving, and the EIR proves each unsubstantiated.

A local merchant with a long and solid history in the community has been willing to invest in developing a grossly neglected corner of the City and fill a significant void; this is an opportunity the City should not squander.

Sincerely,

The Undersigned (see page 2 and following)

C: City of Berkeley Mayor Tom Bates, City of Berkeley Zoning Adjustments Board, City of Berkeley Council Member Darryl Moore
November 4, 2005

Dear Planning Commission,

I am writing this letter in support of approving the General Plan amendments and rezoning in order to construct the proposed Berkeley Bowl at 920 Heinz Avenue. West Berkeley needs an affordable full service market that can provide this part of the City’s citizens with access to healthy food. This is particularly true because many of the city’s poorer citizens live in this area.

Concerns expressed by opponents seem to be the generation of traffic that may be created by the new Berkeley Bowl and the potential gentrification impacts of rezoning the light industrial parcel to commercial. The Draft Environmental Impact Report addresses the traffic issue and many of the other environmental issues. All environmental impacts are categorized as “Less than Significant” with the proposed mitigation measures. Yes the Berkeley Bowl will generate some traffic, but any development will generate some traffic. Additionally, many people I know in the neighborhood currently shop at the existing Berkley Bowl. This means that the traffic may be spread out over two locations rather than significantly impacting one location.

I admire the City of Berkeley for protecting the light industrial areas west of San Pablo Avenue. However, the proposed parcel has been vacant for years and there aren’t any other locations in this part of the City large enough to accommodate a full service market. If this site is granted the changes necessary in the General Plan and rezoned, it does not mean that all parcels in this area need to be rezoned. By itself the Berkeley Bowl will not gentrify the area or destroy the businesses around it.

Our family tries to eat a healthy selection of produce and organic foods. In order to do this we currently drive out of our neighborhood because the only market in West Berkeley is Andronico’s, which is too expensive for my family. If the Berkeley Bowl had a second store in the proposed location, it would be in easy biking distance and that is how I would usually shop,

I am in full support of the proposed Berkeley Bowl for 920 Heinz Avenue. West Berkeley is in need of a full service market and if the well loved Berkeley Bowl can not get acceptance to move into this part of town than it seems unlikely that any full service market will ever get approval to move into West Berkeley. The access to fresh and healthy food the Berkeley Bowl will bring to the families in West Berkeley far outweighs any amount of traffic or fears of rezoning that may be generated from this project.

Sincerely,

Jessica Fiedler
2436 Valley St., Berkeley, 94702
To: Planning Commission  
Re: West Bowl EIR

Dismissing the alternative of a reduced size store that would reduce the impacts, the EIR states that a smaller store would not fulfill the applicant’s intent of “a full service supermarket,” and that the applicant’s original proposal of a 65,815 sf development consisting of a 26,625 sf marketplace, 5,330 sf corner store, 5,050 sf office, and 28,810 sf warehouse “was not intended to be a full service supermarket” (Page VI-17). By that standard, there are no “full service supermarkets” in Berkeley. The average of all existing Berkeley supermarkets is 30,297 sf (including storage and office). The Andronico’s on University Avenue is 26,000 sf; the Safeway on Shattuck and Rose is 28,763 sf; the Andronico’s on Solano is 23,200 sf; the Andronico’s on Shattuck and Cedar is 36,200 sf; Whole Foods on Telegraph and Ashby is 28,000 sf; the Andronico’s on Telegraph is 27,700 sf; the existing Berkeley Bowl is 42,150 sf, the largest supermarket in Berkeley. But the applicant claims that anything less than his proposed 91,060 sf megastore (54,735 sf groceries plus 28,805 sf storage plus 4,120 sf office) is not “a full service supermarket,” and the EIR blithely supports this absurdity. This is but one example of the attitude that infuses every page of the EIR. The distinguished experts seem to think that their job is not to present an impartial analysis, but to spin cherry-picked nuggets of data to reach foregone conclusions in support of a project that is consistent with neither the General Plan nor the West Berkeley Plan. I will leave it for others to detail the numerous inadequacies and tendentious excesses of the document.

I urge the planning commissioners to not be blinded by the thick reams of verbiage and spinning statistics. Instead, I urge the commissioners to go to the site yourselves and visualize the impacts that 50,000 cars per week will have on the neighborhood. Believe your own eyes.

Look at the larger picture, and take it into consideration. The West Bowl is not a stand-alone project, but an anchor in an attempt to change the entire west Ashby corridor to retail. The very fact that the applicant is asking for a zoning change rather than a variance is tied to his knowledge that the mayor is pushing to dismantle the industrial zones on Ashby and Gilman. The precedent of zoning changes to accommodate this project will have far-reaching effects, and encourage further rezoning.

Rezoning industrial land to commercial undercuts the West Berkeley Plan. One of the Plan’s central policies is to maintain the integrity of the industrial zones, because industries provide numerous unique benefits to the entire city. The stability of all of West Berkeley hinges on the industrial zones. Without industrial zoning protections, industries, artisans, artists, industrial suppliers, and lower-income residents would be pushed out of the area by retail, office and upscale housing, which generate greater rents and profits.

West Berkeley plays a key role in maintaining diversity in the city. Rezoning the industrial zones to commercial will take the lid off rental values. It will diminish the ethnic and
economic diversity in all the adjoining residential districts. Drive industry, artisans and working artists out of West Berkeley and they are driven out of the city. There is no other place for them to go. Drive lower income residents out of West Berkeley, and they are driven out of the city. Does Berkeley want to stop being a real city, and become just an oversized college bedroom town? Berkeley has a history of fighting for social justice, not pushing diversity beyond city limits.

The Plan recognizes that West Berkeley is not a blighted area, but a successful and unique community. While other cities were dismantling their industrial zones over the last two decades, Berkeley held fast to ours, and thus maintained economic stability while other cities’ economies staggered when the dot-com bubble burst. Now much of America is starting to become aware of the long-term consequences of becoming a nation that manufactures nothing. We are already far out of balance. America’s largest manufacturing export today is weaponry. The continuing export and globalization of American manufacturing is leading to an unsustainable society, with an increasingly marginalized and impoverished working and middle class.

But Berkeley is still doing a lot better than much of the country, because we still have industries here. As the American people become aware of this growing crisis, Berkeley has a unique opportunity to be in the forefront of the greening and renewal of American industry.

The West Berkeley Plan was written with the participation and unanimous approval of the stakeholders, the people in the affected area. It represents their voice. So when the mayor said, “The West Berkeley Plan took ten years, and I don’t have time for another West Berkeley Plan,” what he was really saying was that he doesn’t want to hear the voices of the affected people, because he is afraid they will be saying something that conflicts with his ambitions.

While the distinguished experts in the EIR insist that the proposed West Bowl “would not result in any significant or unavoidable impacts,” an unbiased study would conclude the opposite. The West Berkeley Plan prioritizes the maintenance of industry and clearly states that development in West Berkeley should take place on a scale and in a manner that will not have serious harmful impacts on other existing uses. The West Bowl as proposed does not meet that criteria. Let Emeryville and Albany keep their shopping malls. We should treat our industrial zone as an irreplaceable environment that we plan to pass on to our grandchildren.

I urge the planning commissioners to refuse to do the developers’ bidding, to refuse to lead the charge to dismantle the industrial zones. I urge you instead to protect the quality of life of our entire city by supporting the integrity, maintenance, and improvement of the West Berkeley industrial zones. I urge you to expose the EIR for what it really is, to deny the zoning change, and send the applicant to ZAB to request a variance.

John Curl
West Berkeley woodworking business owner since 1973
Former member of the original West Berkeley Plan Committee
Former Berkeley Planning Commissioner
Planning Commission  
C/O Allan Gatzke, Principal Planner  
Land Use Planning Division  
2118 Milvia Street  Third Floor  
Berkeley, CA 94704  
FAX 510.981.7420

November 7, 2005

Dear Planning Commission,

I am writing this letter in support of approving the General Plan amendments and rezoning in order to construct the proposed Berkeley Bowl at 920 Heinz Avenue. I haven't attended the meetings in the past but have read the articles in the Berkeley Daily Planet and East Bay Express. I did not attend the meeting because it seemed obvious to me that the addition of a reasonably priced full service market in West Berkeley would be a necessary addition to my neighborhood. The idea of the market being the wonderful institution of the Berkeley Bowl was even more appealing and an obvious no brainer. A neighbor of mine attended and spoke at the October 26 hearing for this project. The following morning she told me that one of the people attended this meeting in favor of the Berkeley Bowl project. I was shocked and disappointed to hear this news. Upon receiving this news I read the Draft Environmental Impact Report and see that all of the environmental impacts are categorized as "Less than Significant" with the proposed mitigation measures. I ask myself what can people possibly be opposed to in this proposed project? Traffic and the fear of gentrification from rezoning the parcel from light industrial to commercial seem to be the answers.

Traffic seems to be the biggest concern I have heard expressed by the opponents of this project. I am familiar with that area of town and agree that traffic is already a problem along the Ashby corridor, the Seventh Street corridor and sometimes along San Pablo Avenue near the Ashby intersection. The current Bowl generates a lot of traffic particularly on the weekends but I accept high levels of traffic as part of living in the urban area of Berkeley and an indicator of the wonderful and affordable goods the Berkeley Bowl provides. According to the Draft EIR and the traffic studies done for this project by Fehr & Peers the level of service at Heinz and San Pablo Avenue would be most dramatically impacted. The Berkeley Bowl has agreed to pay for the cost of installing a signal at Heinz and San Pablo that should significantly alleviate the traffic issue. This agreement by the Bowl is a symbol of their commitment to the community of Berkeley. Traffic signals are not inexpensive and neither is this process they have been mired in since 2003.

I admire the City of Berkeley for protecting the light industrial areas and maintaining a level of funk with Urban Ore, the artists, and other magical enterprises that exist west of San Pablo Avenue. However, finances present a certain reality. First, the proposed parcel has been vacant for years making one wonder if the parcel location and size is viable for a new light industrial development. Second, the Berkeley Bowl initially wanted this site for a warehouse but cannot afford to buy the property without putting a market in also. Third, the community of West Berkeley is in dire need of a full service market. I do not know of any other sites that would be large enough to support the development of a full service grocery in this part of town. If this site is granted the changes necessary in the General Plan and rezoned, it does not mean that all parcels in this area need to be rezoned. By itself the Berkeley Bowl will not gentrify the area or destroy the businesses around it. If the Planning Commission and City Council grant these changes, they are not required by any law to make additional zoning changes in the West Berkeley area.

My neighbor recently graduated from UC Berkeley with a Masters in Public Health. While she was there she co-authored a paper titled Berkeley Bowl: How Politics, Policy and Community Affected Food Access. This paper details the importance of access to healthy food and how typically low-income communities do not have this access. The paper looks at mortality rates for Berkeley’s ethnic groups with African Americans having the highest age-adjusted mortality rate for an ethnicity. According to the 2000 Census most African Americans live in South and West Berkeley. The paper then continues to look at the original
Bowl and describe how the city, community and local non-profits came together to get the Bowl into the building it has been in since 1999 in order to serve the community that was underserved after Safeway left in 1994. Reading through this report it is clear that West Berkeley is underserved and the residents need access to healthy food and an affordable full service market.

I am a mother and I strive to provide my family with a healthy selection of produce and organic foods. In order to do this I drive out of my neighborhood because the only market in West Berkeley is Andromico's which is too expensive for my family. I currently shop at the existing Bowl but would love to bike to the new Bowl that would be closer to my house. That would be one less car on the street.

I am in full support of the proposed Berkeley Bowl for 920 Heinz Avenue. West Berkeley is in need of a full service market and if the well loved Berkeley Bowl can not get acceptance to move into this part of town than it seems unlikely that any full service market will ever get approval to move into West Berkeley. The access to fresh and healthy food the Berkeley Bowl will bring to the families in West Berkeley far outweighs any amount of traffic or fears of rezoning that may be generated from this project.

Sincerely,

Lisa Howard
1138 Channing Way
Berkeley, CA 94702
Dear Mr. Gatzke,

Neighbors and Ryan Lau (council aide to Darryl Moore) have encouraged me to submit the attached report "The Berkeley Bowl: How Politics, Policy, and Community Affect Food Access" for inclusion in the EIR/Planning Commission packet on the Berkeley Bowl expansion topic. This is a paper that I co-authored during graduate work in the School of Public Health at UC Berkeley, spring of 2003.

In summary, this 2003 paper brings up the issues of health disparities and chronic disease rates in south/west Berkeley, the lack of access to affordable, healthy foods in the same area, and how these points are tied to the mission of the Berkeley Food Policy (passed in 2001) as well as the potential Berkeley Bowl expansion.

In addition, I would be happy to submit a short summary of the most relevant points from this paper if you think it would facilitate communication with the Planning Commission. Please do let me know, I could have something to you as early as Monday the 14th.

For the record, as a West Berkeley citizen and homeowner, I strongly support the Berkeley Bowl expansion to the 920 Heinz site for the reasons outlined in the attached report.

Thanks for your time. If you could please let me know that you have received this report, I'd appreciate it.

Natalie Studer, RD, MPH
(510) 841-2824
1108 Channing Way
Berkeley, CA 94702
November 9, 2005

Attn: Allan Gatzke
City of Berkeley
Land Use Planning Division
2118 Milvia Street, 1st Floor
Berkeley, CA 94704

Re: The West Berkeley Bowl Project

Dear Mr. Gatzke:

I represent Ecole Bilingue de Berkeley a.k.a. the East Bay French American School (School) located at 1009 Heinz Avenue in Berkeley. Representatives of the School have reviewed the draft Environmental Impact Report as have I. On behalf of the School, I would like to submit this letter as a comment on the West Berkeley Bowl Draft Environmental Impact Report.

I must emphasize that the School does not oppose the West Berkeley Bowl Project. School concerns are solely with respect to any adverse impacts of that Project on School operations, administrators, faculty, students, and/or parents. The anticipated impacts of the Project from the School perspective are those related to traffic and parking. These comments, therefore, are directed to the portions of the draft EIR which address traffic and parking issues.

Traffic Volume: There is grave concern that projected traffic impacts of the Project in the vicinity of 9th Street and Heinz Avenue have been underestimated.

Both the 9th Street and Heinz Avenue corridors have been identified by the City of Berkeley as Bicycle Boulevards. The School is located at the intersection of those Bicycle Boulevards. School parking currently exists along 9th Street to the south of Heinz and otherwise on surface streets in the immediate vicinity of that intersection. At present, and due to existing parking patterns, the School generates a substantial amount of pedestrian traffic during the times it is in session. This is especially true during week day peak periods of student pick-up and
drop-off. Pedestrian street crossings are not merely throughout the subject intersection; they also occur at various points along 9th Street north of Heinz.

The Project will obviously generate a substantial increase in existing vehicular traffic at the intersection of 9th and Heinz. The criteria for designation of Bicycle Boulevards include a relatively low volume of vehicular traffic and wide streets so as to minimize vehicle/bicycle conflicts. At the subject intersection, a premium must be placed on minimizing vehicular traffic because of the substantial number of pedestrians (in particular, School children) whose potential conflicts must be added to the potential conflicts of bicycles and motor vehicles. In the School's opinion, the Project will add a volume of traffic to 9th Street as it progresses north of Heinz Avenue which must be deemed to be incompatible with the safety and concerns of pedestrians and bicyclists.

The draft EIR has failed to fully address the impacts of added Project traffic volumes on pedestrians and bicyclists using 9th Street north of Heinz Avenue.

Parking Issues: It is recognized that parking issues are not necessarily environmental impacts to be addressed in a draft EIR. The City of Berkeley quite properly included an analysis of Project parking impacts within the scope of the subject draft EIR.

The School currently utilizes street parking in its immediate vicinity for teachers, administrators, parents and visitors. The construction of the Project will cause the loss of approximately 20 angled parking spaces on 9th Street south of Heinz Avenue. Concurrently with the City's consideration of the Project, certain requirements have been imposed upon the School for revisions to its pick-up and drop-off routines. The revisions to those routines have caused the loss of approximately 14 parking spaces. The loss of approximately 34 parking spaces with construction of the Project has a practical and adverse impact on the School -- and, indeed, the entire neighborhood.

It is recognized that School visitors might conceivably park short term in the Project parking lot to be constructed. The School does not wish to abuse a neighbor with unauthorized parking in a use restricted lot, however. As a good neighbor, the School proposes to work with the West Berkeley Bowl to limit parking abuses and address common parking and traffic problems. It would clearly be of benefit to both neighbors if angled parking was adopted by the City in as many areas as are possible on 9th Street north of Heinz Avenue. This proposed change in permitted parking patterns would restore a good many of the parking spaces lost to the neighborhood by the Project (and by City-required changes imposed upon the School, as noted).

The draft EIR did not examine forms of mitigation related to measures which might increase available street parking given the unavoidable impact of the Project in causing a loss of existing parking spaces. To that extent, it was deficient; that deficiency might be easily remedied and parking mitigation measures might be included as a part of the final EIR at the time of certification.
Traffic Mitigation: The draft EIR concluded that neither the intersection of 9th Street and Heinz Avenue nor 9th Street north of Heinz would be sufficiently impacted by Project traffic to require the consideration and/or implementation of mitigation measures. As noted above, the School believes the authors of the draft EIR to have underestimated those traffic impacts. Regardless of any dispute over traffic volume, however, the mere fact that motor vehicles, bicycles, and pedestrians (including School children) will all be in concurrent possession of the subject intersection and of 9th to the north of Heinz compels the conclusion that mitigation measures must be considered and actually proposed.

The draft EIR is incomplete in its failure to suggest any possible mitigation measures designed to minimize pedestrian, bicycle and vehicle conflicts and to maximize the safety of School children at the 9th Street/Heinz Avenue intersection and as 9th Street proceeds north. Mitigation measures which might be considered certainly include the following:

a. Warning Signage strategically placed throughout the intersection and on 9th Street.
b. Clearly delineated and monitored/signalized pedestrian crossings and clearly marked bicycle lanes.
c. Barriers, movable barriers, or signage preventing vehicular traffic from the Project from proceeding north of Heinz on 9th Street.

Of the foregoing potential mitigation measures, it is the School’s belief and request that Project traffic simply be prevented from proceeding north on 9th Street from Heinz during all times that the School is in session and including at least one hour before and after each such session.

Pursuant to CEQA Guidelines, the Project would have a significant transportation/traffic impact if it would (i) cause an increase in traffic which is substantial in relation to existing traffic load and capacity of the street system; (ii) substantially increase hazards; (iii) result in inadequate parking capacity; (iv) conflict with adopted policies, plans, or programs supporting alternative transportation; or (v) create unsafe conditions for pedestrians or bicyclists. I believe the traffic and parking impacts and concerns raised in this letter are potentially significant in terms of CEQA Guidelines. I also believe that such impacts can be adequately mitigated. In particular, the School and I jointly believe that restrictions on northbound traffic on 9th Street during School sessions would largely mitigate transportation and traffic as a Project impact. It is requested that the draft EIR be supplemented with further study of these issues and with proposals for mitigation all with respect to the intersection of 9th Street and Heinz Avenue and 9th Street to the north of Heinz Avenue.

Thank you for your consideration of this comment to the draft EIR.

Very truly yours,

[Signature]

David J. Bowie
PETITION to the BERKELEY CITY PLANNING COMMISSION to APPROVE the APPLICATION FOR a NEW BERKELEY BOWL AT NINTH & HEINZ IN BERKELEY

We, the senior citizens and mobility-impaired residents of Sister Thea Bowman Manor, 6400 San Pablo Avenue, Oakland, would like the City Planning Commission to approve the application for construction of the new Berkeley Bowl at Ninth & Heinz Streets in Berkeley. It would be the only real grocery store within walking distance (one-half mile) of our residence.

The closest grocery store we have now is the Pak and Save on 40th and San Pablo, 24 blocks away, or the current Berkeley Bowl which is 1½ miles or 2-bus rides and a 2-block walk away—not easy for most of us, especially with groceries.

We would welcome all the other amenities as well: the healthy food, the fresh, economically priced produce, the deli and take-out counters, and the café, not to mention a community room for meetings and all the other planned features.

<table>
<thead>
<tr>
<th>PRINT NAME</th>
<th>SIGNATURE</th>
<th>APT#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Esther Goby</td>
<td>Esther Goby</td>
<td>405</td>
</tr>
<tr>
<td>EROLINE HELTON</td>
<td>Eroline Helton</td>
<td>216</td>
</tr>
<tr>
<td>ESSIE BROOKS</td>
<td>Essie Brooks</td>
<td>215</td>
</tr>
<tr>
<td>ANGELINA PATACIL</td>
<td>JPPatacis</td>
<td>212</td>
</tr>
<tr>
<td>LARRY ATLAS</td>
<td>Larry Atlass</td>
<td>211</td>
</tr>
<tr>
<td>THELMA ALLEN</td>
<td>Thelma Allen</td>
<td>210</td>
</tr>
<tr>
<td>MARTIN METCAL</td>
<td>Martin Metcal</td>
<td>208</td>
</tr>
<tr>
<td>Lillie Mae Bush</td>
<td>Lillie Mae Bush</td>
<td>209</td>
</tr>
<tr>
<td>Odessa Grace</td>
<td>Odessa Grace</td>
<td>206</td>
</tr>
<tr>
<td>JUDEL THORPIN</td>
<td>Juler Thorpin</td>
<td>201</td>
</tr>
<tr>
<td>Barbara Williams</td>
<td>Barbara Williams</td>
<td>203</td>
</tr>
<tr>
<td>Margaret Jerseey</td>
<td>Margaret Jerseey</td>
<td>205</td>
</tr>
<tr>
<td>James Robinson</td>
<td>James Robinson</td>
<td>204</td>
</tr>
<tr>
<td>Mittie Thomas</td>
<td>Mittie Thomas</td>
<td>204</td>
</tr>
<tr>
<td>Charles Tyester</td>
<td>Chunk Tyester</td>
<td>107</td>
</tr>
<tr>
<td>Ada B. Lawson</td>
<td>Ada Lawson</td>
<td>104</td>
</tr>
<tr>
<td>Pietra L. Stendal</td>
<td>Pietra Stendal</td>
<td>105</td>
</tr>
<tr>
<td>Sylvia A. Robinson</td>
<td>Sylvia Robinson</td>
<td>105</td>
</tr>
<tr>
<td>M. Gayle Dickson</td>
<td>M. Gayle Dickson</td>
<td></td>
</tr>
</tbody>
</table>
PETITION to the BERKELEY CITY PLANNING COMMISSION to APPROVE the APPLICATION for a NEW BERKELEY BOWL AT NINTH & HEINZ IN BERKELEY

We, the senior citizens and mobility-impaired residents of Sister Thea Bowman Manor, 6400 20th Pablos Avenue, Oakland, would like the City Planning Commission to approve the application for construction of the new Berkeley Bowl at Ninth & Heinz Streets in Berkeley. It would be the only real grocery store within walking distance (one-half mile) of our residence.

The closest grocery store we have now is the Pak and Save on 40th and San Pablo, 24 blocks away, or the current Berkeley Bowl which is 1½ miles or 2-bus rides and a 2-block walk away—not easy for most of us, especially with groceries.

We would welcome all the other amenities as well: the healthy food, the fresh, economically priced produce, the deli and take-out counters, and the café, not to mention a community room for meetings and all the other planned features.

<table>
<thead>
<tr>
<th>PRINT NAME</th>
<th>SIGNATURE</th>
<th>APN#</th>
</tr>
</thead>
<tbody>
<tr>
<td>GERALD C. BRANDT</td>
<td>Gerald C. Brandt</td>
<td>316</td>
</tr>
<tr>
<td>VIVIAN'S, VICTOR</td>
<td>Vivian's Victor</td>
<td>401</td>
</tr>
<tr>
<td>MARTHA J. ANDERSON</td>
<td>Martha J. Anders</td>
<td>402</td>
</tr>
<tr>
<td>EURA BUTLER</td>
<td>Eurie Butler</td>
<td>406</td>
</tr>
<tr>
<td>CHRISTINE RAMER</td>
<td>Christine Ramer</td>
<td>4077</td>
</tr>
<tr>
<td>NOEL FISCHER</td>
<td>Noel Fischer</td>
<td>408</td>
</tr>
<tr>
<td>MARY WASHINGTON</td>
<td>Mary Washington</td>
<td>411</td>
</tr>
<tr>
<td>JOHN BOCO</td>
<td>John Bocour</td>
<td>416</td>
</tr>
<tr>
<td>GERTRUDE MARTINEZ</td>
<td>Gertrude Martinez</td>
<td>415</td>
</tr>
<tr>
<td>ALICIA M. WOODLEY</td>
<td>Alicia M. Woodley</td>
<td>416</td>
</tr>
<tr>
<td>KATH JACOBSON</td>
<td>Kath Jacobson</td>
<td>310</td>
</tr>
<tr>
<td>AUGUST A. JONES</td>
<td>August A. Jones</td>
<td>37</td>
</tr>
<tr>
<td>HELEN V. RAMSEY</td>
<td>Helen V. Ramsey</td>
<td>303</td>
</tr>
<tr>
<td>GEORGE L. VANDER WOODY</td>
<td>George L. Vanderwood</td>
<td>305</td>
</tr>
<tr>
<td>GEORGE D. MOORE</td>
<td>George D. Moore</td>
<td>306</td>
</tr>
<tr>
<td>FRANK W. VERNON</td>
<td>Frank W. Vernon</td>
<td>308</td>
</tr>
<tr>
<td>FREDERICK WILLIAM</td>
<td>Frederik William</td>
<td>309</td>
</tr>
<tr>
<td>JESSIE M. BELL</td>
<td>Jessie M. Bell</td>
<td>311</td>
</tr>
<tr>
<td>NORA R. SMITH</td>
<td>Nora R. Smith</td>
<td>311</td>
</tr>
<tr>
<td>JOYCE FULTON</td>
<td>Joyce Fulton</td>
<td>315</td>
</tr>
<tr>
<td>CHARLES CHAPMAN</td>
<td>Charles Chapman</td>
<td>409</td>
</tr>
</tbody>
</table>
November 15, 2005

Christine Staples
1133 Channing Way
Berkeley, CA 94702
510-204-9458

Planning Commission
C/O Allan Gatzke, Principal Planner
Land Use Planning Division
2118 Milvia Street, Third Floor
Berkeley, CA 94704

Re: West Berkeley Bowl

Dear Mr. Gatzke,

As a long-time West Berkeley resident, I was thrilled to learn that the owners of the Bowl would like to open a store on Heinz. As you know, the residents of West Berkeley currently have no full-service grocery store. These residents – my friends and neighbors - those with the least money, those most likely to rely on public transportation, those with the greatest need of the fresh, healthy food which will help them combat the diabetes, high blood pressure, obesity, and heart problems which plague their demographic – are forced to shop at liquor stores or somehow get to El Cerrito or North Berkeley. A West Berkeley Bowl would more benefit the public health of our City than almost anything I can think of.

My neighbors are universally in favor of this store; I think most of them haven’t come to the meetings or written to you BECAUSE it fills such an obvious need for the neighborhood. They assume that the City will recognize this enormous and glaring need and make it easy for the store to go in; they do not realize that their opinions matter so much.

I have heard the arguments against the Bowl:

Pollution: This is an interesting argument; it assumes that the people who would shop at the Bowl currently do not shop anywhere else. I actually believe that the store will mean less pollution; shorter trips for local residents who will no longer have to leave town to shop, and bicycle and foot trips by many of us.

Traffic: Many of the cars turning left onto 7th Street at Ashby do so only because there is a left turn signal there, they are heading north, and there is no left turn signal at San Pablo and Ashby. I know this because it’s the route I take when I exit the freeway, and I see how many people are on their way across town. There used to be a left turn signal onto San Pablo. Why not bring it back, even aside from the Bowl discussion?
Parking: I see from the EIR that the project includes 211 parking spaces. I find it ironic that the owner of Urban Ore, which has insufficient parking, and the parents and legal counsel of Ecole Bilingue, which does not provide any parking for their clients, are playing such an active role in objections to Berkeley Bowl on the basis of potential impact on parking and traffic. Since Berkeley Bowl would provide 211 spaces, how is it their problem that their neighbors provide too few or none? Also, the spokesperson from Urban Ore has stated that the Bowl would bring new traffic from outside of Berkeley to the intersection, as the Bowl is a “destination”. Does she actually believe that Urban Ore is not a “destination”, that all of their used toilets are being purchased by West Berkeley residents?

Unfortunately, the people whose lives will be most affected by the decision to allow Berkeley Bowl to open a store in West Berkeley may not have cars to drive to the meetings, or computers to send you written comments. They may not speak English. They may not even be aware that their opinions matter. Please don’t let that prevent you from doing the right thing by them. This issue is more than a store, or traffic, or parking. This is an issue of public health and economic justice. The environmental impact report shows that there is nothing that can’t be mitigated. Please allow this store to be built.

Mr. Gatzke, please don’t let a very small, very vocal minority of people, most of whom don’t actually live in the neighborhood, persuade you otherwise.

Sincerely,

Christine Staples
November 15, 2005

The Honorable Darryl Moore
Berkeley City Council
2180 Milvia Street
Berkeley, CA 94704

Dear Council Member Moore,

I am writing on behalf of the West Berkeley Neighborhood Development Corporation in support of the proposed new Berkeley Bowl project at Ashby & Ninth. I am also sharing these comments with the Planning Commission.

As you may know, WBNDC is a small nonprofit public benefit organization created in 1989 “to promote the social and economic revitalization of West Berkeley with particular attention to low-income families, seniors, youth, and the disabled.” Last spring, our Board of Directors formally voted to support the new Berkeley Bowl project because:

- Neighborhood residents and WBNDC members have wanted a full-service grocery store in the southern part of our neighborhood for years, since the 1980s. That area, particularly from Ashby to the Oakland border, has a high concentration of children, as well as seniors and families with limited incomes and mobility. Access to fresh wholesome food at reasonable prices is an ongoing concern.

- The Bowl would provide living wage jobs with benefits without requiring a college education – in an area that has historically had the highest levels of unemployment in the city.

We feel that on balance, the proposed Bowl is consistent with the goals of economic equity and sustainable economic development as expressed in the West Berkeley Plan and WBNDC’s Long-range Strategic Plan. However, I believe we can make this an even stronger project, one with more direct and tangible benefits, without putting any onerous burdens on the Bowl or the City.

1. As you know we have the highest high school drop out rates in the city. Berkeley Bowl could be asked to set aside some number of positions, say 10 a year, for West and South Berkeley youth referred through the City’s YouthWorks program and Berkeley High School drop-out prevention efforts. (Ideally these workers would also be tied into the existing local urban farming, culinary arts, and micro-enterprise training programs already in Berkeley.)

2. We have very high rates of unaffordable housing and people on very limited incomes. A portion, say 10% - of the sales tax revenues coming to the City from this project should be committed, above current funding levels, for affordable housing and economic development programs targeted to the residents and workers of West and South Berkeley.

3. A portion of new sales tax revenues, say 5%, should go to the West Berkeley Foundation for distribution to nonprofit agencies which serve the youth and seniors of the area. (The Foundation was created with $1 million from the Bayer Lab/Miles Cutter Development Agreement, which
inspires these proposals). The Bowl will be next to the area of the city with the highest proportion of youth, and youth living in poverty, as well as seniors and families on small fixed incomes.

4. West Berkeley is still the economic engine for the city, and specialty food manufacturing continues although limited by space. To counter the loss of industrial space rezoned to retail, the City could require the Bowl replace or match any non-grocery/non-warehouse space they build with space for light industry, including commercial kitchen/specialty food manufacturing facilities. (The community room proposed is a nice offer, but does not directly address the loss of productive work space.) Assuming the demand is still as high as it was a few years ago, this could be a rental facility geared to startups or very small producers. I would be glad to put you or the Bowl owners in touch with the local community development organizations that run or are looking for such facilities for entrepreneurs they assist.

5. The new Berkeley Bowl could actively commit to purchasing, displaying, and promoting food and other goods produced by companies licensed in Berkeley. (Whole Foods has a Berkeley section, for example.) The location seems a good place to showcase a “Made in Berkeley” brand.

6. Once the current proposed structures are built, no further permanent subdivision of interior space or expansion of the non-grocery, non-warehouse, non-manufacturing portions of the space should be allowed. The intent of this provision would be to limit the push to create ever-more-expensive commercial spaces on the site. (I can see some good reasons against this recommendation, but I hope it is at least under consideration!)

7. In the event of any resale or redevelopment of the property, the appreciation in value (after currently proposed improvements and inflation are taken into consideration) from non-industrial uses should go to the City for dedicated use in the census tracts around the Ashby Street corridor from I-80 to Sacramento Street. I suppose this is like a “spot redevelopment” district, but it seems a fair precautionary principle in this instance.

As you know, the neighborhoods surrounding Ashby Avenue include the highest concentrations of young, youth in poverty, families paying more than they can afford in rent, highest rates of unemployment and high school dropouts, as well as big disparities in health and longevity. It would be great to see development decisions in West Berkeley strategic enough to generate real resources for our community, to balance the ongoing threats of job and housing displacement, and lack of health insurance that we see everyday in this part of town.

Many thanks to you, the Mayor, your fellow Council Members, as well as the Planning & Zoning Commissioners, City Staff, and our many West Berkeley neighbors for everyone’s hard work on this important project. If there is anything I or WBNDC can do to move things forward please let me know.

Sincerely yours

Betsy Morris
President

www.westberkeley.com
From: Gatzke, Allan E. [AGatzke@ci.berkeley.ca.us]
Sent: Wednesday, November 16, 2005 6:03 PM
To: Mewton, Shannon; Homrighausen, Janet
Cc: chandlerle@aol.com; kerrie@cajaer.com
Subject: FW: EIR/Planning Committee Berkeley Bowl expansion: Berkeley Food Security Asset Map
Attachments: BFSAM PDF.pdf

-----Original Message-----
From: tamara gardner [mailto:gardnertamara@hotmail.com]
Sent: Wednesday, November 16, 2005 12:53 PM
To: Gatzke, Allan E.
Cc: strandall@comcast.net
Subject: EIR/Planning Committee Berkeley Bowl expansion: Berkeley Food Security Asset Map

Dear Mr. Gatzke,

A public health nutrition colleague has encouraged me to submit the attached report "Berkeley Food Security Asset Map: Examining Availability and Accessibility of Fresh Food" for inclusion in the EIR/Planning Commission packet on the Berkeley Bowl expansion topic. This is a paper that I authored during graduate work in the School of Public Health at UC Berkeley, spring of 2002.

This 2002 paper documented the retail food venues in the city of Berkeley, with an emphasis on the availability and accessibility of fresh produce in the lower income neighborhoods of West and South Berkeley using qualitative and quantitative methods. Two city-wide Geographic Information System (GIS) maps were developed using the data collected (see report appendices). In addition to documenting the limited accessibility and availability of quality and affordable produce in south/west Berkeley, the paper discusses issues of food security and their potential relationship to health disparities and chronic disease rates in these same neighborhoods. A number of strategies are recommended to address the food security issues identified in the study.

Thanks for your time. If you could please let me know that you have received this report, I'd appreciate it. Please let me know, or my colleague Natalie Studer (she is cc'ed on this email), know if you have questions about this.

Note: I will be out-of-country Nov. 17-30.

Tamara Gardner, R.D., M.P.H.
(510) 697-0177
gardnertamara@hotmail.com

11/17/2005
Kerrie

From: Gatzke, Allan E. [AGatzke@ci.berkeley.ca.us]
Sent: Friday, November 18, 2005 10:28 AM
To: Mewton, Shannon; Homrighausen, Janet
Cc: chandlerle@aol.com; kerrie@caiaeir.com
Subject: FW: Berkeley Bowl West

-----Original Message-----

From: Sharon Le Duy [mailto:Sharon.LeDuy@cnet.com]
Sent: Thursday, November 17, 2005 4:42 PM
To: Gatzke, Allan E.
Cc: Christophe LeDuy
Subject: Berkeley Bowl West

Planning Commission c/o Allan Gatzke,
2118 Milvia Street Third Floor
Berkeley, CA 94704

Dear Mr. Gatzke,

As EB parents, we look forward to welcoming the West Berkeley Bowl to our neighborhood. However, we feel that the traffic brought by the store will represent a significant impact on the neighborhood around the store, and we are concerned for the safety of our children, especially in light of the number of child pedestrians at peak school hours.

We want to express our support for the school’s efforts to protect the intersection of Ninth and Heinz, as well as the section of Ninth north of Heinz, from traffic associated with the Bowl.

We ask, specifically:

• That traffic-calming measures be put in place at the intersection of Ninth and Heinz prior to the opening of the store.

• That the intersection of Ninth and Heinz be included in the one-year traffic study recommended in the DEIR (DEIR IV.D.41).

We also ask that the City require an assessment of the adequacy of parking as part of the one-year traffic study. If at that time it is determined that street parking has been impacted by this project, we would like to see angled parking implemented on Ninth Street as one of the mitigation measures.

We also believe good neighbors should work together to resolve concerns in a cooperative and responsible manner, and we support EB’s efforts to work with the Bowl developers to find a mutually agreeable solution to these issues.

We ask that the City adopt the recommendations laid out by the school’s representative, Mr. Bowie, in his November 14 letter to you, so that the entire EB community can warmly welcome the West Berkeley Bowl to our neighborhood.

Sincerely,

Sharon and Christophe Le Duy
Parents of Walter, 8 and Margot, 4
Kerrie

From: Getzke, Allan E. [AGatzke@ci.berkeley.ca.us]
Sent: Thursday, November 17, 2005 1:29 PM
To: Mewton, Shannon; Homrighausen, Janet
Cc: chandlerle@aol.com; kerrie@cajaeir.com
Subject: FW: West Berkeley Bowl Project: It's not too late to be SMART

-----Original Message-----
From: Sandy Simon [mailto:sandy@traxgallery.com]
Sent: Thursday, November 17, 2005 12:58 PM
To: Getzke, Allan E.
Subject: West Berkeley Bowl Project: It's not too late to be SMART

Dear Allen G:

Below is a letter (article) I wrote for the newsletter of the Berkeley Design Advocates group. It states my views as well as those of many here in west Berkeley.

PROBLEMS AND SOLUTIONS  ON THE NEW WEST BERKELEY BOWL PROJECT

Submitted by Sandy Simon, owner TRAX gallery 1812 5th Street, Berk.

    I am currently working with the school, Ecole Bilingue, (on their task force) investigating traffic flow and parking with the addition of the proposed new Berkeley Bowl at 9th and Heinz. Many people believe the school is against the project. Truthfully it is not. The task force is looking at the larger picture, which "feels like" the developer fails to see: the impact of traffic in an already congested area. Dutilfully noting the lack of concentration of drivers "looking for parking" when there is a school and children crossing at the nearby intersection of 9th and Heinz. Also taking into account the congestion which already exists at Ashby and 7th.

    I am recommending the developer give serious thought to alternative parking for employees and providing a "bike check" cage with an attendant whereby a user can simply leave their bike safely attended without locking it. As a bike rider myself, I have on several occasions ridden to the current Berkeley Bowl and I have twice had my locked bike stolen. I will never ride there again - no matter how "quick" my shopping may be. Berkeley could require all new businesses of a particular density and popularity to provide a bike cage. How would that be for really encouraging alternative transportation? The new Bowl could offer incentives to employees to bike or walk to work. They have proposed 201 parking spaces but they will have 100 employees. This math means they will have 100 parking spaces for the public. The Bowl is already famous for parking nightmares and angry drivers. It would be courteous and considerate of them to provide ample parking for their patrons. What good is a huge store if people avoid it because they can't park? This is certainly the case with many of us at the existing Bowl.

I've gone to two planning commission meetings and one ZAB meeting to speak about the "issues" surrounding the west Berkeley Bowl project. I have also heard the comments of everyone else. There

11/17/2005
is overwhelming support for the new Bowl; but everyone speaks to the issues of parking and traffic congestion. One member of the audience said she commutes to SF and all of her friends and employees who work with her are looking forward to the opening of the new Bowl so that they can shop on their way home. Truly, it is an easy on/off from the freeway at Ashby. The Developer states that traffic will be less at the existing Bowl because the new project will serve the same population. Who could believe this knowing what we already know of the popularity of the Bowl?

page 2

I understand, from going to these meetings, that a large live/work project has already been approved for the northeast corner of Ashby and 7th. Here again, the city must jump in and think out of the box. They must plan for the impact of all of this new traffic. Not to mention an intersection that is already “F” rated: which means it is at maximum capacity. Development can and should happen, but in line with this, developers need to be tapped for traffic controls.

Another very important issue with the current proposed plans for the new Bowl is that delivery trucks enter and leave by the same road which is the main entrance for the public off of Ashby. Large trucks must back into the parking lot to get into the loading dock; this is the same configuration which causes backup at the old Bowl. Cars cannot circulate through the west parking lot because all morning it is blocked with trucks. (I have taken pictures over the course of the last month to illustrate this point.) The developer says deliveries will happen before opening at 9 a.m. Not true. Furthermore this particular Bowl will unload the big trucks and re-load them onto smaller ones to transport goods to the old store on Shattuck. This means that all day long the area will be impacted with trucks. Surely the access for delivery can be separated from the public parking? Other considerations are working the roadways to provide easy and unobtrusive access in and out of the Bowl NOT using 9th St. from the north where the school is located but swapping the design around to put the parking lot adjacent to Sharffenberger’s parking lot.

This creates in and out away from the school, in and out from Ashby and in and out from Potter Street as well at Heinz. Much smarter and it does not change the architectural plans. This was drawn up on the existing architectural plans by architect, Charles Debbas (a genius with spacial configurations) and myself in a few hours of brainstorming.

We want this project to be built; and we, along with everyone else, see the problems - not with the design - but with the spacing. The difference is, we are offering what we think is a workable solution and we’d like the developer consider these changes. Our ideas were distributed to all members of the planning commission and the ZAB board during their recent public meetings.

We appeal to the city to make it work with planning for positive traffic flow - not only now but thinking into the future.

11/17/2005
November 17, 2005

Berkeley Planning Commission
c/o Allan Gatzke, Principal Planner
Land Use Planning Division
2118 Milvia Street, Third Floor
Berkeley, CA 94704

Dear Planning Commissioners,

I am writing on behalf of the West Berkeley Neighborhood Development Corporation in support of the proposed new Berkeley Bowl project at Ashby & Ninth.

As you may know, WBNDC is a small nonprofit public benefit organization created in 1989 “to promote the social and economic revitalization of West Berkeley with particular attention to low-income families, seniors, youth, and the disabled.” Our Board supports the new Berkeley Bowl project because:

- Neighborhood residents and WBNDC members have wanted a full-service grocery store in the southern part of our neighborhood for years, since the 1980s. Although conditions have changed along San Pablo Avenue, we still have high concentrations of families and seniors with limited incomes, mobility, and access to fresh low-cost foods.

- The Bowl would provide living wage jobs with benefits without requiring a college education – in an area that has historically had the highest levels of under and unemployment in the city.

On balance, the project does advance the goals of economic equity and sustainable economic development as we see them in the West Berkeley Plan and WBNDC’s Long-range Strategic Plan.

That said, we could all be more strategic with this project. The census tracts along Ashby Avenue include the city’s highest concentrations of children, youth in poverty, families paying more than they can afford in rent, rates of unemployment, high school dropouts, and disparities in health including asthma rates. Development requiring changes in the West Berkeley Plan should be held to a high standard of community benefit, and generate tangible resources for the neighborhood to balance the all pervasive impacts of accelerating property values on job and housing displacement, and the health and safety effects of increasing traffic in an area where many residents lack adequate health insurance.

Here are 8 ways the Berkeley Bowl (and other development in West Berkeley) could generate a more direct and tangible benefit to our community, without putting too many onerous burdens on the Bowl or the City. Consider the Bayer Development Agreement as a model. I hope the Planning Commission will work with Council to consider these ideas as part of its decision making now and in the future.

1. An independent grocery one should be an engine for local food manufacturers, but the loss of flexible, relatively low cost production space for manufacturing continues to plague businesses and artisans in our neighborhood. If rezoning or a conditional use is to be allowed away from light industrial/warehouse, the City should ask the Bowl to match or replace a portion of the nonconforming use. The Bowl could create a commercial kitchen for specialty food manufacturing in place of or in addition to the community room/prepared food sales building. Licensed commercial kitchens for co-use or rental are in high demand in the East Bay. I would be
glad to put you or the Bowl owners in touch with the local community development organizations that run or are looking for such facilities for entrepreneurs they assist.

2. The Bowl could commit to actively purchasing, displaying, and promoting products made by companies licensed in Berkeley. Whole Foods has a Berkeley section, for example. We need more places to showcase the “Made in Berkeley” brand.

3. Berkeley Bowl could become an active entry into employment for youth. In addition to other local hiring, they could set aside some number of positions, say 10 a year, for West and South Berkeley youth referred through the City’s Youth Works program and Berkeley High School drop-out prevention efforts. (Ideally these workers would also be tied into the existing local urban farming, culinary arts, and micro-enterprise training programs already in Berkeley.)

4. West Berkeley is home to alternative transportation options as well, such as Pedal Express and the Bio-diesel Oasis. We could be asking all commercial developers to create plans to reduce by auto trips by motivating customers to use bus, bicycle and use of efficient food delivery services throughout the flatlands.

5. We know our neighborhood is economically stressed. A portion, say 10% - of the sales tax revenues coming to the City from this project should be committed, above current funding levels, for affordable housing, economic development programs targeted to the residents and workers of West and South Berkeley.

6. A portion of new sales tax revenues, say 5%, should go to the West Berkeley Foundation for distribution to nonprofit agencies which serve the youth and seniors of the area. (The Foundation has already distributed $1 million from the Bayer Lab/Miles Cutter Development Agreement.)

7. To limit further loss of flexible large-scale production space, consider preventing any permanent subdivision of interior space or expansion of the non-grocery, non-industrial uses of the site in the future. Once the walls go up, so do the costs of space!

8. In the event of any resale or redevelopment of the property, the appreciation in property net of current improvements and inflation/replacement from non-industrial uses should go to the City for dedicated use in the census tracts around the Ashby Street corridor from I-80 to Sacramento Street. Consider this a “spot redevelopment” district, but it seems a fair principle to recapture some of the land and property value generated by a public policy and public investment.

In conclusion, many thanks to you Planning Commissioners, and all of our concerned West Berkeley neighbors for everyone’s hard work and good ideas generated by this important project. If there is anything WBNDC can do to help, please let us know.

Sincerely yours,

Betsy Morris
President
WBNDC

www.westberkeley.com - our community online
Mr. Allan Gatzke  
Planning Commission  
2180 Milvia Street Third Floor  
Berkeley, CA 94704  

Dear Mr. Gatzke,  

I have lived in South Berkeley for the past 12 years, three blocks from the existing Berkeley Bowl (BB). Even at that distance, my family and neighbors are greatly impacted by the parking, traffic, and litter caused by customers of BB. In spite of the problems we experience as a result of living near this destination grocery store, I am not opposed to the West Berkeley Bowl (WBB) store. However, I want to give voice to some of the neighborhood impacts that a technical, inanimate document, the "Draft Environmental Impact Report – The West Berkeley Bowl Project" (EIR) cannot address.  

With the exception of a very few holidays, BB is open every day of the year. While this is nice for shoppers, those of us in the neighborhood rarely get a break. Customers begin to arrive before the store opens (see Figure 1), perhaps in an effort to finish shopping before traffic and parking becomes difficult. This means that the parking lot is already about 1/3 to 1/2 full before the store opens (see Figures 2 and 2a). By the time the store does open, customers who cannot find a spot in the lot have already begun infiltrating nearby residential streets to park. Additionally, because BB offers hot, prepared food for sale, workers in that department start arriving at work around 6:30 AM. Therefore, before many residents have even gotten out of bed for the day, those scant available parking spaces have begun to disappear.  

Since the number of parking spaces provided for shoppers at BB is severely inadequate, traffic at the main entrance to the parking lot backs up onto Shattuck Avenue, as drivers wait for people to load their groceries, and vacate a space (see Figure 3). This creates traffic congestion in the BB parking lot, and impedes the flow of traffic trying to move along Shattuck Avenue and Oregon Street. If the WBB follows suite, the traffic build-up at the new facility will have negative impacts on already overcrowded Ashby Avenue, 7th Street, and San Pablo Avenue. Additionally, I have seen several pedestrians almost run over, and witnessed some very unpleasant arguments at BB that seemed to be cases of 'road-rage' caused by the clogged traffic and parking inadequacies.  

According to the EIR, 201 (page II-1), 211 (page IV.C-26), or 205 (page IV.D-57) parking spaces are being planned for WBB. Since the current BB has roughly 100 spaces, all of these proposed figures for parking at WBB seem grossly inadequate. Please consider that BB is just a grocery store and the lot is constantly full. Since the WBB will also include warehousing, office development, a community room, and correlating employees, the addition of barely twice the number of spaces that BB has is NOT going to adequately serve the businesses, or the neighborhood. Also, the WBB grocery store will have employees who will need some of the planned parking, creating less opportunity for customers to park at the WBB, and not in the residential areas of the neighborhood.  

The EIR has placed substantial emphasis on the Bicycle Boulevard, associated racks at WBB, and The City's desire to draw people out of their cars. While I support The City's efforts on this issue, the reality is that unless the bicycles can be absolutely secure, racks and boulevards will not attract cyclists in large enough numbers to help reduce traffic congestion or alleviate the need for more than 205 (or 201 or 211) parking spaces. I have heard many stories about bicycles being stolen from BB, which puts those people back in their cars. Those cars then further impact an already inadequate parking lot. It is feasible this scenario would repeat at WBB if no substantive protection is

julie gilmore  
2001 stuart street  
berkeley ca 94703
provided for the bicycles. Over the hundreds of times I’ve been to BB, I have never seen more than two bikes parked at the bicycle rack at any time.

One topic that I did not see addressed in the EIR is shopping carts. BB does have employees who retrieve abandoned shopping carts and take them back to the store (see Figures 4 and 5). Regardless of this effort, carts are constantly being left in our front yard, sometimes for days. I do not see why that would not be the case at the new site. BB customers, unable to park in the lot, park their cars in any nearby street-parking space. They push their cart of groceries back to their car, unload the food, and leave the cart where it is. Even at 3 blocks away, our street is severely stressed by the BB customers (see Figure 6). Residents sometimes cannot park near their homes because of the shoppers who invade the neighborhood during BB’s hours of operation. I have come home to find strangers have parked across my driveway, preventing me from entering it. I have also come home to find strangers loading groceries into their car, which is parked in my driveway!

I have talked to people in BB who have traveled from Orinda, Lafayette, Walnut Creek, and even Tracy. Through conversation, it becomes apparent that these trips are regular occurrences. With the new site so close to the freeway, it is reasonable to expect that it will receive a larger proportion of long-distance shoppers than the existing store, which is farther away from major arteries than the proposed store. While the EIR anticipates the WBB will relieve congestion and parking problems at BB (page III-47), this will not happen if more parking is not provided at WBB, especially when one considers the additional draw the WBB will have with it office spaces and community center.

Based on my experiences as a BB neighbor, I have these suggestions that I would like to see The City insist on in the Final EIR:

1. All persons voting on changes to/adoption of the Final EIR, be required to visit BB at least three times at varying times/days (at least one of those times should be on Saturday), and see for themselves what my neighborhood has been dealing with. It might be enlightening if they drove twice, and rode a bicycle once to see the reality of WBB’s possible impact, rather than the sanitized, minimalist version presented on paper.

2. Configure traffic calming to ensure residential streets in the immediate area are protected from traffic and excessive “cutting through” of cars going to WBB.

3. A realistic number of parking spaces for the short-term and insist on an evaluation of the parking/traffic at a specific time in the future. If either area falls short of EIR expectations, a plan be put in place now to alleviate those issues. The City of Emeryville was very responsive when it underestimated the amount of parking needed for its IKEA store. I would like to see a plan that would perhaps add a level of parking above the street-level lot. Having this in mind now, would help the architect design a structure that not only provides the needed parking but is aligned with the goals of keeping the WBB in scale and visually harmonious with the neighborhood.

4. A reasonable number of “Employee Only” vehicle and bicycle parking spaces be provided ON THE WBB PREMISES, to be based on the size of WBB and the manpower required to operate it during any work shift, as well as the number of employees anticipated to occupy the office development and the community center. I think a reasonable person might quickly see that more than 200 spaces is not enough to minimize daily, long-term impact on the scant parking now available to the current businesses, residents, and the nearby school.

5. Provide a loading dock that allows trucks of all sizes to park and unload without blocking streets, driving aisles, or customer/employee parking spaces.

6. Provide only shopping carts equipped with a mechanism that renders them inoperable beyond a certain perimeter. In fact, the Walgreen’s across the street from BB has this type of cart and I have never found a Walgreen’s-labeled cart deserted in front of my house. I am sure the additional expense for this type of cart would soon pay for itself since the carts could not be stolen, or lost/abandoned after being wheeled to a distantly parked customer’s car. Another passive solution would be to use metal poles at the pedestrian accesses/egresses to the site, spaced at a distance smaller than the width of the carts. These would allow customers to push carts to cars in the lot, but not allow them beyond the WBB property and into the residential neighborhood.
Many years ago, the current BB facility was a Safeway. That business had none of the impact on my life that BB does. I like having a grocery store in my neighborhood, but I would not patronize BB if I had to use my car to get there. Additionally, with all the problems brought on by BB, I would be happier if a chain grocer was in the building instead of BB. Further, though we always walk when we go to BB, at certain times on certain days, my family will drive out of our neighborhood to avoid the crowds, long lines, aggressive traffic, and irate customers that can be the Berkeley Bowl experience.

As I understand the current plans for the new BB, it seems woefully inadequate and unresponsive to the needs of the neighborhood. Even more disturbing, plans for WBB do not seem to consider the shortcomings of its current facility at 2020 Oregon, and use this information to ameliorate the new store's design.

Very sincerely,
Julie Gilmore
Figure 6. ABANDONED SHOPPING CARTS at VARIOUS LOCATIONS

1:55 PM on Wednesday, 11/2/05 at the corner of Shattuck and Oregon.

3:37 PM on Sunday, 11/6/05 near the corner of Adeline and Stuart.

4:00 PM on Sunday, 11/6/05 on Stuart Street between Adeline and Shattuck Avenue. This bib customer had just emptied the cart's contents into her car, leaving the cart in the Arv Mountain parking lot just beyond the parking curb (see arrow).

3:54 PM on Sunday, 11/6/05 from the entrance of Walgreen's.

9:15 AM on Thursday, 11/10/05 in front of McKevitt Volvo at Adeline and Shattuck.

3:35 PM on Wednesday, 11/16/05 on Stuart Street, between Adeline and Milvia.
Figure 1: 8:57 AM on Tuesday, November 15, 2005. Shows customers waiting at entrance prior to store’s opening.

Figure 2: 8:57 AM on Tuesday, November 15, 2005. Shows the BB parking lot filling up prior to store’s opening.

Figure 2a: 8:57 AM on Thursday, November 17, 2005. Shows the BB parking lot is very full prior to store’s opening.

Figure 3: 8:58 PM on Sunday, November 6, 2005. Depicts that with only four cars lined up to enter the Shattuck Avenue store, traffic going west on Oregon Street is blocked, and Shattuck Avenue possibly blocked as well if one more car is added to this line.

Figure 4: 1:56 PM on Wednesday, November 2, 2005. Shopping carts being taken back to Berkeley Bowl.

Figure 5: 7:53 PM on Tuesday, November 15, 2005. Employees traveling an travels a few rows, away and toward the manager.
-----Original Message-----
From: Steven Donaldson [mailto:sdonaldson@bgdi.com]
Sent: Friday, November 18, 2005 4:52 PM
To: Gatzke, Allan E.; Powell, Greg
Subject: Support for West Berkeley Bowl

City of Berkeley and Zoning Adjustments Board -

I fully support the negative declaration of the EIR for the proposed Berkeley Bowl retail
grocery store to be built in West Berkeley.

It's clear that, as the EIR indicates, their are no significant impacts of this project to
the local area. In fact, this will be a major improvement for West Berkeley by providing a
quality grocery store with reasonable pricing for the community.

As a resident of Berkeley, living in West Berkeley and working in West Berkeley I fully
support moving forward with this project.

Regards,

--

Steven Donaldson
President

BGDi
Brand Guidance > Design Intelligence

rise above

510.843.0701 ext 307
510. 375.2700 mobile
http://www.bgdi.com
November 18, 2005

Planning Commission c/o Allan Gatzke,
2180 Milvia Street, First Floor
Berkeley, CA 94704

Dear Mr. Gatzke,

As EB parents, we look forward to welcoming the West Berkeley Bowl to our neighborhood. However, we feel that the traffic brought by the store will represent a significant impact on the neighborhood around the store, and we are concerned for the safety of our children, especially in light of the number of child pedestrians at peak school hours.

We want to express our support for the school's efforts to protect the intersection of Ninth and Heinz, as well as the section of Ninth north of Heinz, from traffic associated with the Bowl.

We ask, specifically:

- that traffic-calming measures be put in place at the intersection of Ninth and Heinz prior to the opening of the store.
- that the loss of on-street parking associated with this project be minimized by the implementation of angled parking along Ninth Street.
- that the intersection of Ninth and Heinz be included in the one-year traffic study recommended in the DEIR (P1TR IV.D.41). We also ask that the City require an assessment of the adequacy of parking as part of the one-year traffic study.

We also believe good neighbors should work together to resolve concerns in a cooperative and responsible manner, and we support EB's efforts to work with the Bowl developers to find a mutually agreeable solution to these issues.

We ask that the City adopt the recommendations laid out by the school's representative, Mr. Bowie, in his November 14 letter to you, so that the entire EB community can warmly welcome the West Berkeley Bowl to our neighborhood.

Sincerely,

The parents of EB
November 18, 2005

Planning Commission c/o Allan Gatzke,
2180 Milvia Street Third Floor
Berkeley, CA 94704

Dear Mr. Gatzke,

As EB parents, we look forward to welcoming the West Berkeley Bowl to our neighborhood. However, we feel that the traffic brought by the store will represent a significant impact on the neighborhood around the store, and we are concerned for the safety of our children, especially in light of the number of child pedestrians at peak school hours.

We want to express our support for the school's efforts to protect the intersection of Ninth and Heinz, as well as the section of Ninth north of Heinz, from traffic associated with the Bowl.

We ask, specifically:

- that traffic-calming measures be put in place at the intersection of Ninth and Heinz prior to the opening of the store.
- that the intersection of Ninth and Heinz be included in the one-year traffic study recommended in the DEIR (DEIR IV.D-41). We also ask that the City also require an assessment of the adequacy of parking as part of the one-year traffic study.
- that the loss of on-street parking associated with this project be minimized by the implementation of angled parking along Ninth Street.

We also believe good neighbors should work together to resolve concerns in a cooperative and responsible manner, and we support EB's efforts to work with the Bowl developers to find a mutually agreeable solution to these issues.

We ask that the City adopt the recommendations laid out by the school's representative, Mr. Bowie, in his November 14 letter to you, so that the entire EB community can warmly welcome the West Berkeley Bowl to our neighborhood.

Sincerely,

Eron Ersh and Burr Tyler
EB Parents of Chloe Tyler
Dear Allan Gatzke,

I am employed by Ecole Bilingue de Berkeley to supervise the morning drop-off of students via our carpool lane and the crossing of pedestrians at the intersection of 9th Street and Heinz Avenue. I also work the intersection each morning with our 4th & 5th grade Junior Traffic Patrollers.

I performed this job from Fall 1986 through Spring 1999 (13 years) and now again since Fall 2003. During this extended period, our system has gone through a number of modifications in response to the growing school population and the increasing number of people now working in the surrounding neighborhood. Even though each morning represents a unique challenge, I am happy to report that the recent changes to our system negotiated with the City during this past summer are working very well.

The largest part of my activity each morning is observing traffic in the intersection of 9th Street and Heinz Avenue as I assess opportunities to stop traffic and allow for pedestrian crossing. When I left this job in 1999, I had observed a rapid recent increase since 1997 in morning 'rush hour' traffic (8am - 9am), with many more drivers who were unrelated to the school community. Since returning to this role in Fall 2003, this increase obviously continued during my absence and continues still as more businesses move into the neighborhood. This increased traffic flow is belied by the fact that by 9am, the crush is over and traffic flow, while still at a higher volume than in years past, recedes to a far more manageable level.

One of the major contributors to the increased traffic flow during this morning crush is related to parking, or the lack thereof. Again, in the past, when I would arrive at the school before 8am, to perform my duty, there would generally be very few cars parked on the streets adjacent to the school. In recent years, this has changed radically - more than ½ of the available street parking is already gone long before the bulk of the school community arrives. The recent changes in our morning and afternoon drop-off/pick-up systems, mandated by the City and initiated this past Fall, have restricted parking in the area, further reducing available street parking.

The impact of this change at first went unnoticed, but is now obvious to me each morning. From my vantage point at the intersection, I notice both parents and non-parents driving through the intersection of 9th and Heinz repeatedly, searching for some parking opportunity, adding to the overall traffic congestion. In addition to these repeated 'drive-by's, there is also significant hesitation as drivers cross the intersection, looking up and down the cross-streets in hopes of finding a space, and often making last-minute changes in direction when a space is found. This creates confusion and frustration as other drivers try and navigate the intersection around those seeking a parking space.

In their quest for parking under these recent restrictions, parents have now taken over areas that were formerly shunned in favor of more preferred spaces. Parking in the 'dead-end' of 9th street has gradually increased further south (onto privately owned land) than ever before. Use of additional side streets such as 8th Street between Heinz and Grayson have also been taken over, and even streets further away. Parents are often walking their children to school from parking spaces a number of blocks away. Car break-ins in these less public areas, while still infrequent, seem to be on the rise.

Over many years, I see that Ecole Bilingue de Berkeley has been a good neighbor, working to resolve local concerns cooperatively and responsibly. I'd like to ask that the City adopt the recommendations laid out by Mr. Bowie, the school's representative, in his letter of November 14th, so that the entire EB community can welcome the West Berkeley Bowl to the neighborhood.

Sincerely,

Seth A. O'Hara
morning traffic coordinator - Ecole Bilingue de Berkeley
November 18, 2005

Planning Commission c/o Allan Gatzke,
2180 Milvia Street Third Floor
Berkeley, CA 94704

Dear Mr. Gatzke,

As EB parents, we look forward to welcoming the West Berkeley Bowl to our neighborhood. However, we feel that the traffic brought by the store will represent a significant impact on the neighborhood around the store, and we are concerned for the safety of our children, especially in light of the number of child pedestrians at peak school hours.

We want to express our support for the school’s efforts to protect the intersection of Ninth and Heinz, as well as the section of Ninth north of Heinz, from traffic associated with the Bowl.

We ask, specifically:

- that traffic-calming measures be put in place at the intersection of Ninth and Heinz prior to the opening of the store.
- that the intersection of Ninth and Heinz be included in the one-year traffic study recommended in the DEIR (DEIR IV.D-41). We also ask that the City also require an assessment of the adequacy of parking as part of the one-year traffic study.
- that the loss of on-street parking associated with this project be minimized by the implementation of angled parking along Ninth Street.

We also believe good neighbors should work together to resolve concerns in a cooperative and responsible manner, and we support EB’s efforts to work with the Bowl developers to find a mutually agreeable solution to these issues.

We ask that the City adopt the recommendations laid out by the school’s representative, Mr. Bowie, in his November 14 letter to you, so that the entire EB community can warmly welcome the West Berkeley Bowl to our neighborhood.

Sincerely,

[Signature]

SABRINA MARAS, MA, C. Phil.
Ancient Near Eastern Art and Archaeology
Near Eastern Studies
250 Barrows Hall # (940)
Berkeley, CA 94720-1940
TEL: (510) 642-5800
FAX: (510) 643-8430
E-MAIL: maras@berkeley.edu

UNIVERSITY OF CALIFORNIA
November 19, 2005

Dear Folks:

The revised draft EIR on the Berkeley Bowl project does not address the issues I raised about economic development and land use issues in my February 7, 2005 comments on the original draft. I will not repeat the arguments and answers, but refer you to that memo.

The Berkeley Bowl is a potentially good addition to West Berkeley and I support its coming there. What is needed is a set of negotiated actions to minimize the negative impacts it will have, along with its benefits. The Bowl will be a major retail use on a piece of land designated for manufacturing uses, in the careful balancing reflected in the West Berkeley Plan. The City should take leadership in making the Bowl a friendly neighbor to manufacturing, arts, and educational uses that surround it. Those actions include:

- Reducing its size. The proposed project is not the size of a “neighborhood-serving” store. Its larger size and clear wider geographical market exacerbates its traffic and parking impacts on other uses.
- Providing a variance rather than General Plan amendment to allow the proposed uses. It is vitally important that this retail use in the midst of a manufacturing zone be seen as very much an exception, only for the Berkeley Bowl. The variance makes this much clearer and can be used to limit future alternative uses should the Bowl ever leave.
- Mitigate the traffic impacts as fully as possible. It is obvious to people who use the existing Berkeley Bowl and the streets in the area of the proposed development that a single stoplight is not going to be sufficient to offset the added traffic flow. Unmitigated addition to traffic will interfere in important ways with the operation (trucking, etc.) of industrial neighbors, as well as the movement of other users of the area streets.
- Require that the Bowl owners make a mitigation payment or take other action for the purpose of expanding the amount of affordable manufacturing and arts space at other locations in West Berkeley. The purpose of the existing MULI zoning was to provide for those uses on the project’s proposed site, and that opportunity will be lost. The Bowl owners will receive a windfall gain from obtaining the right to put retail uses on a piece of property zoned (and priced) for
manufacturing. A mitigation payment or direct action to provide other industrial space would be equitable, offset the loss of manufacturing space here, and help to make clear that West Berkeley's industrial zones are not readily available for retail uses with accompanying windfall gains. Certainly we do not want to suggest that owners of other industrial property can pursue their financial interests by establishing high rents/prices for their properties, discouraging industrial uses, and getting a no-cost rezoning for their sites.

Thank you for your consideration of these important issues.

Neil S. Mayer
November 19, 2005

Mr. Allan Gatzke  
City of Berkeley  
2180 Milvia Street, 1st Floor  
Berkeley, CA 94704

Dear Mr. Gatzke:

Thank you for an opportunity to comment on the Draft EIR for the West Berkeley Bowl Project. As you are aware, Berkeley Bowl is a unique concept in grocery stores in that it provides unparalleled access to fresh produce at reasonable prices. The uniqueness of the store draws patrons from across the Bay Area resulting in congestion, traffic and parking problems such as those experienced at the current Oregon Street store.

As a parent of two young children at Ecole Bilingue, my primary concern is related to the safety of my children. I am concerned that the anticipated traffic configuration (i.e. access via Ninth and Heinz) would result in significantly increased traffic congestion along this key intersection. Given Berkeley Bowl’s unique stature as a premier grocery store, the ITE vehicle trip generation rates used to ascertain increase in traffic are woefully inadequate. A more appropriate rate would be that of a superstore such as Walmart or Target. Please utilize a more appropriate rate or criteria to predict an increase in traffic.

I understand that the Bowl expects to employ about a total of 100 staff (in multiple shifts) – the staff would most likely park in the lot thereby further limiting the number of spaces available to the general public. As demonstrated at the Oregon Street store, the parking would then spill over into the near-by businesses and residential streets. It would be reasonable to assume that the new location would also engender similar traffic, congestion and parking issues currently experienced at the Oregon Street store. It would also be reasonable to assume that frustrated drivers searching for parking spaces often become inattentive which could have disastrous results near sensitive facilities such as a school. I believe measures such as limiting access through Ninth and Heinz, angled parking, limiting hours of access etc. would mitigate some of these issues.

The changes in air quality of the area is closely tied to the anticipated increase in traffic generated from this project. Since the DEIR appears to underestimate the traffic increase, it would also underestimate the generation of particulate and other toxic contaminants. Please reevaluate the traffic increment and assess the impacts to air quality from this increase. A recent study indicated that children along a major through-fare had significant risks for asthma and other respiratory ailments. The area barely obtained
attainment in 2003 for PM10 – Continued degradation of the existing air quality baseline is of particular concern.

I understand that Ecole Bilingue will also be submitting separate comments to the DEIR. My comments are simply those of a concerned parent. I support the comments that have been made by the school’s representatives during the recent Planning Commission and Zoning Adjustment Board public meetings. Thank you again for the opportunity to comment. I welcome the addition of West Berkeley Bowl to the area and hope that you can consider and provide mitigations and remedies that balance the needs of the entire community.

Sincerely,

Uma Thomas
-----Original Message-----
From: swollmer [mailto:swollmer@mail.pcmagic.net]
Sent: Sunday, November 20, 2005 8:41 PM
To: Gatzke, Allan E.
Subject: West Berkeley Bowl EIR

Allen,

As I stated during the public comment session, I believe use of 35% as a 'drive-by' component to the traffic impact is entirely inappropriate for this store at this location. Berkeley Bowl is a destination store, and even today it draws its customer base from a wide geographic area. While we are all pleased that the West Berkeley community will finally have ready access to affordable and healthy foods, I believe that the overwhelming majority of the customer base will not be from West Berkeley, nor will they be combining their shopping trip together with their commute or other neighborhood errands - I repeat what I said at the public meeting - no one goes to Berkeley Bowl on the spur of the moment or because they are driving by.
Traffic in this area is already at capacity many times during the day, adding Berkeley Bowl will extend these intolerable conditions over many more time periods.

Stephen Wollmer
510 287 1396 wk
510 843 2053 hm
swollmer@pcmagic.net
Kerrie

From: Gatzke, Allan E. [AGatzke@ci.berkeley.ca.us]
Sent: Monday, November 21, 2005 3:08 PM
To: Mewton, Shannon; Homrighausen, Janet
Cc: chandlerle@aol.com; kerrie@cajaeir.com
Subject: FW: west berkeley bowl

-----Original Message-----
From: knear1@comcast.net [mailto:knear1@comcast.net]
Sent: Monday, November 21, 2005 9:29 AM
To: Gatzke, Allan E.
Cc: Powell, Greg
Subject: west berkeley bowl

Dear Mr. Gatzke,

I have been following the development plans for the Berkeley Bowl in west Berkeley. As a resident and home owner of west Berkeley for over 15 years I wanted to inidicate to you how valuable this addition would be to the neighborhood and how much I support this development. I believe that a grocery store in the area would be a considerable benefit to the residents and would ensure an accessible place to purchase healthy and affordable groceries in the neighborhood. I can't imagine a better development project in the space that is being considered and I hope that good sense prevails and this project goes through and is the positive impact on the community that I know it will be.

Thank you for your attention.

Sincerely,

Kimberly Near
1327 Addison street

11/21/2005
November 21, 2005

Planning Commission
c/o Mr. Alan Gatzke, Principal Planner
Land Use Planning Division
City of Berkeley
2118 Milvia St., Third Floor
Berkeley, CA 94704

Re: Draft Environmental Impact Report for 920 Heinz
The Proposed West Berkeley Bowl

Dear Commissioners:

Urban Ore is glad to have this opportunity to comment on the Draft EIR (DEIR) for the proposed West Berkeley Bowl. After reading the DEIR, the company continues to be concerned about several issues. A concise way to think of our concern is that building a neighborhood grocery is different from building a megagrocery in the neighborhood.

The impacts would be much more serious than the DEIR contemplates, and we are concerned about the financial effects on our business and the other businesses along the Ashby corridor, along Seventh Street, and in the rest of the West Berkeley Multi-Use Light Industrial zone. Negative financial impacts that the DEIR fails to discuss would result from worsened traffic, changed land use, and the probability that this project would induce further commercial growth at the expense of industrial production capacity. Industries are like grizzly bears; they need a lot of room, and when their habitat is taken away, many simply die. The economic ecosystem would then be thrown out of balance. Removing industrial habitat in West Berkeley would only add to the industrial-land crisis now occurring in neighboring Oakland, where planners without the advantage of a good General Plan are trying to stop the march of housing and retail to protect that city’s industrial capacity.

To develop tomorrow’s sustainable industries in this country requires industrial land. Our national export profile shows that we export our resources, especially scrap metals and paper; and import products that other countries manufacture with our resources. Our balance of payments has put us in the position of a debtor nation. If Berkeley permits its own industrial land to be commercialized, it will suffer its own micro version of this pattern, which heretofore was considered the structure of third-world economies.

call 510.841.SAVE (7283)
900 Murray St. • Berkeley, CA 94710
1. **Traffic impacts would be much larger than the DEIR profiles.**
   Based on field measurements by traffic engineer Eugenie Thomson, and as she discussed in her comments, the DEIR’s calculated traffic profile assumes existing conditions that are far better than observed conditions. In particular, the intersection at Seventh and Ashby is already at capacity. This proposed store is intended to draw people from the freeway into town – through this intersection.

   Since the observed baseline is actually worse than the DEIR’s desktop studies suppose, adding the project’s proposed number of cars through this intersection would overwhelm the infrastructure. Retiming stoplights could help speed the flow, but fitting a better nozzle onto a garden hose cannot fully mitigate the effect of pushing firehose-quantities of water through it. The only real remedy would be to expand the roadway – which would require rebuilding the intersection (again), or taking buildings. Letting the project proceed and then “discovering” the problems later would be setting Berkeley up for more intense controversy in the future.

   Protecting the children and pedestrians at the French School’s intersection is certainly necessary, and it also increases the burden on Ashby. It adds to the traffic movements at the intersections of Ashby at Seventh, Ninth, and San Pablo.

2. **Large increases in traffic on this already-at-capacity roadway would have a detrimental financial impact on existing businesses.**
   Our company’s customers already complain about the level of traffic on the streets near the Ashby and Seventh intersection. If another 50,000 vehicle trips per week are added, the congestion will drive away our customers. We employ more than 30 people, most of whom fit the West Berkeley Area Plan profile envisioning good jobs that don’t require advanced degrees. We meet the requirements for Berkeley’s Living Wage Ordinance and are pleased that so many tradesmen, artisans, householders, and even other businesses rely on our facility’s resources. In 2004 we generated nearly $138,000 in sales taxes and $50,000 in property taxes. There are many other businesses along the Ashby corridor with similar stories that would be negatively affected by overwhelming the infrastructure.

3. **Rezoning this large parcel would induce more commercial growth and zoning changes, to the detriment of the MU-LI intention and the West Berkeley Area Plan’s vision for the community and neighborhood.**
   The number of industrial properties available in the Multi-Use Light Industrial zone is already shrinking, and rezoning this parcel would exacerbate the trend and would preclude clear directions for long-term community development. The Mayor has a new office devoted to Sustainable Development; the Solid Waste Management Commission, soon to be named the Zero Waste Commission, will probably address the question of attracting small industries that use discarded resources as feedstocks.
The industries of the future cannot develop if they have no habitat. West Berkeley has been protected for them. As industrial properties disappear in Oakland, Berkeley will be an even more attractive location — if there is land available.

Up-zoning industrial land to commercial will never be reversed, speaking realistically. Since the industrial vacancy rate is a mere 2% according to a recent CB Richard Ellis publication, there is no pressure of blight or under-use to require the City to accommodate one project developer's wish for a megastore.

Up-zoning industrial property would inevitably put upward price pressure on nearby properties, and the very fledgling industries the City policy wants to nourish would be unable to afford to locate in Berkeley.

The DEIR doesn't address these issues of industrial survival at all, but simply says the City's General Plan EIR takes care of all concerns. This fancy dance is wholly inadequate to fulfill the required consideration of whether the project is consistent with the City's vision as embodied in its General Plan. Adhering to the letter cannot substitute for letting the spirit of the plan die.

4. The smaller-scale project alternative is an insufficient consideration and needs to be re-done.

The DEIR's analysis puts the smaller-project alternative at the size of a filling-station convenience store. This straw man proposal was meant to be knocked down; it is not a realistic evaluation of the situation. A better evaluation would be to return to the original project proposed, which was a true neighborhood store, sized to the needs of the neighborhood. Why was this left out? Even if the proponent has changed his mind and wants to giant store, the City, as the preparer of the DEIR, should consider the project the proponent originally claimed to want.

Thank you for this opportunity to comment on the proposed West Berkeley Bowl. After having made these comments, Urban Ore wants to point out that our company would welcome the Berkeley Bowl to the neighborhood, if the project were a more convivial size and if the project were given a zoning variance instead of rezoning the land.

Sincerely yours,

Mary Lou Van Deventer
Operations Manager

call 510.841.SAVE (7283)
900 Murray St. • Berkeley, CA 94710
www.urbannorealestate.com
Dear Allan,

I am writing to express my concern about the West Berkeley Bowl project, particularly as it relates to the safety of the children (and adults for that matter!) that are at Ecole Bilingue across the street from the project. This is especially important to me as a parent at Ecole Bilingue and because my awareness about safety has been heightened because of the deaths of 2 Vacaville children on October 20 because of a car crash that happened just as children were being let out of school.

While I do not object at all to the project (in fact, I am a devoted customer of the Ashby store), I believe that there are certain measures that can be taken to improve safety around the area. In particular, I believe it will be important to minimize or eliminate traffic in front of the school during school hours, perhaps by using a barrier that will prevent cars from proceeding north on 9th. In addition, providing angled parking along Ninth Street will increase the parking available and perhaps minimize the endless circling that often occurs at the Ashby store site. I think this is particularly important at this store, because it is more likely to attract "freeway traffic" and less likely to have customers who walk by, take public transportation, or bike to the store.

Thank you for your consideration in this matter. I look forward to following the project's progress.

Sincerely,

Panda Hershey
2416 Edwards Ave.
El Cerrito, CA 94530
(510) 237-4569
November 21, 2005

City of Berkeley
ATTN: Allan Gatzke
2180 Milvia Street, 1st Floor
Berkeley, CA 94704

Dear Allan Gatzke:

I am writing to comment on the Draft Environmental Impact Report for the West Berkeley Bowl Project. My remarks mostly address the analysis of the project's consistency with relevant policies in the City of Berkeley's General Plan and West Berkeley Plan.

I served on the Berkeley Planning Commission from September 1997 to June 2004. When I came onto the Commission, the West Berkeley Plan was being rezoned into the Zoning Ordinance. Subsequently, I spent three years as chair of the Planning Commission subcommittee that drafted the current General Plan, passed in 2002-3. Each member of the subcommittee took responsibility for drafting different elements; I drafted the Economic Development Element, among others. In addition, I was Planning Commission Chair during the period when the Plan was finalized and ultimately approved at the Council (Winter-Spring 2002-3).

Under “Project Consistency with Plans and Policies,” the Draft EIR states:

“CEQA requires an analysis of consistency with plans and policies as part of the environmental setting (see CEQA Guidelines Section 15124).”

“The General Plan Guidelines published by the State Office of Planning and Research defines consistency as, ‘An action, program or project is consistent with the General Plan if, considering all its aspects, it will further the objectives and policies of the General Plan and not obstruct their attainment.’ Therefore the standard analysis used in the EIR is based on general agreement with policy language and furtherance of the policy intent (as determined by a review of the policy context).”

The consultants assert that, judged by the above criteria, the proposed West Berkeley Bowl is consistent with the Berkeley General Plan and the West Berkeley Plan. They arrive at this conclusion by selectively citing the two plans so as to seriously misconstrue their objectives and policies, as evidenced by the following examples:

**General Plan Policies**

**Land Use Element**

“**Objective 4. Maintain and project Berkeley’s remaining industrial areas.**”
Objective 4 is not cited in the Draft EIR. The Final EIR needs to cite this objective and to explain how a project that includes rezoning industrial land to commercial can possibly be consistent with it. Alternately—and here, as in other instances discussed below, this is the only option with integrity—the consultant needs to acknowledge that the project is inconsistent with the objective.

**LU-34 Industrial Protection: Protect Industrial uses in West Berkeley.**

**Actions:**

...  

B. Prohibit further expansion of the Fourth Street commercial area beyond the existing commercially zoned areas. Maintain boundaries of the Mixed Use-Light Industrial [MULI] District. Enforce prohibitions of retail uses in the MULI District."

The Draft EIR's discussion of the project's consistency with LU-34 is specious and sophistical.

The consultants write: “When the General Plan was adopted in 2002, there was a significant concern with the expansion of the 4th Street retail area into the surrounding MULI zoned areas. In that context, it seems clear that the main intent of Policy LU-34B was to discourage further expansion of th- 4th St area, not prevent any changes in the MULI in any location” (p. IV.C-11).

In fact, the language is unambiguous, and worth citing again: “Maintain the boundaries of the Mixed Use-Light Industrial District. Enforce prohibitions of retail uses in the MULI District.” As the drafter of the Economic Development Element, and one who took special interest in West Berkeley and industrial retention, I assure you that “the policy context” here was exactly as it appears: to maintain the MULI zoning and to prohibit retail expansion—and not just around 4th Street. The discussion in the Final EIR needs to be revised to reflect these facts.

**West Berkeley Plan Policies and Actions**

General Plan Policy LU-34 and Action LU-34B are consistent with Goal 1 of the West Berkeley Plan’s Economic Development Element (cited on p. IV.C 21 of the Draft EIR):

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

The rationale for Goal 1 is as follows:

“One of the central thrusts of the West Berkeley Plan is to provide a land use framework which would allow manufacturing to remain and expand. Manufacturing is the one economic sector which is unique to West Berkeley. Manufacturing also provides often well-paid blue collar jobs accessible to moderately skilled people....”
In light of the above, it boggles the mind to read the consultant’s discussion of the project’s consistency with Goal 1:

That discussion begins: “The project promotes the economic development of West Berkeley…” (p. IV.C.21) But Goal 1 is not about “the economic development of West Berkeley” [emphasis added]. It’s about maintaining and promoting “manufacturing and other industrial sectors in Berkeley” [emphasis added]—obviously meaning, West Berkeley, since that’s the only part of town where manufacturing is allowed.

The discussion in the Draft EIR continues: “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”

Again, what does the provision of “fresh produce, basic goods and jobs” have to do with maintaining and promoting Berkeley industry? The answer is: Nothing.

There is a total disconnect between Goal 1 and the claims made for the project’s consistency with that goal. The consultant needs either to make the connection or explain why it’s not being made. Alternately—and this is the only option with integrity—the consultant needs to acknowledge that the project is inconsistent with the goal.

The discussion also cites Goal 3 of the West Berkeley Plan’s Economic Development Element:

“Improve the level of neighborhood serving retail in West Berkeley.”

The discussion finds the project to be consistent with this goal. But the consultants fail to cite Policy C. under Goal 3: “

Implement the provisions of the Land Use Element which allow small scale food stores in residential zones.”

I trust that not even the staff at Christopher A. Joseph & Associates or the Berkeley Planning Department would claim that the proposed, 91,000 square foot West Berkeley bowl is a small scale food store. This policy should be cited, and the project should be found inconsistent with it.

The discussion also cites Goal 7 of the WB Plan’s Economic Development Element:

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

In another mind-boggling passage, we read:
"Consistent: 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" (p. IV.C-23)

In fact, the approval and construction of this 90,000 square foot regional supermarket, and the change of zoning from mixed-use/light industrial to commercial, would herald the beginning of the end for West Berkeley's artists and artisans.

The missing word here—it's the word that's always missing from staff and consultant discussions of the West Berkeley economy—is rent. Most West Berkeley artists and artisans are tenants. They are in West Berkeley because the industrial zoning keeps rents within their reach. Change the zoning to commercial, and they are gone. And if the zoning change requested by the Bowl is approved, it will signal to West Berkeley landlords that the city's commitment to industrial retention is faltering, and they will line up—they're already lining up—to ask the City Council to do them the same favor.

The consultants should either address the issue of rents and the protection of West Berkeley artists/artisans—i.e., gentrification, or explain why they don't. To ignore it is to overlook the basic fact of West Berkeley economics.

And if the consultants really believe that the community room is going to protect artists and artisans who are facing gentrified/retail rents, they need to back up that conviction with examples or data—or something besides bald assertion.

**Alternative C-Reduced Project**

The Draft EIR states that this alternative—a 37,005 sf grocery store and a 28,810 sf warehouse—was what the applicant originally proposed in an application submitted in November 1992. It should be added that this was also the project originally proposed to the neighboring residents, who received it with enthusiasm.

Why has it been rejected? Well, we're told that "it would not offer the wide range of produce and other goods provided by a full service supermarket." So what? Where do the words "full service" appear in the West Berkeley or General Plans? Why does the store have to be a massive, full service outlet—with a pharmacy, yet? (Note that there's already a Walgreen's up at Ashby and San Pablo.) Can an applicant simply say, this is what I want, and is that expression of desire considered a sufficient justification for a project? If so, why bother with zoning ordinances and land use plans? The Final EIR needs to address these questions.

Another reason Alternative C has been rejected, we're told, is that it lacks a community meeting room. Again, so what? Why is that necessary? Where is it called for in any plan? The answer is nowhere—except in the business plan of the applicant.
Is it true that the project is proposed to include a pharmacy? If so, why isn’t that feature included in the project description? How many square feet is the pharmacy going to occupy? Why is it necessary for this store to include a pharmacy?

When is a Supermarket not a Supermarket?

We read on Page VI-24 that Alternative C would not meet the project object of “providing a supermarket, the key deficiency identified by the [West Berkeley] Plan.” The consultant needs to explain this claim. Since when is a 37,000 square foot grocery store not a supermarket? The Whole Foods Store at Telegraph and Ashby is 30,000 square feet. Is the consultant really claiming that the Whole Foods store is not a supermarket? If so, please define a supermarket. (And I mean supermarket, not a “full service” supermarket.)

The Draft EIR also claims that Alternative C would not meet the project objective of ‘providing “a wide range of produce and competitive prices.” The document offers not the slightest data to support this assertion. No comparative prices are supplied. For this claim to be credible, such prices need to be furnished. And the comparison needs to be not just with Andronico’s, but with Safeway, Monterey Market and the Berkeley Natural Grocery on Gilman.

Thank you.

Sincerely,

Zelda Bronstein
-----Original Message-----
From: Claudia [mailto:claudia@thebark.com]
Sent: Monday, November 21, 2005 4:21 PM
To: Gatzke, Allan E.
Subject: Berkeley Bowl

I am writing to express my support for the Berkeley Bowl project. I live very close to the site and have been involved since the beginning when the applicants and their architect, Kava Masih, presented their proposal to our neighborhood. I have attended all of the community meetings that discussed the project so am well-aware of what the majority of my neighbors feel about it. Few of these neighbors have been in attendance at subsequent Planning Commission meetings, perhaps not realizing that once their “vote of confidence” was given at our community meetings that they would be asked again to present their views in front of another body. I cannot speak for all of my neighbors, but can say that at the last meeting when the size of the project, and traffic mitigation options were discussed, the majority agreed that they were in favor of the project and that they urged the city to consider measures that would mitigate traffic, and parking that would directly affect our neighborhood. They also urged that, once the project is completed, that the city, and the applicant, maintain a traffic monitoring program and would be willing to implement other “course corrections” in the future if the initial solutions were not effective.

That being said, I want to tell you why I wholeheartedly endorse this project. First of all, the vitality of any city can best be measured by the health of its people. Our society is being plagued by high incidence of early onset diabetes and obesity and other health problems that are, in some measure, related to diet. These problems are more prevalent in socio-economic classes whose members can be found in the communities in West Berkeley. Having access to good, nutritional food is one of the key elements in solving these health problems. In my neighborhood there simply isn’t a way to obtain healthy food or groceries that doesn’t require getting in a car (if one is lucky enough to have one) and driving to an expensive supermarket, like Andronicos on University—the other available option is to buy food at the all too numerous liquor stores that plague our neighborhood. That is no way to shop for food, nor is it a way to introduce the concept of healthy food to our children.

Secondly, a supermarket has been an integral part of the planning goals for West Berkeley and we have been promised one for years. But now when we have the opportunity to not only get a world class supermarket that provides an array of fresh produce that even the food-conscious New York Times marveled at (in a recent article), people (most of whom do not live or work in our neighborhood) are trying to destroy the project for ideological reasons. Their arguments are not related to what this project truly means to the people of West Berkeley, and to the larger community of our city. It truly isn’t a “traffic” issue. It directly relates to an urban-mythic “domino” theory, which purports that if this project is allowed to go forward, it means that land values will increase, then the rents on craft studios or manufacturing/retail (as is the case of Urban Ore) will also be affected. Or in the case of the French school fearing that Bowl traffic will affect their current arrangements, as well as their over reliance on “free” street parking for their teachers and staff. (Please note that they are the main contributor to our early morning and mid afternoon traffic snarls, as well as the lack of parking along 9th and Heinz streets, and by large are not residents of Berkeley, and certainly do not reside in our neighborhood.)

And finally, Berkeley has tried to show its support for blue collar jobs via manufacturing by zoning vast areas of West Berkeley for this use. Since the time the West Berkeley plan was first discussed, that goal has become a chimera that has, in my mind, damaged the vitality of my neighborhood and of our city. Manufacturing, as we all know, has moved off shore—what community wouldn’t wish this weren’t so. While I believe that showing support to blue collar jobs is a worthwhile goal, the jobs that the Bowl will provide are also “blue collar,” or perhaps more aptly, “green collar.” Not only that but the Bowl gives jobs to and supports the “green
collar" jobs of farmworkers and small family farmers throughout our state. Without such marketplaces as the Bowl, whose produce reflects the labor of the small family farmer (and not the mega farms that supply other markets, like Andronicos, Safeway and even Whole Foods), the future of the small family farm is jeopardized. I know this first hand, because in the '70s I was one of the first organic apple growers in California, so I well know the importance that having a reliable marketplace that respects and supports the diversity of crops as the Bowl has long demonstrated.

The proposed development site has not only lay fallow (except for a brief period when Kona Kai farms had an organic urban farm project) for more than a decade but it is one of the factors that give my neighborhood the appearance of being a blighted area. The Bowl will be a welcome addition not only because of what it provides to our community (fresh food at very reasonable prices), but for the enhancements it will bring to my neighborhood.

Claudia Kawczynska
2810 Eighth St
Claudia@thebark.com
-----Original Message-----
From: Jane Metcalfe [mailto:jane@forca.com]
Sent: Monday, November 21, 2005 4:46 PM
To: Gatzke, Allan E.
Cc: Jennifer Monahan
Subject: West Berkeley Bowl project

Planning Commission c/o Allan Gatzke,
2180 Milvia Street Third Floor
Berkeley, CA 94704

Dear Mr. Gatzke,

As the parent of two young students at the Ecole Bilingue, I am writing in regards to the proposed West Berkeley Bowl project across the street from the school. Along with hundreds of other EB families, I am very concerned about our children’s safety, their health, the inconvenience this project creates for faculty and parents, and the potential impact of this project on the neighborhood in terms of zoning pressure, possible rental rate increases, etc.

My safety issues surround traffic patterns during drop off and pick up times. I hope you will consider blocking access to 9th street from the Ashby side, and also consider turning 9th Street one way heading north, which would make it less likely to be used by Berkeley Bowl shoppers. I also hope you will consider angled parking along both 9th street and Heinz street.

The health concerns stem from an increase in car starts in close proximity to the school, as well as increased truck traffic. Air quality is already a concern -- the increased traffic this project will bring can only make the situation worse.

The inconvenience issue stems from an existing parking shortage. When the construction is underway, and once the building is open, we expect it to only get worse. I have noticed a lack of adequate parking requirements on new businesses in Berkeley -- Elephant Pharmacy and the existing Berkeley Bowl are two high profile examples. I question whether the proposed parking structure will actually cover the needs of the shoppers.

And finally, I feel that the school’s future is compromised by this project. I feel certain that such a large and (hopefully) successful operation so close to the school will simply drive us out of the neighborhood. I wonder what sort of compensation we might be due as a result?

Sincerely,

Jane Metcalfe
November 21, 2005

Planning Commission
C/O Allan Gatzke, Principal Planner
Land Use Planning Division
2118 Milvia Street, Third Floor
Berkeley, CA 94704

Re: Comments on the EIR for the Proposed West Berkeley Bowl Project at 920 Heinz Avenue, Berkeley

This letter is written on behalf of West Berkeley Business Alliance, progressive coalition of West Berkeley Businesses working together through advocacy and policy for the revitalization of West Berkeley. We wish to urge the timely approval of the Berkeley Bowl Project EIR.

For the following reasons, we believe that few projects so clearly fit the intent of the West Berkeley Plan as Berkeley Bowl’s proposed West Berkeley Expansion:

- **A City of Berkeley Study from 1994 determined that West Berkeley significantly lacked grocery store retail space.** The study noted that while the City had a number of higher-cost “gourmet” grocery stores, it needed an additional 60,000 square feet of grocery retail space offering products at a lower price point.

- **The West Berkeley Plan notes that West Berkeleyans in particular felt that there were “too few food stores near their house.”** The survey cited in the plan was dated 1989; since then residential growth in the area has been substantial, but no major supermarket has opened to serve West Berkeley residents.

- **The planned project will provide much needed local jobs to West Berkeley.** These job opportunities are precisely those promoted by the West Berkeley Plan, which favors businesses whose employees might otherwise have poor job prospects. In addition, retail and warehouse grocery space offers more good jobs per square foot than typical light industrial uses.

- **The traffic mitigations in the project plan create no significant impact, according to the EIR.** The EIR’s traffic study, executed by the same consulting team that analyzed traffic flows for the West Berkeley Plan and the West Berkeley Redevelopment Area, projects that changes to the site will not burden the existing neighborhood traffic flow or overwhelm surrounding streets. The new store will also help ease demand on Berkeley Bowl’s other location, mitigating traffic and parking problems in the denser South Shattuck neighborhood.

- **The proposed West Berkeley Bowl is not a “mega store”.** Indeed, at 51,000 sq. ft. of retail space it is in fact somewhat smaller than the average new supermarket being built in California. The additional space is devoted to warehousing and offices that support both Berkeley Bowl locations.

- **The West Berkeley Bowl development incorporates significant warehouse space,** fulfilling one of the uses preferred by the West Berkeley Plan.
• Berkeley Bowl was founded in Berkeley and serves Berkeley. Berkeley Bowl provides, in a city known for its food, a quality of food and related services unmatched by most stores throughout the country. Its continued success will generate a large number of community jobs and increase tax revenues for the City.

• The impression of Berkeley being unfriendly to business will be perpetuated if this project is not approved, reflecting negatively on the planning and approval process and undermining Berkeley's own planning policies. As a result, the City's tax base and infrastructure will suffer as existing businesses continue to leave Berkeley, and new businesses choose not to relocate here.

We feel that the proposed Berkeley Bowl project will benefit West Berkeley and the City as a whole. We encourage the Planning Commission to recommend approval of the EIR and thereby support those City residents who wish to shop at a locally owned and operated grocery store offering a unique mix of food products and world-class service.

West Berkeley Business Alliance

Adam Block
Ali Kashani
Allen Hardly
Allen Perkins
Andy Mehl
Barbara Ellis
Bruce Lymburn
Charles Kahn
Celia Baur
Craig Reece
Daniel Baker
Daniel Deibel
Darrell De Tienne
Dave Kent
David Meyeri
Deborah Oropallo
Dennis Cohen
Denny Abrams
Dion Aroner

Don Yost
Doug Herst
Elisabeth Jewel
Elliot Abrams
Gary Robinson
Janet and Al Ferreia
Jim Hart
Joe Decredico
John Norheim
John Stolrrow
Jon York
Kava Massih
Lars Larson
Laura Billings
Lewis Cohen and Pamela Bickett
Liz Miranda
Mark Creedon
Michael Goldin

Mike Brodsky
Mike Winter
Paul Goldstone
Peter Meier
Peter Walker
Phil O'Hay
Rena Rickles
Richard Bedayn
Richard Laufenberg
Rodney Brooks
Scott Christensen
Steve Smith
Steven Block
Steven Donaldson
Steven Goldin
Tim Rempel
Toby Taylor
November 21, 2005

Emailed to agatzke@ci.berkeley.ca.us

Planning Commission
c/o Mr. Alan Gatzke, Principal Planner
Land Use Planning Division
2118 Milvia Street, Third Floor
Berkeley, CA 94704

Subject: Draft Environmental Impact Report for the Proposed West Berkeley Bowl (920 Heinz)

Dear Commissioners:

I am writing to you at the request of the owners and operators of several West Berkeley-area businesses, including Urban Ore, Ashby Lumber, Inkworks and Meyer Sound and WEBAIC.

We appreciate the new traffic study; however multiple significant flaws still remain. See the following key traffic and parking concerns.

The City of Berkeley has been a leader in transportation issues, and I believe viable solutions can be achieved through a collaborative effort. The problems identified in the attached can be easily and inexpensively resolved during the drawing board phase of the project; however, once the project is built, mitigating the major traffic and parking impacts will involve significant costs, the burden of which will be borne by the City and taxpayers.

Respectfully,

Eugenie P. Thomson P.E. PTOE
Consulting Civil and Traffic Engineer

ept/epct
Cc: Bernard Marszalek, Inkworks
Mary Lou van Deventer, Urban Ore
Gary Robinson, Meyer Sound
Jeff Hogan, Ashby Lumber
John Curl, WEBAIC
Comments On The Traffic Study in the Draft Environmental Document

1. The proposed project would result in overwhelming change in both traffic and parking conditions in the neighborhood. This major change could result in untenable conditions for existing businesses that currently depend on double parking for loading and are highly dependent upon on street parking. This overwhelming increase in traffic volumes and reductions of on-street parking supply as a result of the supermarket could have a ripple effect of more rezoning. The DEIR does not address the project's effects on the businesses and residences in the West Berkeley area. The following graph is provided to illustrate this major increase in traffic.

**TTE**

Vehicle Trip Ends for 100,000 GFA Weekdays


- Light Industrial (110)
- General Office
- Proposed Supermarket (850)
2. Field surveys find much higher delays than the DEIR indicates for the Existing PM peak hour traffic conditions. Correction of delays would likely result in the project having significant traffic impacts.

For example: For northbound traffic at the intersection of San Pablo Avenue and Ashby Avenue, the PM peak field-measured average delay is 95 seconds per vehicle. The DEIR calculates a much lower delay at 31.2 seconds per vehicle, less than one-third the field-measured delay. See graph below.
For example: For southbound traffic at the intersection of 7th Street and Ashby Avenue, the PM peak field-measured average delay is **151 seconds per vehicle**. The DEIR calculates a much lower delay at **44.5 seconds per vehicle**, less than one-third the field-measured delay. See graph below.

The result is that the DEIR’s level-of-service analysis for base or existing traffic conditions shows much lower delays than those actually occurring on the streets surrounding the project.

After correcting the flaws in the analyses of existing traffic conditions, the project analyses would find that the proposed project would have a significant impact.
3. The DEIR suggests Berkeley Bowl to be an average type of grocery store while the existing store is unusually successful. It is similar to a supermarket with the addition of a regional market.

The DEIR also cites a trip rate 20% lower than the peak of a grocery store even though the peak of grocery stores are now coinciding with the peak of streets due to the spreading of the peak periods in most cities in California, especially locations near the urban area core, like Berkeley.

Fact: The DEIR cites traffic generation rate of 10.45 vehicle trip ends per PM peak hour. The Institute of Transportation Engineers provides this rate as the representative rate for the average trip rates for grocery stores that would occur during the peak hour of the adjacent street traffic. It is noted the regression analysis of the ITE rates indicates a very high standard deviation of 4.97 vehicle trip ends.

ITE also cites an average vehicle trip rate for a grocery store at 12.02 vehicle per 1000 GFA or 20% higher, at the busiest weekday evening hours of the store. See graph below based on the ITE Trip Generation Manual.

Comparison of Average Vehicle Trip End Rates

Sources: ITE Trip Generation, 7th Edition
& Draft EIR W. Berkeley Bowl 10/2005
4. The DEIR cites Store Gross Floor Area 33% less than what should have been used, hence reducing the project trip generation by 33%.

The correct Gross Floor Area when using the ITE trip rates is defined below and if used the Store would be 82,090 square feet. The DEIR used only a Gross Floor Area for the store as 54,735 square feet. ¹

**Fact:** The ITE definition of GFA on which the vehicle trip rate should be calculated is defined as follows:

The definition of GFA includes area of each floor, including cellars, basements, mezzanines, penthouses, corridors, lobbies and stores that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. If ground-level area, or part of thereof, within the principal outside faces of the exterior walls is not enclosed, this GFA is considered part of the overall square footage of the building.

### Gross Floor Area Definition for Proposed Project (Square Feet) as per ITE Gross Floor Area Definition

<table>
<thead>
<tr>
<th>Building on corner of Heinz &amp; 9th</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjacent Food Service Area</td>
<td>3,670</td>
<td></td>
</tr>
<tr>
<td>Community Room</td>
<td>3,400</td>
<td></td>
</tr>
<tr>
<td>Corner Bldg total</td>
<td>7,070</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Main Building</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ancillary Office</td>
<td>4,120</td>
<td></td>
</tr>
<tr>
<td>Grocery MarketPlace</td>
<td>51,065</td>
<td></td>
</tr>
<tr>
<td>Storage for the Market Place</td>
<td>14,405</td>
<td></td>
</tr>
</tbody>
</table>

18% of total store

| Main store GFA                  | 69,590|
| Porticos 1 and 2 (TTE estimate) | 5,430 |

**Grocery Store Total Per ITE Definition**

| Grocery Store Total Per ITE Definition | 82,090 |

| Ancillary Storage for Existing Store on Oregon St | 14,400 |

**Total bldgs area**

96,490 sq. ft.

¹ The DEIR provided the areas listed above in its text; however an engineering check of the greatly reduced plans in the DEIR, indicate the actual square footage could be greater. The total in the table above may be about 105,000 sf not 96,490 sf, both values excluding vehicle areas. The full scale plans or CAD Plans should be checked for the square footages as defined by ITE to the principal face of building.
5. On February 2, 3 and 8, I conducted parking surveys at the existing store. These surveys indicate parking demand rates that are higher than those used in the study. It should be noted that parking demand at the existing store is constrained, due to the shortage of adjacent parking supply.

The graph below provides the afternoon peak parking demand rate (i.e., the number of parking spaces per 1,000 square feet of Gross Floor Area) that was used by the applicant for the project. The graph also provides a comparison of this rate to the parking rate at the existing Berkeley Bowl store, and compares this to ITE parking demand rates for the number of parking spaces per 1,000 square feet of supermarket floor area for supermarkets in urban and suburban locations. As shown, the rate used for the study appears to be low and to exclude employee parking. More study is suggested to establish both the customer parking demand and the employee parking demand for the new store.
6. The observed parking demand at the existing store during weekday afternoons is higher than the DEIR's calculated demand for the new store, even though the new store is double the size of the existing store.

The graph below provides for the results of alternative parking demand calculations. The values to the far left are the available parking lot supply and peak afternoon parking demand at the existing store on Oregon Street. As shown, the demand at the Oregon Street store exceeds the available parking supply in the lot, resulting in customers' parking throughout the neighborhood.

![Comparison of Alternate Parking Demands during Weekday PM peak period](image)

To the right of the existing store values is the net parking supply for the new store on Heinz Street. In addition, the peak parking demand calculated by the consultant for the 2005 study for the proposed project is shown. It is surprising that the new store's parking demand is shown as lower than that of the existing store, while the new store is almost double the existing store's size and will significantly increase the number of employees.

To the right of the consultant values, I have provided two alternative calculations for parking demand for the new store. The first alternative considers that 50% of the warehouse would
be used as storage space for the proposed new store, as proposed and discussed at the February 9 Planning Commission meeting. The second alternative calculation, shown at the far right on the graph, assumes a parking demand for the new store that is similar to that of the existing store, and assumes 50% of the warehouse is storage for the new store.

As illustrated, parking demand exceeds the on-site proposed parking supply at the new store location. Parking in the area is already full during weekday afternoons. Clearly, further study is needed in order to assess parking needs for the new store accurately.

7. The French School across the street at the intersection of Heinz and Ninth streets generates loading and short-term parking across the street from the proposed new store between 3:15 p.m. and 3:45 p.m.

Parents line up in the street to pick up their children and park in the railroad right-of-way for short periods of time. The traffic study did not address the impacts of the safety of school children, nor did it address the complete blockage of Heinz Street. The study also did not address the proposed reduction in informal parking supply in the railroad right-of-way that currently is used by parents to minimize disruption on Heinz Street.

8. The plan shows that the area in front of the loading dock would be used for customer parking, making the dock inaccessible.

This unusual configuration severely limits use of the dock. The driveway should be relocated to line up directly, thus eliminating parking in front of the loading dock.
9. The consultant applied a reduction of 36% in the calculation of daily trips for the project. According to the study, this was done to account for passerby trips.

A “passerby” trip is defined, for example, as a vehicle already traveling north on San Pablo Avenue that would be diverted to the store by the project.

What is misleading is that these “passerby” vehicles actually would add trips to the intersections (especially to the critical turning movements) at San Pablo and Ashby, and Ninth and Ashby—and would not reduce the number of trips, as the report asserts.

That is, consider the following scenario: A “passerby” vehicle traveling north on San Pablo Avenue would not continue north through the Ashby intersection, but would make a left turn onto Ashby and go to Ninth, where it would turn right. When this vehicle exits the store southbound on Ninth, it would make a left turn at Ashby and travel eastward, making a left turn at San Pablo to continue northward on San Pablo.

Thus, in our opinion, the proposed project would add two passerby trips to the intersection at Ninth and Ashby that do not occur today. Further, at San Pablo and Ashby, the project would add one trip, and the northbound through trip would change from a through movement to a northbound left. It is noted that left-turn movements are more significant than a through movement due to the limited capacity of northbound left-turn lanes, and this project would add these significant passerby vehicles to the critical volume at this intersection. We do not understand, therefore, how the daily trips in the area can be reduced for this project as a result of passerby vehicles going into the new store. Clearly, the passerby reduction should not have been applied. ITE manuals include passerby trips data on adjacent streets for existing stores; the data was not meant to be applied to reducing trips around a new project site.
--- Original Message ---
From: Cameron Woo [mailto:cameron@thebark.com]
Sent: Monday, November 21, 2005 4:35 PM
To: Gatzke, Allan E.
Cc: Lau, Ryan
Subject: Letter in support of Berkeley Bowl

To whom it may concern:

I am a resident of West Berkeley. I have owned a home for 15 years at 2810-8th St., a block away from the proposed site of the Berkeley Bowl project on Heinz and 9th St. The recent Environmental Impact Report on this project cites parking and traffic as the primary issue around this development. I agree. I also agree with the EIR that these issues can be mitigated using a combination of planning, signage, redirection of traffic flow, timed activities and a host of reasonable compromises placed upon all the stakeholders involved. I do not see that these issues are insurmountable. Nor should traffic and parking concerns derail this much needed and important asset to our West Berkeley community.

Berkeley has become the tale of two cities -- the well-to-do North with its lovely houses, green space, shopping and amenities, while, the flatlands of our fair city have been a dumping ground for car dealerships, pollution ridden industry and crime. The citizens of West Berkeley deserve better.

Allowing the Berkeley Bowl to be built and flourish would be a welcome step towards improving the quality of life in our community. The citizens of West Berkeley deserve access to good, nutritious, affordable food. I strongly believe that this right trumps all other arguments I have heard during this review process ... more important than risking some imaginary blue collar jobs, more important than the French School parking, more important than some neighbors' desire for maintaining a "village" atmosphere.

The fact that West Berkeley has a very large minority population and a much lower income average than their neighbors in the North, makes this disparity even more glaring. Berkeley has the opportunity to make a meaningful, impactful change to our local landscape -- don't allow a handful of vocal utopians dictate the health and well-being of an entire community and generations to come. Work hard to allow the Berkeley Bowl market to be built at the proposed site.

Sincerely,
Cameron Woo

Berkeley homeowner/resident
2810-8th St.
Berkeley, CA 94710
Statement of Sally Drach  
1883 Yosemite Road  
Berkeley, California 94707

- My name is Sally Drach. I have been a resident of Berkeley for more than 20 years. I have two children: one a current student at EB and the other a graduate of EB. My husband and I know the school and the school community well, having served in a variety of volunteer positions over the course of the past 12 years.

- Should my remarks extend beyond my 3 minute speaking limit, or should you have questions about EB’s concerns that I may be able to answer, there are several parents here tonight who will yield their speaking time to me.

- I have reviewed the Draft EIR for the Berkeley Bowl (“BB”) project. For a majority of EB’s approximately 400 families the BB project is – in its broadest terms – a positive one. The school community looks forward to welcoming BB to the neighborhood.

- However, an examination of the Draft EIR and our real-world experience as customers of the existing BB store have raised a series of important questions and concerns within our school community.

  o While none of these concerns may jeopardize the project itself (as a legal matter), they are directly related to the safety of our children. As such, we believe they are important, they are worth addressing here tonight, and they are worth fighting for.

  o We also believe good neighbors should work together to resolve concerns in a cooperative and responsible manner. We understand discussions presently are underway on a number of key issues by and among EB, BB and the City. It is our expectation that these issues will be resolved to the satisfaction of the school community, a collection of people who also hope to become loyal and supportive customers of the new BB. We ask you and other City decision-makers to join with us in supporting these discussions and in promoting the adoption of mutually satisfactory measures that resolve outstanding issues and that better ensure the safety of our children.

  o Our numbers here this evening and our presentation to you reflect our determination to support the parties’ ongoing discussions. We expressly asked a limited number -- by no means all -- of our parents to attend this evening to demonstrate their support of Mr. Bowie’s comments and mine. We respect your time and your need for a concise statement of our concerns. Thus we have made no effort to unduly prolong the evening by
- **Ensuring the Maximum Feasible Number of Parking Spaces**

- It is a common recognition – and a common experience of all here tonight – that parking problems are an unfortunate byproduct of the success of BB. There is no reason to suspect otherwise for the new BB.

  - While the project adds onsite parking (arguably, to many parents, an insufficient number) it also eliminates quite a number of offsite parking spaces. The reduction in offsite parking comes from two sources:

    - New recommendations by the City, implemented by EB, to modify the existing carpool scheme by moving it closer to the curbside. This modification results in the elimination of approximately 14 long-term parking spaces immediately adjacent to the school.

    - The project calls for the elimination of approximately 20 parking spaces on the currently-unpaved railroad spur immediately adjacent to the project site. These spaces would be eliminated by the proposed conversion to parallel parking in connection with constructing an improved roadway and bicycle boulevard.

  - Parents are extremely concerned about the reduction in parking, as school activities and the integrity of our school community depend, in great part, upon the presence of parents on school grounds during the school days.

- **EB has made an effort to address its own parking limitations.** Currently, EB rents parking spaces across the street from the school, uses one of its playgrounds for parking before and after school, routinely and enthusiastically promotes carpooling and bicycling to school, and uses a drop-off and pick-up operation before and after school so that parents do not have to park. In addition, as acknowledged in the DEIR, EB recently has worked with the City to improve its carpool lines to ensure greater safety and efficiency. In short, we are doing our part.

  - What measures would parents support and recommend?

    - Retain angled parking on the improved railroad spur immediately south of Heinz and also north of Heinz where not currently in place.

    - This will preserve a significant number of spaces for neighborhood use. Precedent exists in the neighborhood for such a configuration. Ninth Street between Dwight and Parker, already part of the bicycle boulevard, uses angled parking. To our knowledge, the City is not seeking to eliminate those spaces. More importantly, we are not aware of any problems encountered by bicyclists on that
The City’s experts should have concluded that the intersection at Ninth and Heinz will be significantly impacted (or, at least, potentially significantly impacted) and will require mitigation measures.

For example, in its description of pedestrian traffic associated with the project site the DEIR includes the following statement:

- "Additionally, drivers in the project area could potentially want to use the project site as a cut-through between Heinz Avenue and Ashby Avenue, as currently occurs at the Orchard Supply Hardware parking lot. This is considered a potentially significant impact." DEIR IV.D.-47 (emphasis added).
- The same conclusion must apply to Ninth Street immediately north of the Ninth and Heinz intersection. More specifically, authors of the DEIR should have -- but did not -- addressed and analyzed the use of the project site as a cut-through to Ninth Street, a wide boulevard that is designated for bicycle usage and that is not intended to handle a high volume of traffic.

Furthermore, the DEIR analysis of the intersection at Ninth and Heinz is contradicted by other experts. For example:

- Fehr & Peers, the City’s expert, indicates that school peak hour traffic (2:00 p. to 4:00 pm) at Ninth and Heinz is at the so-called “A” (least congested) level of service. DEIR IV.D-15
- TTE disagrees. It found school peak hour traffic – specifically between 3:15 pm and 3:45 pm -- to be an “F” (most congested) level of service. See the Feb 9, 2005 letter from TTE letter to the Berkeley Planning Commission, a copy of which (I believe) is in the public record of this proceeding.

Even if the City’s analysis is correct, which it is not, additional traffic measures nonetheless are warranted at the intersection of Ninth and Heinz. One or more of the ideas presently under consideration would i) ensure the accuracy of the City’s analysis, ii) reassure EB and its residential neighbors on Ninth Street that important safety considerations are being addressed, and iii) maintain support for BB and its project. Failing all else, these measures should be incorporate as conditions to any use permits to construct and to conduct retail operations at the site.

The safety of our children demands more than what is currently specified in the DEIR. Accordingly, we urge the City and all of the parties to remember that it is better to “be safe than sorry” when it comes to such matters.
using multiple speakers, by parading our children before you, or by otherwise dominating or disrupting this meeting.

• What concerns do we have with the BB project?
  Uniform and unrelenting concern has been expressed within the school community about two issues: traffic safety and parking. On behalf of EB parents I will address these two issues.

• Ensuring Minimal Additional Auto Traffic on Ninth North of Heinz
  The issue of foremost priority to EB and to the entire school community is the safety of our children.

• In addition to various traffic improvements specified in the DEIR we urge the City to condition approval of this project upon the pre-occupancy implementation of additional traffic measures to (1) promote pedestrian safety at the intersection of Ninth and Heinz, and (2) discourage the use of Ninth Street north of Heinz as an auto or truck route to and from the BB site.

  o We understand that Berkeley Bowl is amenable to such measures and that discussions presently are underway with City staff on this issue. Any of a number of solutions may address our safety concerns. We encourage the parties to continue to work diligently and creatively to remedy what we believe is an important, reasonable, and shared concern.

  o We urge the City to ensure that all traffic solutions are implemented before the opening of BB. Customers must become familiar with new traffic measures and must, as indicated in the DEIR, revise their driving strategies accordingly. The sooner they do this, the better. Post-opening road changes will only complicate the situation, by creating unnecessary confusion, by increasing driver frustration, and by jeopardize the goodwill which the City, BB and EB all are working to build in connection with this project.

  o We understand that some in the City believe that the intersection of Ninth and Heinz and the blocks of Ninth Street located immediately north of Heinz will not be unduly impacted by the project. [See, e.g., DEIR Table IV.D-10 at IV.D-39]. This is merely an assumption, based upon surprisingly little evidence, namely discussions with City Staff, an irrelevant zip code survey of existing BB customers, and apparently undocumented “turning movements at the study intersection.” DEIR, IV.D-39, Table IV.D-10, n. 1. This “data” and other support for the traffic analysis set forth in the DEIR can, at best, be characterized as weak. It also is contradicted by competing experts. See, e.g. the analysis undertaken by TTE in early 2005 on the same issues. (A copy of the TTE report is a part of the administrative record.)
one block of Ninth. We ask for similar consideration along the existing railroad spur.

- Encourage remote, offsite parking by BB employees and, if possible, EB employees.
- We understand that BB is looking into remote, off-site parking for its employees, and that EB also has expressed some interest in sharing such a location for its full-time employees. We ask that the City support these efforts and help the parties obtain necessary approvals to obtain such remote parking for its employees and to reduce the demand on near-site parking.

- Reassure neighbors and future BB customers that the City will not ignore problems if the parking analysis in the DEIR proves inaccurate.
- Considerable suspicion and tension exists over the issue of whether BB and the City have adequately estimated parking demands for this project. The City is requiring BB to analyze the need for additional traffic improvements between Ashby Avenue and the project site one year after opening. (DEIR IV.D-41.) We ask that the City also require an assessment of the adequacy of onsite and offsite parking at the same time. If additional parking is deemed necessary or appropriate, BB, in consultation with its neighbors should present to the City additional ideas for reducing parking problems in the neighborhood.

Thank your attention to this matter. With the implementation of a few simple measures that will reassure existing West Berkeley residents, schools and businesses that specific and important safety concerns are being addressed, we look forward to the opportunity of welcoming BB to the neighborhood.
November 21, 2005

City of Berkeley
Development Division
2121 Milvia Street
Berkeley, CA 94704
ATTN: Greg Powell

Inadequate Draft EIR for Proposed West Berkeley Bowl, 920 Heinz Avenue

Dear Mr. Powell:

The obvious alternative for this project is the one that the owner originally wanted to build, namely a SMALLER grocery store.

The Draft EIR summarily dismisses this alternative by claiming that a smaller store would be a “convenience store”. This is a bizarre and baffling misuse of the English language. All of the grocery stores in Berkeley today are smaller than the massive project proposed, and they are all called “grocery stores”.

The final EIR would be flawed and inadequate if it fails to fully analyze the environmentally superior project, the one that the owners originally wished to build, namely, a normal-sized grocery store.

Why has the applicant has decided to super-size the project? Why is the applicant asking for a zoning change rather than a variance?

Sincerely,

Gale Garcia
841-5055
From: Gatzke, Allan E. [AGatzke@ci.berkeley.ca.us]
Sent: Wednesday, November 23, 2005 12:22 PM
To: Mewton, Shannon; Homrighausen, Janet
Cc: chandlerle@aol.com; kerrie@cajaeir.com
Subject: FW: berkeley bowl

-----Original Message-----
From: LaneyBug@aol.com [mailto:LaneyBug@aol.com]
Sent: Tuesday, November 22, 2005 6:47 PM
To: Gatzke, Allan E.; Powell, Greg
Subject: berkeley bowl

autumnal greetings,

i have lived in southwest berkeley for over 20 years and have been consistently frustrated by the lack of a
decent grocery store in this neighborhood. it had never made sense to me that we have been stuck with an
upscale store such as andronico's "park and rob" or a low scale store such as the grocery store outlet. have
you ever thought about all of the poor people in our neighborhood who lack transportation and have no choice
but to pay an exorbitant amount for food at andronico's or buy outdated or damaged food at the outlet. its an
abomination that these are their only options, when there is a viable alternative in the smart responsible grocer
folks who own berkeley bowl, a proven entity.

you should be begging the bowl folks to open a store in our neighborhood instead of tormenting them with
needless questions and delays. what about your constituents?? think about us for a change - we need,
deserve and could easily support a decent grocery store in this neighborhood. additionally in view of the
popularity of the their current store, the lines are excessively long which could easily be remedied by having a
second store. a second store could be a draw for our neighborhood and boost sales of nearby businesses as
well as jobs for the unemployed youth in our neighborhood.

i get so tired of paying such ridiculously high property taxes because the "powers that be" in berkeley
continually refuse get money from businesses and their commercial property tax. i am not suggesting we
become another emeryville but i think we make doing business in berkeley so hard that many businesses go
elsewhere and then too much of the burden for financing the local government and services fall needlessly on
the residential homeowners. when the opportunity for buying more real estate in berkeley, i chose to buy in
oakland and arizona because in part of the high taxes berkeley.

in berkeley, we get so tied up in red tape that we continually shoot ourselves in the foot. what is so hard?....we
need a grocery store and their is a locally owned store (not a chain) that wants to meet an obvious need.

onward and upward,
elaine lee
2348 browning
berkeley, ca
-----Original Message-----
From: Planning Dept. Mailbox
Sent: Monday, November 28, 2005 8:52 AM
To: Gatzke, Allan E.
Subject: FW: West Berkeley Bowl

Please do not hit "Reply", as this will send your email back to the Planning Department Mailbox. Please respond directly to the customer's email address below. Thank you.

-----Original Message-----
From: Joshua Room [mailto:joshua.room@doj.ca.gov]
Sent: Wednesday, November 23, 2005 9:06 AM
To: Berkeley Mayor's Office; Planning Dept. Mailbox
Subject: West Berkeley Bowl

Dear Mayor Bates and the Planning Commission -

I don't know if it might be beyond the official "comment" period, but I am writing to express strong support for the proposed Berkeley Bowl development at 9th and Heinz in Berkeley. I am a lifelong Berkeley resident, and also a lifelong Bowl shopper. (I grew up on Ward Street just above Fulton from 1969 to 1991, and lived from 1997 to 2003 on Milvia between Ward and Stuart, so most of my life I have lived within a few blocks of the Bowl). I know what a tremendous boon the present Berkeley Bowl has been to the South Berkeley neighborhood, especially when the Bowl took over the long-abandoned Safeway store location it presently uses and helped revitalize that long-moribund sector of Shattuck and Adeline. The Bowl has been a tremendous contributor both to the reputation of Berkeley and to the economic revitalization of that South Berkeley sector. It has also been a good neighbor, in the sense that the present site has had minimal negative effects on traffic, etc., for a store of its popularity and drawing power. I drive past it every day, and it only minimally slows the traffic flow.

Presently my wife and I live in North Oakland just over the border from Berkeley (on 66th Street above Shattuck), still just a few blocks from the present Berkeley Bowl. We are in contract to purchase property in West Berkeley, less than a mile from the 9th and Heinz site, and would be very excited to have the new Berkeley Bowl built in our new neighborhood. In fact, one of our considerations in buying a new house was our access to the Bowl (either present or the new one). I know first-hand the substantial benefit of having the Bowl in the neighborhood. I have read the draft Environmental Impact Report and see no reason to further delay the approval of building at the 9th and Heinz site. I would hate to force the Bowl to open its new location in some other city, like Albany, Oakland, or, (gasp) Walnut Creek. The owners have been very patient with Berkeley, but I would expect their patience to run out. Please act quickly to help this Berkeley landmark and substantial contributor to the Berkeley community make another contribution.

Thank you for your attention.

Joshua Room
651 66th Street
Oakland, CA 94609

soon to move to
CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.
Kerrie

From: Homrighausen, Janet [JHomrighausen@ci.berkeley.ca.us]
Sent: Tuesday, December 13, 2005 8:28 AM
To: Gatzke, Allan E.; Paine, Carli
Cc: Kerrie Nicholson (E-mail); Chandler Lee (E-mail); Rhoades, Mark
Subject: FW: West Berkeley Bowl Proposal

Communication for Planning Commission -  
-----Original Message-----
From: adam fuchs [mailto:atman.fuchs@gmail.com]
Sent: Monday, December 12, 2005 10:53 PM
To: Homrighausen, Janet
Subject: West Berkeley Bowl Proposal

Berkeley Planning Commission,

I, as a resident of West Berkeley, would like to express my support for the proposed West Berkeley Bowl project. I have reviewed the Draft EIR, and while the proposed project may result in increased traffic to the area, I feel that the project is worth it. West Berkeley needs a full-service grocery store and a source for fresh vegetables for the area. I feel that the Bowl is a local institution and warrents the support of the city. The current Bowl is very over-crowded and congested.

People may feel that altering the zoning for the Bowl will open the floodgates for other retail development, but the Bowl is not wal-mart, it is a local non-chain store. Quite frankly, the city needs tax revenue that is not just home-owner based and I welcome the addition of the new Bowl.

Thank You,

Adam Fuchs
2214 10th st
Berkeley, CA 94710
West Berkeley resident since 1995
From: Gatzke, Allan E. [AGatzke@ci.berkeley.ca.us]
Sent: Tuesday, December 20, 2005 11:48 AM
To: kerrie@cajaer.com; chandlerle@aol.com; Jacob, Melinda
Cc: Paine, Carl; Homrighausen, Janet
Subject: FW: West Berkeley Bowl DEIR

-----Original Message-----
From: adam fuchs [mailto:atman.fuchs@gmail.com]
Sent: Monday, December 19, 2005 9:58 PM
To: Gatzke, Allan E.
Subject: West Berkeley Bowl DEIR

Planning commission
c/o
Alan Gatzke, Principal Planner
Land Use Planning Division
2118 Milvia Street
Berkeley, CA 94704

Mr. Gatzke,

I writing to provide my input and comments on the draft EIR for the West Berkeley Bowl project. I have been a West Berkeley resident for over 10 years and I wholeheartedly support the West Bowl project. The accusations of traffic issues can be no worse that the current Berkeley Bowl. The EIR has provided for ample underground parking, and has included provisions for bicycle use in the plan. I especially support the connection of the discontinuous portions of 9th street for usage as a continuation of the Bicycle Boulevard.

I firmly believe that this project will change the West Berkeley neighborhood for the better. We have far too many liquor stores in the area and not enough sources of fresh vegetables. I think that the traffic impact for those West Berkeley residents is overstated, because those of us within walking and biking distance to the new Bowl will walk and bike, rather than drive. The Bowl is a Berkeley institution, and a local business that will contribute to the tax base. It is not a chain store, not a wal-mart. I feel that it preserves the essence of West Berkeley while adding positively to the neighborhood.

Thank You.

Adam Fuchs
2214 10th st
Berkeley, CA
94710
510-649-9336
March 2, 2006

Mr. Allan Gatzke  
City of Berkeley  
2118 Milvia Street  
Berkeley, California 94704

Dear Mr. Gatzke:

Thank you for the opportunity to comment on the Recirculated Traffic Impact Analysis (Saturday Peak Hour) And Revised Alternatives Analysis Of The Draft Environmental Impact Report (SCH#2005072017) for the West Berkeley Bowl draft Environmental Impact Report (EIR).

The California Department of Toxic Substances Control (DTSC) does not have any further comments other than those sent in the enclosed July 29, 2005 and November 30, 2005 comment letters.

Please contact Ms. Barnali Barua at (510) 540-3757 if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,

Karen M. Toth, P.E., Unit Chief  
Northern California  
Coastal Cleanup Operations Branch

Enclosures

cc: See next page
November 30, 2005

Mr. Allan Gatzke
City of Berkeley
2118 Milvia Street
Berkeley, California 94704

Dear Mr. Gatzke:

Thank you for the opportunity to comment on the draft Environmental Impact Report (EIR)(SCH#2005072017) for the West Berkeley Bowl Project. As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8.

On July 29, 2005, DTSC commented on the Notice of Preparation for the draft EIR. Though the comment letter was attached to the appendices of the EIR, the issues identified by DTSC were not addressed in the draft EIR.

On page III-45, last paragraph, the draft EIR discusses preparing a soil management plan if contaminated soils are identified during project construction. In order to prevent the exposure of the construction worker and surrounding community to hazardous substances, adequate soil sampling should be conducted prior to any construction activity. After sampling is done, if soil contamination is identified, a soil management plan should be prepared before construction work begins.

DTSC recommends that adequate sampling be conducted to characterize the site prior to development to ensure that no contamination exists which could affect the future use of the property. If remediation is needed, the remediation activities would then need to be addressed in the California Environmental Quality Act (CEQA) compliance document.

For example, if the remediation activities include the need for soil excavation, the CEQA document should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should there be an accident at the Site.
Please contact Ms. Barnali Barua at (510) 540-3757 if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,

Karen M. Toth, P.E., Unit Chief
Northern California - Coastal Cleanup
Operations Branch

cc: Governors Office of Planning and Research
    State Clearinghouse
    1400 Tenth Street
    P.O. Box 3044
    Sacramento, California 95812-3044

    Guenther W. Moskat
    CEQA Tracking Center
    Department of Toxic Substances Control
    1001 "I" Street, 22nd Floor
    P.O. Box 806
    Sacramento, California 95812-0806
July 29, 2005

Mr. Allan Gatzke
City of Berkeley
2118 Milvia Street
Berkeley, California 94704

Dear Mr. Gatzke:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) (SCH#2005072017) for the West Berkeley Bowl draft Environmental Impact Report (EIR). As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8.

The Notice of Preparation indicates that an existing 8,575 square foot structure will be demolished. However, it is unknown when the structure was built. Please be aware that structures that were built before 1975 could potentially contain lead based paints and asbestos. DTSC recommends that you include a detailed description of each building's past use in your Environmental Impact Report to determine whether hazardous materials may have been released at the site.

Based on the assessment of adjacent land use (sensitive land uses such as schools, day-care facilities) DTSC recommends that sampling be conducted prior to development to ensure that no contamination exists which could affect nearby properties or impact long-term use of the property. For example, the Initial Study indicates that an underground storage tank was removed in 1994. The Initial Study report does not contain any soil or groundwater sampling data and refers to Phase I and Phase II reports which are not provided. It is not known if adequate soil and groundwater sampling was done in order to characterize the nature and extent of chemicals in soil and groundwater at the site. In addition there is no indication that other contaminants such a lead from lead-based paint have been evaluated at the site. If hazardous substances have been released at the site, they will need to be addressed as part of this project. The remediation activities would then need to be addressed in the California Environmental Quality Act (CEQA) compliance document.

For example, if the remediation activities include the need for soil excavation, the CEQA document should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk
of upset should be there an accident at the Site.

DTSC can assist your agency in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects such as this one are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

Please contact Ms. Barnali Barua at (510) 540-3757 if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,

Karen M. Toth, P.E., Unit Chief
Northern California - Coastal Cleanup
Operations Branch

Enclosure

cc: without enclosure

Governors Office of Planning and Research
State Clearinghouse
1400 Tenth Street
P.O. Box 3044
Sacramento, California 95812-3044

Guenther W. Moskat
CEQA Tracking Center
Department of Toxic Substances Control
1001 "I" Street, 22nd Floor
P.O. Box 806
Sacramento, California 95812-0806
The Voluntary Cleanup Program

The California Environmental Protection Agency’s Department of Toxic Substances Control (DTSC) has introduced a streamlined program to protect human health, cleanup the environment and get property back to productive use. Corporations, real estate developers, local and state agencies entering into Voluntary Cleanup Program agreements will be able to restore properties quickly and efficiently, rather than having their projects compete for DTSC’s limited resources with other low-priority hazardous waste sites. This fact sheet describes how the Voluntary Cleanup Program works.

Prior to initiation of the Voluntary Cleanup Program, project proponents had few options for DTSC involvement in cleaning up low-risk sites. DTSC’s statutory mandate is to identify, prioritize, manage and cleanup sites where a release of hazardous substances has occurred. For years, the mandate meant that, if the site presented grave threat to public health or the environment, then it was listed on the State Superfund list and the parties responsible conducted the cleanup under an enforcement order, or DTSC used state funds to do so. Because of staff resource limitations, DTSC was unable to provide oversight at sites which posed lesser risk or had lower priority.

DTSC long ago recognized that no one’s interests are served by leaving sites contaminated and unusable. The Voluntary Cleanup Program allows motivated parties who are able to fund the cleanup — and DTSC’s oversight — to move ahead at their own speed to investigate and remediate their sites. DTSC has found that working cooperatively with willing and able project proponents is a more efficient and cost-effective approach to site investigation and cleanup. There are four steps to this process:

/ Eligibility and Application
/ Negotiating the Agreement
/ Site Activities
/ Certification and Property Restoration

The rest of this fact sheet describes those steps and gives DTSC contacts.

October 2002
The Voluntary Cleanup Program

**Step 1: Eligibility and Application**

Most sites are eligible. The main exclusions are if the site is listed as a Federal or State Superfund site, is a military facility, or if it falls outside of DTSC's jurisdiction, as in the case where a site contains only leaking underground fuel tanks. Another possible limitation is if another agency currently has oversight, e.g., a county (for underground storage tanks). The current oversight agency must consent to transfer the cleanup responsibilities to DTSC before the proponent can enter into a Voluntary Cleanup Program agreement. Additionally, DTSC can enter into an agreement to work on a specified element of a cleanup (risk assessment or public participation, for example), if the primary oversight agency gives its consent. The standard application is attached to this fact sheet.

If neither of these exclusions apply, the proponent submits an application to DTSC, providing details about site conditions, proposed land use and potential community concerns. No fee is required to apply for the Voluntary Cleanup Program.

**Step 2: Negotiating the Agreement**

Once DTSC accepts the application, the proponent meets with experienced DTSC professionals to negotiate the agreement. The agreement can range from services for an initial site assessment, to oversight and certification of a full site cleanup, based on the proponent's financial and scheduling objectives.

The Voluntary Cleanup Program agreement specifies the estimated DTSC costs, scheduling for the project, and DTSC services to be provided. Because every project must meet the same legal and technical cleanup requirements as do State Superfund sites, and because DTSC staff provide oversight, the proponent is assured that the project will be completed in an environmentally sound manner.

In the agreement, DTSC retains its authority to take enforcement action if, during the investigation or cleanup, it determines that the site presents a serious health threat, and proper and timely action is not otherwise being taken. The agreement also allows the project proponent to terminate the Voluntary Cleanup Program agreement with 30 days written notice if they are not satisfied that it is meeting their needs.

**Step 3: Site Activities**

Prior to beginning any work, the proponent must have: signed the Voluntary Cleanup Program agreement; made the advance payment; and committed to paying all project costs, including those associated with DTSC's oversight. The project manager will track the project to make sure that DTSC is on schedule and within budget. DTSC will bill its costs quarterly so that large, unexpected balances will not occur.

October 2002
Once the proponent and DTSC have entered into a Voluntary Cleanup Program agreement, initial site assessment, site investigation or cleanup activities may begin. The proponent will find that DTSC's staff includes experts in every vital area. The assigned project manager is either a highly-qualified Hazardous Substances Scientist or Hazardous Substances Engineer. That project manager has the support of well-trained DTSC toxicologists, geologists, industrial hygienists and specialists in public involvement.

The project manager may call on any of these specialists to join the team, providing guidance, review, comment and, as necessary, approval of individual documents and other work products. That team will also coordinate with other agencies, as appropriate, and will offer assistance in complying with other laws, such as the Resource Conservation and Recovery Act.

**Step 4: Certification and Property Restoration**

When remediation is complete, DTSC will issue either a site certification of completion or a "No Further Action" letter, depending on the project circumstances. This means "The Site" is now property that is ready for productive economic use.

To learn more about the Voluntary Cleanup Program, contact the DTSC representative in the Regional office nearest you.

<table>
<thead>
<tr>
<th>Southern California</th>
<th>Central California</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dana P. Ruiz</td>
<td>Tim Miles</td>
</tr>
<tr>
<td>1014 North Grandview Avenue</td>
<td>8800 Cal Center Drive</td>
</tr>
<tr>
<td>Glendale, California 91201</td>
<td>Sacramento, CA 95826-5200</td>
</tr>
<tr>
<td>(818) 555-2862</td>
<td>(916) 255-5710</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>North Coast California</th>
<th>Central California</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lynn Nakashima - Janet Sаils</td>
<td>Fresno Satellite</td>
</tr>
<tr>
<td>700 Heinz Avenue, Suite 200</td>
<td>Tom Kovac</td>
</tr>
<tr>
<td>Berkeley, California 94710-2717</td>
<td>11 S Tolhouse Road</td>
</tr>
<tr>
<td>(510) 540-3839</td>
<td>Clovis, California 93612</td>
</tr>
<tr>
<td></td>
<td>(209) 197-3939</td>
</tr>
</tbody>
</table>

(Revised 1/1/03)
Department of Toxic Substances Control

1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806

MEMORANDUM

TO: Barbara Cook, Chief
Investigation Program, Region 2

FROM: Guenther W. Moskat, Chief
Planning & Environmental Analysis Section

DATE: July 13, 2005

SUBJECT: CEQA ENVIRONMENTAL DOCUMENT REVIEW FOR: West Berkeley Bowl, SCH# 2005072017

The Office of Environmental Analysis, Regulations & Audits (OEARA) received the attached document from an outside agency for DTSC review as a potential Responsible or Interested Agency pursuant the California Environmental Quality Act (CEQA). A preliminary review of this document by our office shows that the project may fall within the regulatory authority of DTSC because it involves one of the following land uses that could potentially expose individuals to hazards or hazardous materials:

☐ AN EXISTING OR PROPOSED SCHOOL SITE
☐ SENSITIVE LAND USES (e.g., daycare facility, nursing home, hospital)
☒ NON-SENSITIVE LAND USES (e.g., commercial or industrial facilities)

This document is being forwarded to your office for further assessment. Please provide the Lead Agency that is identified on the attached Notice of Completion Form with any comments you may have on this document before the close of the comment period (08/04/2005). After your review, please complete the information requested in the box below and return this form to our office at the following address:

CEQA Tracking Center
Office of Environmental Analysis, Regulations & Audits
1001 I Street, 22nd Floor/ P.O. Box. 806
Sacramento, CA 95812

☒ COMMENTS WERE SENT TO THE LEAD AGENCY and a copy forwarded to OEARA via:
☐ An attachment to this document
☐ Fax @ (916) 323-3215

☐ COMMENTS WERE NOT SENT TO THE LEAD AGENCY because:
☐ The project did not fall within the jurisdiction of DTSC
☐ The document adequately assessed impacts from the proposed project as it relates to DTSC's area of jurisdiction

Barnali Bana, 7/26/05

Printed on Recycled Paper
Notice of Preparation

July 6, 2005

To: Reviewing Agencies

Re: West Berkeley Bowl
SCH# 2005072017

Attached for your review and comment is the Notice of Preparation (NOP) for the West Berkeley Bowl draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Allan Gatzke
City of Berkeley
2118 Milvia Street
Berkeley, CA 94704

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Senior Planner, State Clearinghouse

Attachments
cc: Lead Agency
**SCH#** 2005072017  
**Project Title** West Berkeley Bowl  
**Lead Agency** City of Berkeley

<table>
<thead>
<tr>
<th>Type</th>
<th>NOP Notice of Preparation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description</strong></td>
<td>The proposed project generally includes demolition of the existing 8,575 square foot (sf) structure, site preparation, and development of a 90,970 square foot (sf) full-service grocery marketplace in two buildings, including a general grocery store, ancillary office, storage, adjacent prepared food service area, a community room, and above-and-below ground parking.</td>
</tr>
</tbody>
</table>

**Lead Agency Contact**

<table>
<thead>
<tr>
<th>Name</th>
<th>Allan Gatzeke</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agency</strong></td>
<td>City of Berkeley</td>
</tr>
<tr>
<td><strong>Phone</strong></td>
<td>(510) 981-7420</td>
</tr>
<tr>
<td><strong>Email</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Address</strong></td>
<td>2118 Milvia Street</td>
</tr>
<tr>
<td><strong>City</strong></td>
<td>Berkeley</td>
</tr>
<tr>
<td><strong>State</strong></td>
<td>CA</td>
</tr>
<tr>
<td><strong>Zip</strong></td>
<td>94704</td>
</tr>
</tbody>
</table>

**Project Location**

| **County** | Alameda |
| **City** | Berkeley |
| **Region** |       |
| **Cross Streets** | Henize Avenue and 9th Street |
| **Parcel No.** |       |
| **Township** |       |
| **Range** |       |
| **Section** |       |

**Proximity to:**

- **Highways**: I-580
- **Airports**:       
- **Railways**:       
- **Waterways**: San Francisco Bay
- **Schools**:       
- **Land Use**: Manufacturing and Mixed Use-Light Industrial

**Project Issues**

- Drainage/Absorption; Air Quality; Traffic/Circulation; Water Quality; Water Supply; Landuse; Cumulative Effects

**Reviewing Agencies**

- Resources Agency; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; Department of Fish and Game, Region 3; Department of Health Services; Native American Heritage Commission; State Lands Commission; California Highway Patrol; Caltrans, District 4; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 2

**Date Received** 07/06/2005  
**Start of Review** 07/06/2005  
**End of Review** 08/04/2005

Note: Blocks in the fields result from insufficient information provided by lead agency.

RECEIVED  
JUL 11 2005  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
CEQA TRACKING CENTER
Regional Water Quality Control Board (RWQCB)

RWQCB 1
Cathleen Hudson
North Coast Region (1)

RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)

RWQCB 3
Central Coast Region (3)

RWQCB 4
Jonathan Bishop
Los Angeles Region (4)

RWQCB 5S
Central Valley Region (5)

RWQCB 5F
Central Valley Region (6)

RWQCB 5R
Central Valley Region (5)

RWQCB 6
Lahontan Region (6)

RWQCB 6V
Lahontan Region (5)

RWQCB 7
Colorado River Basin Region (7)

RWQCB 8
Santa Ana Region (8)

RWQCB 9
San Diego Region (9)

Other

Last Updated on 3/11/05
Notice of Preparation of an Environmental Impact Report and Notice of Scoping Meeting

DATE: July 6, 2005

TO: Responsible Agencies, Agencies with Jurisdiction by Law, Trustee Agencies, Involved Federal Agencies, and Agencies/People Requesting Notice

FROM: City of Berkeley
Land Use Planning Division
ATTN: Allan Gatzke
2118 Milvia Street, First Floor
Berkeley, CA 94704
Fax: (510) 981-7420

RE: Notice of Preparation (NOP) of an Environmental Impact Report (EIR) and Notice of Scoping Meeting for the West Berkeley Bowl Project

NOP: The City of Berkeley (Lead Agency) will prepare an EIR for the proposed West Berkeley Bowl Project. The project site is located in West Berkeley at the southwest corner of the intersection of Heinz Avenue and 9th Street. The proposed project generally includes demolition of the existing 8,575 square foot (sf) structure, site preparation, and development of a 90,970 square foot (sf) full-service grocery marketplace (i.e., the Berkeley Bowl) in two buildings, including a general grocery store, ancillary office, storage, adjacent prepared food service area, a community room, and above- and below-ground parking. Parking would be provided in both a 99-space underground parking garage and a 102-space surface parking lot. Based on the project description, public comments, and the Lead Agency’s understanding of the environmental issues associated with the project, the following topics will be analyzed in detail in the EIR:

- Air Quality
- Hydrology & Water Quality
- Land Use & Planning
- Transportation/Traffic

For a more detailed description of the proposed project and discussion of the environmental issues related to the proposed project, please refer to the Initial Study that can be found on the Lead Agency’s website: http://www.ci.berkeley.ca.us/planning/landuse/eirs.html#IS

The Lead Agency solicits comments regarding the scope and content of the EIR from all interested parties requesting notice, responsible agencies, agencies with jurisdiction by law, trustee agencies, and involved agencies. Please send your written/typed comments (including a
contact name) to the following:

City of Berkeley
Land Use Planning Division
ATTN: Allan Gatzke
2118 Milvia Street, First Floor
Berkeley, CA 94704

Due to the time limits mandated by California law, written comments must be sent at the earliest possible date, but no later than Friday, August 5, 2005.

Notice of Scoping Meeting: Pursuant to California Public Resources Code §§21081.7, 21083.9, and 21092.2, the Lead Agency will conduct a public scoping meeting for the same purpose of soliciting oral and written comments from interested parties requesting notice, responsible agencies, agencies with jurisdiction by law, trustee agencies, and involved federal agencies, as to the appropriate scope and content of the EIR. The scoping meeting will be held on Wednesday, July 13, 2005 starting at 7:00 p.m. at the following location:

North Berkeley Senior Center
1901 Hearst Street
Berkeley, CA

For additional information, please contact Allan Gatzke at (510) 981-7413

X
Allan Gatzke
Principal Planner
Longfellow School
(510) 644-6360  1500 Derby St
Berkeley, CA  Map

Golden Gate Elementary School
(510) 879-1200  6200 San Pablo Ave
Oakland, CA  Map

Rosa Parks Elementary School
(510) 644-8812  920 Allston Way
Berkeley, CA  Map

Malcolm X Elementary School
(510) 644-6313  Web Site  1731 Prince St
Berkeley, CA  Map

Black Pine Circle Upper School
(510) 644-1023  2015 6th St
Berkeley, CA  Map

Berkeley Montessori School
(510) 665-8800  1310 University Ave
Berkeley, CA  Map

Shelton's Primary Educ Ctr
(510) 652-6132  3339 Martin Luther King Jr Way
Berkeley, CA  Map

1.1

Walden Center School
(510) 841-7248  2446 Mckinley Ave
Berkeley, CA  Map
1.1

Berkwood Hedge School  
(510) 883-6990  Web Site  1809 Bancroft Way  
Berkeley, CA Map

1.2

Washington Primary School  
(510) 644-6310  2300 Martin Luther King Jr Way  
Berkeley, CA Map

1.3

Santa Fe Elementary School  
(510) 879-1500  915 54th St  
Emeryville, CA Map

1.3

Washington Elementary School  
(510) 879-1610  581 61st St  
Oakland, CA Map

1.4

Le Conte Science Magnet School  
(510) 644-6290  2241 Russell St  
Berkeley, CA Map

1.5

Peralta Elementary School  
(510) 879-1450  460 63rd St  
Oakland, CA Map

1.7

Crowden Center For Music  
(510) 559-6910  1475 Rose St  
Berkeley, CA Map

1.7
Jefferson Elementary School  
(510) 644-6298  1400 Ada St  
Berkeley, CA Map

1.7

Berkeley Arts Magnet School  
(510) 644-6225  1645 Milvia St  
Berkeley, CA Map

1.8

Village Academy  
(510) 879-1350  3877 Lusk St  
Oakland, CA Map

1.9

Academy  
(510) 549-0605 Web Site  2722 Benvenue Ave  
Berkeley, CA Map

1.9

St Mary's High School  
(510) 526-9242 Web Site  1294 Albina Ave  
Albany, CA Map

1.9

Montessori School My Own  
(510) 652-5979  5723 Oak Grove Ave  
Oakland, CA Map

2.0

Arrowsmith Academy  
(510) 540-0440 Web Site  2300 Bancroft Way  
Berkeley, CA Map

1.7

Crowden Center For Music  
(510) 559-6910  1475 Rose St  
Berkeley, CA Map
1.7

**Willard Middle School**
(510) 644-6330 2425 Stuart St
Berkeley, CA [Map](#)

1.7

**Maybeck High School**
(510) 841-8489 [Web Site](#) 2362 Bancroft Way
Berkeley, CA [Map](#)

1.8

**St Mary's High School**
(510) 526-9242 [Web Site](#) 1294 Albina Ave
Albany, CA [Map](#)

1.9

**King Junior High School**
(510) 644-6280 1781 Rose St
Berkeley, CA [Map](#)

2.0

**Berkeley Alternative High Schol**
(510) 644-6159 2701 Martin Luther King Jr Way
Berkeley, CA [Map](#)

1.0

**Berkeley High School**
(510) 644-6120 [Web Site](#) 2223 Martin Luther King Jr Way
Berkeley, CA [Map](#)

1.3

**Maybeck High School**
(510) 841-8489 [Web Site](#) 2362 Bancroft Way
Berkeley, CA [Map](#)

1.8
Memorandum

Date: March 8, 2006
To: All Reviewing Agencies
From: Scott Morgan, Senior Planner
Re: SCH # 2005072017
West Berkeley Bowl

Pursuant to the attached letter, the Lead Agency has extended the review period for the above referenced project to April 24, 2006 to accommodate the review process. All other project information remains the same.

cc: Allan Gatzke
City of Berkeley
Land Use Planning Division
2118 Milvia Street
Berkeley, CA 94704
DATE: March 7, 2006

TO: Responsible and Trustee Agencies and Interested Parties

INTRODUCTION: On January 31, 2006, the City of Berkeley circulated for public review the Recirculated Traffic Impact Analysis (Saturday Peak Hour) and Revised Alternatives Analysis of the Draft EIR for the proposed West Berkeley Bowl project. The EIR consultant inadvertently distributed two versions of the document for public review, including a preliminary version of the document, which was a work in progress and not intended for public review, and the final version of the document that was intended for public review and comment. The primary differences between the two documents are as follows:

<table>
<thead>
<tr>
<th>Preliminary Version</th>
<th>Finalized Version</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic Counts</td>
<td>Traffic Counts</td>
</tr>
<tr>
<td>The traffic analysis in this document is based</td>
<td>The traffic analysis in this document is based</td>
</tr>
<tr>
<td>on traffic counts taken in December 2005.</td>
<td>on traffic counts taken in January 2006, which are lower than the December 2005</td>
</tr>
<tr>
<td>counts.</td>
<td>counts.</td>
</tr>
<tr>
<td>Traffic Impacts</td>
<td>Traffic Impacts</td>
</tr>
<tr>
<td>The proposed project would contribute to a cumulative, significant (but</td>
<td>The project's contribution to the intersection of 7th</td>
</tr>
<tr>
<td>mitigatable) impact at the intersection of 7th Street/Ashby Avenue. This impact</td>
<td>Street/Ashby Avenue under the cumulative traffic</td>
</tr>
<tr>
<td>and the mitigation measure for this impact were already identified in the</td>
<td>scenario would be less than significant.</td>
</tr>
<tr>
<td>previously-circulated Draft EIR.</td>
<td></td>
</tr>
<tr>
<td>Alternatives</td>
<td>Alternatives</td>
</tr>
<tr>
<td>In order to avoid all traffic impacts, development on the project site with land</td>
<td>In order to avoid all traffic impacts, development on the project site with land</td>
</tr>
<tr>
<td>uses similar to the proposed project could not exceed a combination of 5,474</td>
<td>uses similar to the proposed project could not exceed a combination of 15,323</td>
</tr>
<tr>
<td>square feet of grocery, 2,881 square feet of warehouse, and 412 square feet of</td>
<td>square feet of grocery, 8,642 square feet of warehouse, and 4,120 square feet of</td>
</tr>
<tr>
<td>office.</td>
<td>office.</td>
</tr>
<tr>
<td>Under Alternative D, cumulative traffic impacts at the intersection of San Pablo</td>
<td>Under Alternative D, cumulative traffic impacts at the intersection of San Pablo</td>
</tr>
<tr>
<td>Avenue and Ashby Avenue would remain significant and unavoidable after mitigation.</td>
<td>Avenue and Ashby Avenue would remain significant and unavoidable after mitigation.</td>
</tr>
</tbody>
</table>
Traffic counts in the preliminary document reflect holiday traffic conditions, which are not representative of typical traffic conditions, due to the additional trips associated with the holiday shopping activities. The traffic counts in the finalized version of the document are more reflective of typical traffic conditions in the project area, and thus, the analysis in this document is considered more accurate. The finalized version of the Recirculated Traffic Impact Analysis (Saturday Peak Hour) and Revised Alternatives Analysis of the Draft EIR is the version of the document that City staff intends the City decision-makers to take action on.

NOTICE IS HEREBY GIVEN that a replacement copy of the finalized version of Recirculated Traffic Impact Analysis (Saturday Peak Hour) and Revised Alternatives Analysis of the Draft EIR for the proposed West Berkeley Bowl project is available for a 45-day public review period beginning on March 8, 2006 and ending at 5:00 PM on April 24, 2006.

LOCATIONS OF WHERE THE DOCUMENT IS AVAILABLE FOR REVIEW:

Main Library
2090 Kittredge
Berkeley, CA 94704
Attn: Reference Desk

West Berkeley Library Branch
1125 University Ave.
Berkeley, CA 94702
Attn: Ms. Fussman

Zoning Counter, Planning and Development Department Permit Service Center, 2120 Milvia Street, Berkeley, CA.

At the City's website on the Internet at:
www.ci.berkeley.ca.us/planning/landuse/Heinz/DEIR/default.htm

WRITTEN COMMENTS: Written comments concerning this document should be directed to:

Planning Commission
C/O Allan Gatzke, Principal Planner
Land Use Planning Division
2118 Milvia Street Third Floor
Berkeley, CA 94704

Fax: (510) 981-7420
E-mail: agatzke@ci.berkeley.ca.us
Notice of Completion & Environmental Document Transmittal

Project Title: West Berkeley Bowl
Lead Agency: City of Berkeley
Mailing Address: 719 Milvia Street
City: Berkeley
County: Alameda
Zip: 94704

Project Location:
County: Alameda
City/Nearest Community: City of Berkeley
Cross Streets: Hearst Avenue and 9th Street
Within 2 Miles:

Acreage/Acreage:

Document Type:
CEQA: NOD
Draft EIR
NEPA: N/A

Local Action Type:
General Plan Update
Specific Plan
General Plan Amendment
Master Plan
General Plan Element
Planned Unit Development
Community Plan
Site Plan
Rezone
Preliminary
Rezoning
Regulatory
Redevelopment
Urbanization
Affiliation

Development Type:
Residential:
Units
Acres

Office:
Sq.F.

Commercial:
Sq.F.

Industrial:
Sq.F.

Educational:

Recreational:

Total Acres (approx.):

Project Issues Discussed in Document:
Aesthetic/Visual

Recreational/Parks

Vegetation

Physical

Schools/Universities

Water Quality

Air Quality

Mining

Water Supply/Groundwater

Archaeological/Historical

Septic Systems

Wetland/Riparian

Biological Resources

Soil Erosion/Compaction/Grazing

Wildlife

Coastal Zone

Solid Waste

Growth Inducing

Drainage/Abseption

Population/Housing Balance

Land Use

Economic/Jobs

Toxic/Hazardous

Cumulative Effects

Other

Public Services/Facilities

Traffic/Circulation

Other Abnormal

State Clearinghouse Contact:
(916) 445-0613

State Review Begins:
1 - 31 - 2006
5 - 24 - 2006

SCH COMPLIANCE

Please note State Clearinghouse Number (SCH#) on all Comments

State/Consumer Svcs
Boating & Waterways
Coastal Comm
Colorado Rvr Bd
Conservation
Fish & Game # 3
Delta Protection Comm
Forestry & Fire Prot
Historic Preservation
Parks & Rec
Redevelopment
Bay Cons & Dev Comm
DWR
OES (Emergency Svcs)
Bus Transp Hse
Aeronautics
CHIP
Caltrans # 14
Transportation
Housing & Com Dev
Food & Agriculture
Health Services

Project Sent to the following State Agencies

Ytb/Adin Corrections

Independent Comm

Energy Comm

NAFC

Public Utilities Comm

State Lands Comm

Tahoe Rgl Plan Agency

Conservancy

PROJECT DESCRIPTION:
The applicant proposes to demolish the 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.
April 5, 2006

Berkeley Planning Commission
c/o Aaron Sage, Associate Planner
Land Use Planning Division
2120 Milvia Street
Berkeley CA 94704

Re: West Berkeley Bowl Project Recirculated Draft Environmental Impact Report — Bicycles

Dear Mr. Sage:

We have reviewed the Recirculated Draft Environmental Impact Report for the West Berkeley Bowl Project, and have a comment regarding bicycle connections. The Recirculated Traffic Impact Analysis refers to bicycles on page iii.B-31. The West Berkeley Bowl would increase the number of bicycles on Alameda Countywide Route 25, which includes Berkeley’s 9th Street Bicycle Boulevard and the Emeryville Greenway. To accommodate the bicycles (and increase their numbers, thereby reducing automotive traffic impacts), the West Berkeley Bowl project needs to include more than a path around the corner of the parking lot. Although we are not asserting that the proposed project or Alternative D would have a significant impact on area bicycle circulation, it is important to us to make a better connection between the 9th Street Bicycle Boulevard and the Emeryville Greenway.

Emeryville, as a community, has put great effort into planning, designing and constructing our Greenway. Berkeley Mayor Tom Bates attended the groundbreaking ceremony. We have been working cooperatively with Berkeley, Oakland, the Alameda County Congestion Management Agency, and the Alameda County Transportation Improvement Authority (ACTIA) to develop, update and implement the Alameda Countywide Bicycle Plan. Countywide Route 25 in the plan extends from north Albany to Fremont. As a keystone segment of this route, the link between the 9th Street Bicycle Boulevard and the Emeryville Greenway is important to both of our cities and the county as a whole.

To complete this link, a condition of approval should be added to the project requiring Berkeley Bowl to design and build the bicycle connection between 9th Street (northeast of
the project) and the Emeryville Greenway. This connection should include signage, paving, crosswalks, and pavement markings on the streets and a bike path on the railroad right-of-way south to the Emeryville border. We would like to work closely with Berkeley city staff, the developer, and anyone else who has a role in this to ensure good bicycle access through this area along this Countywide route.

Thank you for the opportunity to comment on this important project. Please contact Associate Planner Diana Keena at 510-596-4335 or dkeena@ci.emeryville.ca.us if you wish to discuss these comments and to coordinate planning and design of the bicycle connection noted above.

Sincerely,

John A. Flores
City Manager

Cc: Emeryville Planning Commission
Emeryville City Council
Charles S. Bryant, Director of Planning and Building
Diana Keena, Associate Planner
April 21, 2006

Mr. Allan Gatzke  
City of Berkeley  
Planning and Development  
2120 Milvia Street  
Berkeley, CA 94704

Dear Mr. Gatzke:

BERKELEY BOWL – RECIRCULATED TRAFFIC IMPACT ANALYSIS (SATURDAY PEAK HOUR) AND REVISED ALTERNATIVES ANALYSIS OF THE DRAFT ENVIRONMENTAL IMPACT REPORT

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the proposed Berkeley Bowl project. The following comments are in addition to our comments in our letter to you dated November 28, 2005 and are based on the Recirculated Traffic Impact Analysis (Saturday Peak Hour) and Revised Alternatives Analysis of the Draft Environmental Impact Report (DEIR). As lead agency, the City of Berkeley is responsible for all project mitigation, including any needed improvements to state highways. The project’s fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. The project’s traffic mitigation fees should be specifically identified in the DEIR. Any required roadway improvements should be completed prior to issuance of project occupancy permits. While an encroachment permit is only required when the project involves work in the State Right of Way (ROW), the Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore we strongly recommend that the lead agency ensure resolution of the Department’s CEQA concerns prior to submittal of the encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding the encroachment permit process.

Mitigation Measures  
San Pablo Avenue/Ashby Avenue Intersection:

- The document states that construction of a second northbound left-turn lane at the San Pablo Avenue/Ashby Avenue intersection is not possible due to the limited ROW available. Would
it be possible to do this mitigation by eliminating on-street parking and narrowing the sidewalk?

- We prefer that protected left-turn phasing be used instead of protected/permitted phasing. What would the impacts be to use protected left-turn phasing?

- Did you do a Synchro run to increase the traffic signal to a 120 second cycle length at the San Pablo Avenue/Ashby Avenue intersection that will improve the traffic operations to level of service (LOS) D? We are not able to locate the Synchro print out for this mitigation.

**Encroachment Permit**

Any work or traffic control within the State ROW requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: [http://www.dot.ca.gov/hq/traffops/developserv/permits/](http://www.dot.ca.gov/hq/traffops/developserv/permits/)

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans (in metric units) which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Sean Nozzari, Office of Permits.

Should you require further information or have any questions regarding this letter, please call Lisa Carboni of my staff at (510) 622-5491.

Sincerely,

TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: State Clearinghouse
April 20, 2006

Planning Commission
C/O Allan Gatzke
Principal Planner
Land Use Planning Division
2118 Milvia Street Third Floor
Berkeley, CA 94704

SUBJECT: Comments on the Recirculated Traffic Impact Analysis (Saturday Peak Hour) and Revised Alternatives Analysis of the Draft Environmental Impact Report (DEIR) for the West Berkeley Bowl Project

Dear Mr. Gatzke:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the West Berkeley Bowl Project in the City of Berkeley. The proposed project generally includes demolition of the existing 8,575 square foot structure, and development of a 91,060 square foot full-service grocery marketplace (i.e., the Berkeley Bowl) in two buildings, including a general grocery store, ancillary office, storage, adjacent prepared food service area, a community room, and above & below ground parking. Parking would be provided in both a 109-space underground parking garage and a 102-space surface parking lot.

The revised Draft EIR includes additional traffic analysis for Saturday Peak Hour and the revised alternatives analysis that were subsequently added to the previously-circulated Draft EIR. The CMA does not have any additional comments on the recirculated document of the Draft EIR. However, our comments (copy attached) on the first version of Draft EIR sent through our letter dated November 21, 2005 are still valid.

Thank you for the opportunity to comment on this draft EIR. Please do not hesitate to contact me at 510/836-2560 ext. 24 if you require additional information.

Sincerely,

[Signature]

Saravana Suthanithra
Associate Transportation Planner

cc: file: CMP - Environmental Review Opinions - Responses - 2006
November 21, 2005

Planning Commission
C/O Allan Gatzke
Principal Planner
Land Use Planning Division
2118 Milvia Street Third Floor
Berkeley, CA 94704

SUBJECT: Comments on the Draft Environmental Impact Report (DEIR) for the West Berkeley Bowl Project

Dear Mr. Gatzke:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the West Berkeley Bowl Project in the City of Berkeley. The proposed project generally includes demolition of the existing 8,575 square foot structure, and development of a 90,970 square foot full-service grocery marketplace (i.e., the Berkeley Bowl) in two buildings, including a general grocery store, ancillary office, storage, adjacent prepared food service area, a community room, and above & below ground parking. Parking would be provided in both a 99-space underground parking garage and a 102-space surface parking lot.

The ACCMA respectfully submits the following comments. Where possible page numbers in the DEIR are referenced.

- Pages IV.C-7 and IV.D-41: Potential impacts of the project on the Metropolitan Transportation System (MTS) were partially addressed in the DEIR, including I-80, San Pablo Avenue and Ashby Avenue. Impacts were not addressed for I-580, SR 24, Dwight Way, University Avenue, 6th Street, and 7th Street. Potential impacts of the project on these roadways must be addressed for 2010 and 2025 conditions and mitigation developed to minimize those impacts.

- Page IV.D-42, ACCMA Roadway Significance Measurement: From the first sentence, delete the following: Based on LOS standards for the Development Plan EIR established by the ACCMA the standard of significance for determining project impacts is as follows. The ACCMA does not have a policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP. Professional judgment should be applied to determine the significance of project impacts (Please see chapter 6 of 2003 CMP for more information).

- Page IV.D-42, ACCMA Roadway Significance Measurement: In statements 1 and 2 in this section, significance criteria is defined for roadways projected to operate at LOS E or better and for those that are projected to operate at LOS F. The criteria includes that the project
must add at least five percent to the future peak hour traffic volume. What is this percentage based on and why is it different from the standards proposed for the City? As noted in the DEIR, the City requires that mitigation be developed at intersections if the project adds at least one percent to impacted intersections.

- Page IV.D-42, **ACCMA Roadway Significance Measurement**: The DEIR states that “The LOS standard on I-80 in the project vicinity is LOS F.” The LOS standard for all roadways on the MTS network is LOS E. This portion of I-80 was grandfathered in at LOS F in 1991 making it exempt from the preparation of a Deficiency Plan as part of the bi-annual Level of Service Monitoring efforts conducted by the ACCMA. Grandfathered segments are not exempt from analysis and mitigation for the purposes of satisfying the requirements of the Land Use Analysis Program. The analysis and mitigation for I-80 should be redone to reflect this.

- Page IV.D-43 and D-44: San Pablo Avenue and Ashby Avenue are projected to operate at LOS F with and without the project in 2010 and 2025. The project will impact these roadways between two and four percent of increased traffic. When roadways on the CMP network are found to be LOS F during the bi-annual LOS Monitoring process, the City will be responsible for developing deficiency plans to correct deficiencies if they are not found to be statutorily exempt. Since CMP roadways are projected to operate at LOS F and the project will contribute to the LOS F conditions, the City should consider collecting a fair share portion from the project sponsor for correcting future deficiencies on CMP roadways in the project vicinity and holding it in escrow until it is needed. The San Pablo Avenue/I-80 Corridor Plan, initiated by the CMA at the request of the cities of Berkeley, Oakland and Emeryville, developed an implementation plan for the corridor to manage present and future congestion in the San Pablo Corridor. It consists of projects and programs that collectively benefit the corridor. In April 1997, the CMA Board recognized the corridor study as a basis for a future deficiency plan. The Berkeley Bowl project is within the limits of the Corridor Plan; therefore, the recommended projects and programs in the Corridor Plan should be considered in the development of mitigation for the San Pablo Corridor where the project notes LOS F conditions.

Thank you for the opportunity to comment on this Notice of Preparation. Please do not hesitate to contact me at 510/836-2560 ext. 24 if you require additional information.

Sincerely,

Saravana Suthanthira
Associate Transportation Planner

cc: file: CMP - Environmental Review Opinions - Responses - 2005
March 6, 2006

Planning Commission  
c/o Aaron Sage, Associate Planner  
Land Use Planning Division  
2120 Milvia Street  
Berkeley, CA 94704

Dear Planning Commission:

I am unfortunately unable to attend the scheduled March 8, 2006 meeting to discuss the planning decisions necessary to permit the West Berkeley Bowl Project at 920 Heinz Avenue, so I will put forth my support for that project in writing. I hope to attend a later meeting, if one is scheduled. Please add me to any mailing list that is being maintained.

As a lifelong resident of Berkeley, and as owner of 1408 66th Street, Berkeley, which lies in the very neighborhood that will be directly impacted by the proposed development (my home is only 5 or so blocks removed from the San Pablo and Ashby intersection that is the primary subject of the revisions to the Draft EIR resulting in its recirculation), I am writing to express my wholehearted and unreserved enthusiasm and support for approval of the proposed West Berkeley Bowl Project. This is a chance to make a dramatically beneficial contribution to this neighborhood. I hope that Berkeley does not bypass this opportunity, and force the Berkeley Bowl to go elsewhere to expand.

For most of my childhood and adult life, I have lived within a few to several blocks of the current and previous Bowl locations (1969-1990: 2205 Ward St., Berkeley; 1997-2003: 2734 Milvia St., Berkeley; 2003-2005: 651 66th St., Oakland; 2005-present: 1408 66th St., Berkeley). I can attest from personal experience that the Berkeley Bowl has always been an excellent neighbor, and has done its best to mitigate impacts on the neighborhood. It has offered neighborhood residents job opportunities (I worked there as a teen), and it has greatly improved the quality and structure of the South Berkeley – Shattuck corridor.

The Berkeley Bowl also deserves significant credit for being willing to take on, renovate, and return to usefulness the current site, which had been long abandoned by Safeway. It did so when nobody else was able or willing to, providing South Berkeley with a much-needed general grocery store. It now seeks to do the same for West Berkeley, which also suffers from a lack of affordable groceries, or a full-service grocery store. I believe that a new West Berkeley Bowl site will be a significant boon to my neighborhood.

I urge you to expeditiously approve the required amendments and changes necessary for this project to go forward. Thank you for your consideration of my input.

Sincerely,

Joshua Room  
1408 66th Street  
Berkeley, CA 94702
FYI.

Aaron Sage
Associate Planner
City of Berkeley
ph 510-981-7425
fax 510-981-7420

-----Original Message-----
From: Fran Haselsteiner [mailto:haselstein@earthlink.net]
Sent: Tuesday, March 07, 2006 6:09 PM
To: Sage, Aaron E.
Subject: Comment on West Berkeley Bowl Revised Draft EIR

To the Berkeley Planning Commission:

Since 1984 I have resided on Dwight Way, a 36-foot-wide street that has experienced significant traffic increases in the last 20 years. Conservatively, some 125,000 vehicles per week traverse Dwight Way between San Pablo and Sacramento. In recent years, backups have become even more frequent, and especially on Saturdays, with the result that higher and higher toxic emissions are being spewed into our homes. I requested more than once that the Planning Commission include Dwight Way in the EIR's scope, but that was not done. Given that the Draft EIR forecasts heavy traffic to and from the store, it is only logical that many customers will use Dwight Way.

I completely agree that West Berkeley needs a supermarket. However, the residents of West Berkeley are being asked to accept even more traffic congestion and more toxic emissions--indeed, unmitigatable traffic at Ashby and San Pablo--in order to be able to purchase fresh produce. The owner of the Berkeley Bowl does not wish to build a smaller store on the site--if he does not get the zoning changes and permit he seeks, he says he will take the store elsewhere. I contend that this store is not focused on local customers--it is regional in nature. Why can't West Berkeley get a local-sized store, without all the negative traffic impacts?

No other major supermarket is located within a neighborhood--all are on major arterials, with the exception of the Monterey Market, probably about 9,000 square feet. Many of the WWB's 210 parking spaces will be used by its employees. And, except for the very poor, few customers will come to the store on foot or by transit. So customers will be circling the store, looking for parking. That's just logical.

The idea behind an Environmental Impact Report is to identify environmental impacts, and if they are projected, to mitigate them. Without mitigation, the EIR is a perfunctory, useless process. It is simply not logical to add more traffic to a gridlocked intersection and to add congestion to an already congested area. Where will we put those cars?

Please do not approve this EIR, and please request that the owner scale down the facility. Thank you for considering my opinion.

Respectfully,

Fran Haselsteiner
1202 Dwight Way
Berkeley 94702
-----Original Message-----
From: John Danielson [mailto:danielsonjohn@hotmail.com]
Sent: Wednesday, March 08, 2006 3:44 PM
To: Sage, Aaron E.
Cc: danielsonjohn@hotmail.com
Subject: Please Approve West Berkeley Bowl

March 8, 2006

Planning Commission
c/o Aaron Sage, Associate Planner
Land Use Planning Division
2120 Milvia Street
Berkeley, CA 94704

Dear Planning Commission:

I am not able to attend tonight's meeting to discuss the planning decisions necessary to permit the West Berkeley Bowl Project at 920 Heinz Avenue, but I would like you to know that I strongly support the immediate approval of the West Berkeley Bowl Project.

I have recently purchased and moved into my home at 1406 66th Street, Berkeley. My neighborhood will be directly impacted by the proposed development (I have walked to the proposed site and it takes me less than 15 minutes to do so). I regularly frequent the businesses in this area, including Urban Ore, Art's Automotive, Orchard Supply Hardware, Scharffenberger Chocolate, and Unitech, among others. Unfortunately, I do not know of any quality grocers in this area, so I must go elsewhere to purchase food for my family. I believe that allowing Berkeley Bowl to establish another store at the proposed site would be extremely beneficial to our neighborhood.

Again, I urge you to quickly approve the required amendments and changes necessary for this project to go forward. Thank you for your consideration of my input. I hope to attend a later meeting, if one is scheduled. Please add me to any mailing list that is being maintained regarding this matter.

Please do not delay this approval. I fear that Berkeley Bowl may give up on our city and go elsewhere to expand.

Sincerely,

John M. Danielson
1406 66th Street
Berkeley, CA 94702
March 9th 2006

City of Berkeley Planning and Development Department  
Land Use Planning Division  
2120 Milvia Street  
Berkeley, CA 94704

Attn: Allan Gatzke, AICP, ASLA, Principal Planner

Dear Mr. Gatzke:

I was present at last night’s planning commission meeting and was presented a document called Item #10 dated March 8th 2006. I attempted to understand what was written right there and then. When my name was called to speak I set it aside and I spoke about the Berkeley Bowl development as ill conceived verging on abuse of our neighborhood and community at large.

Then this morning with a fresh mind and collaborative spirit I carefully read the “supplemental” staff report and trying as hard as I did I saw only a manipulative and evil intent by the promoters of this project to confuse and deceive the public through sophism, through an argument apparently correct in form but actually invalid! The planning commission should not fall for this subtly deceptive argument regarding Saturday peak hours, the correct version, state clearinghouse etc. This transparent manipulation of issues like “the correct version” and an earlier “draft version” was “inadvertently circulated” and on and on!

I wish that the employees of our noble city of Berkeley with a world class university would see through this transparency and stand up professionally against such political manipulation and not side and abet it.

Please stop kidding yourselves, this project will not only change the neighborhood, it would create havoc on our narrow streets and endanger adults and children. In short, it would devastate us.

As an architect and builder, who has built, reconstructed and renovated many homes and commercial facilities, I urge you to consider a “ sane” development of half the size that would serve the neighborhood and not the entire region as conceived but not openly shared with the public by Berkeley Bowl.

Sincerely yours,

Edward J. Levitch, AIA

Cc:  John Curl  
Zelda Bronstein  
Mary Lou Van Deventer  
Rick Auerbach

P.S. My home address is 1025 Heinz Ave., Berkeley, CA 94710

LEVITCH ASSOCIATES, INC. • ARCHITECTS & BUILDERS  
1029 HEINZ AVENUE • BERKELEY, CA 94710  
(510) 845-6941  
FAX: (510) 845-6950  
http://www.levitch.com  
LICENSE No. 648049
Mr. Gatzke,

I live at 1212 Carrison Street in Berkeley. I have attended several of the planning commission meetings on the proposed West Berkeley Bowl. I was the Neighborhood Watch Captain for the area contained by San Pablo Ave.- Acton Street.- Ashby Ave. and the Oakland border for about five years. Many residents still count on me to keep them informed as to the "going's on" in the neighborhood. Most do not have the patience to ride out Berkeley's typically long series of meetings which usually end with little resolution and a new date for the next meeting. A cynic might think that the system is set up to discourage rather than encourage public participation.

There are a few critics of the proposed West Berkeley Bowl who tend to receive alot of ink and space from Becky O'malley's Berkeley Daily Planet. Zelda Bronstien was lamenting in a recent article, that changing the zoning would result in loss of Artist's and manufacturing. At the last Planning Commission meeting I addressed this statement by pointing out that Berkeley City policy does nothing to help Artist's or manufacturing. Two examples: AHA housing secured land and funds to build ARTIST lofts on the railroad right of way at Ashby Ave. (one block for West Berkeley Bowl) But now AHA has changed the project to family housing. They cannot be sure that any Artist will be in the project! Zoning is not the problem!  Ali Kassanni, who got rich while running AHA housing was the catalyst in the eviction of Artist's from the Drayage Building. Berkeley housing policy has always been to limit home ownership and to promote renting. This gives little security and no equity. Some of the Drayage Artist's had lived in the building for almost two decades. Had Berkeley allowed Condos or TIC's perhaps the Artist's would still be in West Berkeley. Zoning was not the problem! As for manufacturing, it is well known that Berkeley has a long history of anti-business. Pacific Steel and Berkeley Honda being the latest victims.

The traffic situation is bad on Ashby Ave. due to poor planning. Understandably, when route 13 was originally built, few could have for seen the conditions of today. There are no turn signals at San Pablo, Sacramento, telegraph or College and the road bottle necks to one lane near the Montclair. This is very hard to change due to lack of space. Does this suggest that any project which may add to the traffic on Ashby Ave. be denied? There are many projects proposed or underway which will do just that. I notice that there is very little residential housing near the proposed West Berkeley Bowl so parking should not be a huge problem for those living in the area. We seem schizophrenic in Berkeley. We want to be a world class city but also remain a suburb. We cry about the lose of open space but then infill every available space. The most desirable and vibrant places to live locally are those with high density, foot traffic on commercial avenues. Places like College Ave. and Piedmont Ave. We have been the dumping ground to placate the political correctness of white liberal Berkeley while the Berkeley hills remain the least diverse census tract in the East Bay. Don't we, at least, deserve a place to purchase groceries?

The French American School has complained that the added traffic will cause a danger to the children. I have made several trips to the school (two campus) during pick up and drop off times. It
appeared to me that the parking a
caused by the parents of the children themselves. On one occasion I witnessed a parent parked at a stop
sign. He was oblivious to the frustration and scowls of motorists who had to turn past him into on
coming traffic. Someone finally beeped their horn and the man put down the book which he was
reading and moved! My children attended Black Pine Circle School and I can tell you that those parents
created dangerous situations all the time also.

The westerly winds from the clogged Highway 80 carry exhaust directly towards Berkeley. A few
more cars on Ashby will do little harm. We have considerable traffic now with little direct benefit; most
is passing through our neighborhood. We will gladly accept a little more for the great benefit of the
Berkeley Bowl. The environmental impact report deals with traffic but what about the social
environment? A recent article in the Daily Planet suggests that violent crime can be predicted by
income level. We are over run with low income housing and section 8 housing in West and Southwest
Berkeley. Berkeley should take a holistic approach to the environment. It has been proven that more
pedestrian traffic reduces crime rates and adds to the overall health of a neighborhood. West Berkeley
Bowl will do just that. Anecdotally, I have not spoken to one person in my neighborhood who does not
want the Berkeley Bowl. In fact, they are appalled to hear that anyone is against it!

Thank you for your time,

Michael Larrick

Yahoo! Mail
Bring photos to life! New PhotoMail makes sharing a breeze.
March 27th 2006

City of Berkeley Planning and Development Department
Land Use Planning Division
2120 Milvia Street
Berkeley, CA 94704

Attn: Allan Gatzke, AICP, ASLA, Principal Planner
RE: Berkeley Bowl

Dear Mr. Gatzke:

I am sorry that I will not be present at the upcoming public hearing regarding the subject project yet I feel compelled to write to you about my deep concerns about the impact this project will have on this area of our city.

If this project had not grown to the size which it did, no one would stand in its way. Now the project “matured” even so subtly in front of our own eyes to become an abomination to our community, I must say NO, please NO!

Of course, as an Architect and Builder, I know very well that built environments change. Populations shift and growth mandates change. We all know that, but here?! In this community of a nearly perfect balance, where there is a mix of bungalows, shops and a “S Tooth building” converted into artist’s studios, artisan shops and dance halls? Then there is a nexus where craftsmen collaborate peacefully to make a living with what they love to do! to bring a regional food distribution super market would be a sin! I can not imagine why a recognized architecture firm would undertake such a project.

AIA Canons of Ethics and Professional Responsibility:

Canon II: Obligations to the public members should embrace the spirit of law governing their professional affairs and should thoughtfully consider the social and environmental impact of their professional activities.

What is being proposed is tantamount to aiding and abetting those individuals who would build anything anywhere on a square inch of land not covered with cement if there is money to be made.

Why did our citizens invest a ton of money to develop a West Berkeley plan? Because they knew that the likes of these promoters would raise their ugly heads and bring the “Big Rigs”, the 150 foot long trucks and trailers and thousands of additional automobiles to our community.
I hope that sanity will prevail despite all the jargon about mitigation, whatever that means? And despite the “scientific”, more like unscientific traffic counts, errors, Saturday counts, mistakes of those in charge of protecting our rights of movement, our right to breathe fresh air, our right to the view of the bay, our right to light and air entering our homes and despite the half truths dished out by our city officials confusing the public, I hope that sanity will prevail! I say No to a zoning change. I say No to a West Berkeley super market that is surreptitiously intended to become a regional distribution hub!

Here is what I envision: put yourself in a West Berkeley oasis! Let this parcel beckon the “ghetto” kids to read in a mini library with a view of a pond and water jets, where mothers can walk with baby carriages. A park with a few low cost detached bungalows like on 8th and 9th Streets and beyond. Let this land become an example to other communities and say no to a change under false pretenses. What is wrong with the West Berkeley Mom and Pop grocery stores? Why put Mi Tierra out of business? What about Country Cheese? Bad? Not at all! Cheaper? Does “mega store” mean better and cheaper food? No, it means more hectic, congested, loud! It means more traffic, it means traffic barriers it means traffic jams of which we are all so tired. We already have grocery stores such as Andronico’s, Whole Foods, and the Berkeley Bowl on Shattuck that serve this community. We don’t want more congestion! ENOUGH IS ENOUGH!

So please, dream on! Why follow the “mega” trend? Change our mindset, say no to mega and think “mini”. Let’s not allow West Berkeley to become Bay Street in Emeryville!

“Less is more!” – Ludwig Mies van der Rohe, Architect (1886 - 1969)

If I had not been for Mayor Johnson, Ashby Avenue would have become a freeway and Bart would have been built overhead in downtown Berkeley and not underground! We, the people of this great nation must, can and will, as we always have, democratically bring in what is right and defeat what is wrong. A supermarket in this area is wrong, wrong, wrong! It must be defeated!

Sincerely,

[Signature]

Edward J. Levitch, AIA RMO
(Responsible Managing Officer)
Levitch Associates, Inc.
Design / Build Architect

cc: Kava Massih, AIA
    Barry Wagner, AIA
Famous Architect’s Quotes:

All fine architectural values are human values, else not valuable.  
**Frank Lloyd Wright**

Architecture is not an inspirational business, it's a rational procedure to do sensible and hopefully beautiful things; that's all.  
**Harry Seidler**

Always design a thing by considering it in its next larger context - a chair in a room, a room in a house, a house in an environment, an environment in a city plan.  
**Eliel Saarinen**

Be truthful, nature only sides with truth.  
**Adolf Loos**

Architecture is the reaching out for the truth.  
**Louis Kahn**

Design is not making beauty, beauty emerges from selection, affinities, integration, love.  
**Louis Kahn**

Space and light and order. Those are the things that men need just as much as they need bread or a place to sleep.  
**Le Corbusier**
Planning Commission
C/O Aaron Sage, Associate Planner
Land Use Planning Division
2120 Milvia St.
Berkeley, CA 94704

Dear Mr. Sage:

I live in Southwest Berkeley with my family, where there lies paltry opportunity to shop for wholesome food unless I trek to high-priced Andronico's, or cringe and fight the crowds and go to Berkeley Bowl. While it takes me a mere 12 minutes or so to ride my bike there (fifteen minutes by car), I often spend twenty minutes on up just at the checkout.

We need to spread out the amount of users that attend one grocery store, and West Berkeley Bowl would help incredibly to reduce the pressure. Of course, the traffic on Ashby will become impacted, as is stated in the EIS, but that should not preclude individuals from having access to a basic health necessity--food.

My wife, who is obligated to drive to work most days because of the locale of her work, will certainly be impacted by the Ashby traffic. But we also understand that bike lanes and commuter car pools will help alleviate some of the impact. In addition, Caltrans is obliged, over time, to improve the Ashby thru lane.

We promote smart development, not 'no development.' We vote for food for all.

With respect,

Steve Schiff
2755 Mathews St.
Berkeley, CA 94702
April 5, 2006

Dear Planning Commission,

I am writing this letter in support of approving the General Plan amendments and rezoning in order to construct the proposed Berkeley Bowl at 920 Heinz Avenue. I sent a letter in November showing my family's support and I would like to submit this letter as a continuation of our support for the Berkeley Bowl in response to the latest information from the traffic counts conducted in January of this year.

After reading the latest results I realize that the impact of the proposed Berkeley Bowl on the intersection of San Pablo Avenue and Ashby has been identified as unmitigable. This does not deter me from my support for the Berkeley Bowl as a neighbor of the proposed Berkeley Bowl and as a mother. The benefits far outweigh the impacts and I, as a member of the West Berkeley community, am willing to endure a little extra traffic on Saturdays in exchange for having a full service grocery store that provides wholesome food and fresh produce. I would encourage measures that could minimize the impacts to the LOS at Ashby and San Pablo Avenue, but when it comes down to it this is a much needed amenity that has been lacking in the community for as long as we have lived here.

My family is in FULL SUPPORT of the proposed Berkeley Bowl for 920 Heinz Avenue. To have the homegrown Berkeley Bowl within biking distance of our house would provide my family with an incredible amenity. I hope that I and many of the other West Berkeley families will someday have the opportunity to shop at a new and much needed Berkeley Bowl.

Sincerely,

Lisa Howard
1138 Channing Way
Berkeley, CA 94702
Beasley, Melanie E.

From: Sage, Aaron E.
Sent: Wednesday, April 05, 2006 4:26 PM
To: Beasley, Melanie E.
Subject: FW: Berkeley Bowl

-----Original Message-----
From: Snchris@aol.com [mailto:Snchris@aol.com]
Sent: Wednesday, April 05, 2006 4:25 PM
To: Sage, Aaron E.
Subject: Berkeley Bowl

Aaron,

I am a landowner and work in West Berkeley. I am writing you to express my very strong support for the proposed Berkeley Bowl Development and the associated General Plan Amendment and Zone Change.

Berkeley Bowl is exactly what the West Berkeley neighborhood needs and will reduce congestion around the existing Berkeley Bowl store. Let us allow this unique Berkeley business to expand and add jobs. The entire City will benefit.

Very truly yours,

Scott Christensen
2215 Fifth Street
Berkeley 94710
I'd like to weigh in on the Berkeley Bowl Market's proposed second location on Ninth and Heinz. As a twenty year resident of Ninth St., I say bring it on! We need a grocery store in this area, and I believe lots of the folks who are my neighbors agree. The little old ladies who walk to the liquor store every morning for a loaf of bread, the kids who want a quick snack, the Latina moms and grandmoms who push strollers to the bus stop, and us folks who get sick of driving uptown to Safeway, will benefit. As for the vocal opposition coming from the French American School at the intersection of Ninth and Heinz, voicing concern for the increased traffic in the neighborhood, I say: take a look in the mirror! How much traffic do they bring to that corner every day? How many miles a day do they drive to bring their kids to that fancy little school? The idea that these people, who don't live in Berkeley and don't pay city taxes, are crying "Not in my back yard!" makes my blood boil. It's not their backyard at all, it's ours, and there's a heck of a lot of us neighborhood folks who can't wait to shop at the new Berkeley Bowl.

Rachel Crossman
2118 Ninth St.
Berkeley 510-849-4193

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
http://mail.yahoo.com
Beasley, Melanie E.

From: Sage, Aaron E.
Sent: Monday, April 17, 2006 5:26 PM
To: Beasley, Melanie E.
Subject: FW: Support West Berkeley Bowl

-----Original Message-----
From: Liz Kwan [mailto:lizkwan@gmail.com]
Sent: Monday, April 17, 2006 5:16 PM
To: Sage, Aaron E.
Subject: Support West Berkeley Bowl

Mr. Sage,

I'm a 10th street homeowner in support of the proposed West Berkeley Bowl.

To some extent, I can understand the opposition and concerns about traffic. However, the benefits clearly outweigh these concerns. This neighborhood is home to the most impoverished Berkeley residents, the highest concentration of children, and many residents without cars. Do the concerns of a few vocal critics about increased traffic justify denying the entire neighborhood access to fresh food?

This is not Costco or Albertson's or even Trader Joe's: we're talking about Berkeley Bowl, one of Berkeley's most beloved home grown businesses.

Support West Berkeley Bowl!

Liz Kwan
2333 10th Street
Berkeley, CA 94710
From: Inkworks Press Management Group

To the Planning Commission:

Inkworks Press wishes to express its concern regarding the substantial increase in traffic to be generated by the proposed Berkeley Bowl in West-Berkeley. We believe that the increase in traffic will have an economic impact on our business.

After reviewing the EIR we have determined that the extra traffic, especially during late afternoons, will affect our ability to expedite shipping, hinder receiving and complicate our customer pick-ups at the end of the day.

Hence we request that the City include an economic impact analysis as part of its environmental analysis and consideration of the proposed West Berkeley Bowl.

Today Seventh Street after 3pm oftentimes becomes a clogged artery. A regional retail outlet bordering a mixed use area with a narrow residential-type street (Heinz) will cause considerable back-ups at Seventh and Heinz.

Currently all of our early morning and mid-afternoon paper deliveries come in large Semi trucks that today navigate a series of right turns from our loading dock, around the block (to Grayson then Eight to Heinz and then a left-turn back onto Seventh) to return to the freeway at Ashby. We are also aware that large trucks barely navigate in and out of Scharffen-Berger’s parking lot from Heinz.

We have in the past endorsed the concept of a neighborhood foodstore in West Berkeley and we still believe that the whole community would benefit from a store similar in size to all the other Berkeley food marts. This large retail project however strikes us as an inappropriate use of the site.

Thank you for your consideration in this matter,

Erin Braut, General Manager

Ranil Abeysekera, Production Manager

Audrey Driver, Bookkeeper

Bernard Marszalek, Sales Manager
April 21, 2006

Christine Staples
1133 Channing Way
Berkeley, CA 94702
204-9458

Planning Commission
C/o Allan Gatzke, Principal Planner
Land Use Planning Division
2120 Milvia Street
Berkeley, CA 94704
Re: West Berkeley Bowl
Dear Mr. Sage,

I have resided in West Berkeley for fifteen years; I am writing in regard to the Recirculated Draft Environmental Impact Report on the West Berkeley Bowl.

We in the Bay Area have a traffic problem. Those who have opposed the Bowl project at its current proposed size would have us believe that if the Bowl project doesn’t go through, traffic on the Ashby corridor will not increase. In light of the fact that 28 units of senior housing, that a whopping 290 two bedroom units are nearing completion within blocks of the proposed site – easily 500 new residents – and that numerous additional projects are in the pipeline for the San Pablo corridor, this is an intriguing notion. There will certainly be traffic generated by all of these newcomers. What services were planned for these new residents, what impacts on traffic and parking from them were considered? These new neighbors will also need to purchase groceries. Will they need to have a car, so they can drive to El Cerrito to shop, adding to our traffic and parking burdens? Will the senior citizens be forced to purchase produce at liquor stores? Or will we allow them easy access to a market within walking distance?

One of the underlying errors which people make in interpreting the EIR is that all of the projected Bowl traffic would be new traffic. In fact, the traffic already exists – it’s just heading somewhere else. The residents of West Berkeley – those of us with cars - must now drive some distance to grocery shop, and our cars head north or south on San Pablo, or east on Ashby, disseminating pollution along the way, and as often as not taking tax revenue with them to another city. Should we be lucky enough to have a Bowl, the only changes to this would be where the traffic – and the tax revenue - is heading. Any increases in traffic density at Ashby and San Pablo would merely be a redistribution of traffic which already exists somewhere else. Plus, if we have a neighborhood store, we will create less traffic and less pollution, because we won’t have to leave the area.

One of the proposed alternatives to the project would be to make the facility smaller. I assure you this would not mitigate the traffic impact. Anyone who has stood in line at the current Berkeley Bowl on a morning when a number of the checkers have called in sick illustrates this. The shoppers stand in line 20 deep, the wait to pay may be forty minutes long. Meanwhile, their parking spaces are occupied, and more and more shoppers arrive, looking for parking spaces, clogging up traffic and parking further and further away.
Fewer checkers and less square footage does not translate to fewer shoppers and less traffic; quite the contrary – just as many shoppers will come, and it will take far longer to serve them, greatly increasing the impact on the neighborhood. More checkers and more square footage translates to a quicker shop and a briefer time in the parking space. And how can we expect a grocery store, any grocery store, with the low profit margins associated with the business, to survive in the neighborhood without high turnover? There was a Safeway at the location of the current Bowl – it died a lonely death and is mourned by none.

I note that the latest EIR describes the likelihood of increased traffic at Ashby and San Pablo as “significant and unavoidable”. So be it. The people of South and West Berkeley currently have no full-service grocery store, and we need one. Neither the existence of traffic, nor the potential increase in traffic alters this fact, nor does it excuse the City of its obligations to serve the residents of our neighborhood with access to healthy and affordable food.

In conclusion; please build this store for the good of our neighborhood, and build it as large as is proposed.

Sincerely,

Christine Staples
April 23, 2006
Planning Commission
C/O Mr. Alan Gatzke, Principal Planner
Land Use Division
2118 Milvia St. Third Floor
Berkeley CA 94710

Dear Mr. Gatzke,
Please refer to these environmental analysis documents describing the Proposed West Berkeley Bowl site and comment on them in the final Berkeley Bowl EIR. Thank you

Rick Auerbach
for WEBAIC
Present: Asphalt Products Oil Corporation (APOC)
APOC manufactures and packages roof and street coatings, using water base and solvent base emulsions with and without asbestos fibers. APOC obtained a carcinogen registration form for the use of asbestos at the facility from the State of California Department of Industrial Relations, Division of Industrial Safety on 6 July 1977. On 9 August 1978, there was an asphalt explosion in the asbestos room on the site. As a result of the fire, E.H. Morrill Co. at 999 Anthony filed a complaint regarding the release of asbestos particles into the air. The BDH&HS, Berkeley Fire Department, and Berkeley Department of Housing were notified. For 3 weeks following the explosion, BAAQMD kept this facility under surveillance and observed no visible emissions from the asbestos exhaust system.


On 27 December 1978, a complaint was filed with the Fire Department with regard to liquid flowing into the street from the site, and again on 27 March 1980 the Fire Department reported liquid flowing into the street. On 2 October 1986, the Berkeley Fire Department filed a field incident report on a second explosion at the site. The fire was probably caused by vapors that ignited due to careless work practices, such as improper ventilation and use of an open flame too near to where flammable and combustible liquids are handled. The Fire Department subsequently sent recommendations to the business to improve its fire safety measures and construct an explosion vented room for the most hazardous operations. The Berkeley Fire Department inspected the flammable and combustible storage and handling room on 15 October 1987, and found the situation O.K.

According to the plant manager, the maximum amount of asbestos on-site at one time is 300 100-lb bags; the average amount is 200 bags. The air exhausted is 99.99% free of asbestos, because the asbestos is put into the mixer using a closed circuit system. Approximately 20,000 gal of finished roofing material is stored on-site in 3, 5, and 55 gal drums.

The BAAQMD filed 3 violation notices against APOC regarding organic compound emissions: on 17 August 1978 violating Regulation 8, Rule 1, and Regulation 8, Rule 2, for general provisions and miscellaneous operations respectively. On 28 April 1982, APOC violated Regulation 2, Rule 1, §302, which requires a business to obtain a permit to operate for solvent evaporation. The Air Toxics Emission Inventory For The San Francisco Bay Area Status Report, 1 March 1989, indicates that APOC emits <1 lb/year of benzene and <1 lb/year of formaldehyde.
Previous: Widmer Corporation (?)-1977.
Owner: Larry Widmer

The Widmer Corporation manufactured roofing materials. On 19 October 1970, a Berkeley Fire Department report indicates the business proposed to install four large above ground storage tanks, located at 914 Heinz Avenue, for the production of roofing emulsion. These tanks are still on-site, however they are empty and no longer in use. On 23 September 1975, the Fire Department issued a permit to put two underground storage tanks back into service.

Conclusion: Up to 30,000 lbs of free asbestos, plus a history of fires, plus storage of large amounts of combustible material, plus unknown solvents is a hazard. See discussion of site 14 for information about asbestos hazards.
April 24, 2006

City Of Berkeley
Planning Commission
C/O Allan Gatzke, Principle Planner
Land Use Planning Division
2118 Milvia St Third Floor
Berkeley, CA 94704

Re: Comments on Recirculated Traffic Impact Analysis (Saturday Peak Hour) and Revised Alternatives Analysis of the Draft EIR for the Proposed West Berkeley Bowl 920 Heinz Avenue.

Dear Mr. Gatzke:

Thank you for the opportunity to comment on this study.

We own two buildings on Heinz Avenue; our business at 1029 Heinz Ave. (corner of Tenth and Heinz) and a residential duplex at 1025 Heinz (next door to the office on Heinz). These buildings have been used by our family since 1960.

Here on a daily basis on weekdays and parts of many weekends I have a perspective that your study may not take entirely into account.

First I would like to comment on the analysis prepared by Fehr and Peers.

**Executive Summary:**
How can this be characterized as a “neighborhood grocery store”? The size of the store and location makes this a regional store. Not considering the project as having regional patronage is an unrealistic assumption and can potentially underestimate the impacts caused by the project and skew the results in the wrong direction.

**No AM analysis:**
Even though the store does not open until 9:00 am I’m certain that there is employee and delivery traffic. This may not be equal to peak traffic but parking at this time of day is limited starting at about 6:00 am. An AM analysis should be a part of this study.

**Study Area:**
The study area should be larger. Even though the project is bounded to the North by Heinz Avenue, The greater part of Berkeley is to the North. The study should be expanded to include Grayson and Pardee and possibly all the way up to Dwight Way. A large number of vehicles
will be attempting to avoid San Pablo Ave. and Seventh St. by cutting up or down the East-West streets and the North-South streets. Parking in the area north of the study Area will also be impacted significantly by employees and or patrons on the way to the project.

**Parking and Existing Obstacles to increased Traffic:**
The parking survey did not account for controlled loading zones on Tenth between Heinz and Grayson or on Grayson between Ninth and Tenth Streets. There are also loading zones on Heinz Ave. and timed zones at the French School for pick-up and drop-off. There is an active delivery dock at the Heinz building between Tenth St. and San Pablo Ave. Parking has been removed on the North side of Heinz Ave. opposite the loading dock to allow for large truck loading and unloading at that dock. The removal of those spaces on Heinz Ave. was unfortunate due to the loss of parking but necessary to allow trucks to back in to the dock and to allow vehicles to go around the double parked delivery vehicles. This will be a problem to the increased traffic on Heinz Ave. that has not been addressed in this study.

**Employee Parking:**
What is the plan for employee parking? How many employees will there actually be? How many will be allowed to park in the new lot? How many will be parking in the neighborhood all day in front of our businesses and homes? There is no way that the number of parking spaces proposed will reduce the impact of this project to less than significant unless more mitigations are proposed regarding limiting the parking associated with this project to within the project itself.

**Existing and Combined Count on Ninth St.:**
To go from 348 to 2048 (1700 more) vehicles on a weekday and from 586 to 1336 (750 more—this seems like a low estimate) on Saturday is a huge impact on the neighborhood, projecting only another 50 vehicles during the week and only 25 more on Saturday in 2020 seems very optimistic. I cannot believe that the traffic signal on Heinz Ave. and San Pablo Ave. will affect this unmitigated increase in traffic. Why are there no estimates for Sunday? Sunday is a huge shopping day. During Holidays there is a much larger impact that is known about but not measured. Are there plans of how to handle the holiday traffic? How can plans be made for this if the traffic is not accounted for in this study.

**Summary:**
This project is being plunked down in an already busy area that has some relief from traffic and parking for the residents and businesses as the day goes on. While parking improves after 3:00PM and on weekends to where you might actually get to park in front of or near your home or business at that time now, this will no longer be a possibility.

The project is more than a neighborhood store and will therefore draw patrons from a large area that will most likely be traveling by car. This study does not take this into consideration and is therefore not complete or accurate.

No consideration is given to vehicles approaching the project via smaller streets to the North. No existing counts are presented for these streets and therefore there will be no way in the future.
to show how the project adversely affects these areas. No alternative traffic calming or barriers have been considered to address this significant impact.

Possible Mitigations:
If the project were to be accessed only from Ashby Ave., Anthony, Potter, and Seventh Street (up to but not including Ninth Street), then I could see that the traffic impacts could be eliminated from the neighborhood streets. Bicycles and pedestrians from the neighborhood could still access the project from all directions. Parking would still have to be controlled better as it would be tempting for employees and patrons to park up to a block or two away just to avoid going into a busy parking lot. Preferential parking may be one way to do this. Having the developer fund the parking program and an additional traffic patrol position for this area may be necessary.

Monitoring:
The developer should be required to pay for regular monitoring (annual or semi-annual at agreed upon times of year) of the impacts caused by the project (traffic counts, delays...and be required to fund additional mitigations if the counts exceed assumptions of the study, or find a way to reduce the impacts to less than significant.

Conclusion:
As most of the neighbors agree the store itself is not the problem, it is the traffic and parking associated with such a large store. Because re-zoning is required (this zone should not have to deal with the type of traffic and parking impacts generated by retail) there should even be more effort and attention to help preserve the very neighborhood that this “neighborhood” market place is to serve.

You as planners have the responsibility to carefully measure and mitigate negative impacts caused by development. Not acknowledging the true size of the project and going with “accepted standards” in traffic planning for this type of project especially when we have an example of the same operation to review is irresponsible and dangerous to the health of the neighborhood and the citizens of the City of Berkeley.

Please make sure that whatever is decided that there is a way to fix it if in fact impacts are worse than they are estimated to be. It is a lot harder to put the genie back in the bottle after it is out.

Thank You!

Sincerely,

Edward J. Levitch, AIA
Architect and Builder

Maurice Levitch, AIA
Architect and Builder
Submitted by WEBAIC - West Berkeley Artisans & Industrial Companies

Comments on the Draft Environmental Impact Report - October 2005
The West Berkeley Bowl Project- State Clearinghouse #: 2005072017
Recirculated Traffic Impact Analysis (Saturday Peak Hour)
Revised Alternatives of the DEIR- January 20 2006

TRAFFIC

1. In traffic engineering methodology, it is widely accepted standard practice that December traffic counts are considered abnormally high and therefore not used as data in traffic studies. Conversely, January traffic counts are considered abnormally low, and are also therefore not used. The DEIR should either do new counts or average December and January together to more accurately reflect "prevailing traffic patterns throughout the balance of the year", which staff declares is the aim of the DEIR.

The Preliminary Working Draft, using December traffic counts, was rejected because, as staff states: December counts "reflect uncharacteristic conditions due to increased retail and travel activity during the holiday season, rather than prevailing traffic patterns throughout the balance of the year". As it is widely accepted in retail trade that just as December is the highest sales and traffic month of the year, January is the lowest sales and traffic month of the year. Substituting counts from the lowest month does not accurately reflect "prevailing traffic patterns throughout the balance of the year" any more than do counts from the month with the highest traffic.

2. Saturday traffic counts should be taken at the times (4:30-6:30 PM) which coincide with the previously identified time period of peak store transactions (5:00-6:00 PM).

Saturday traffic counts were taken between 1:00 and 4:00 PM with the peak hour identified as 1:45 - 2:45 PM. Previously, peak store transactions were identified as taking place between 5:00-6:00 PM. Since 5-6PM is the peak time of activity in the store, why weren't traffic counts taken on the affected intersections between 4:30 and 6:30 PM, the time that the largest amount of Berkeley Bowl customers would be expected to be entering and exiting the store? These counts should be done.

3. The DEIR calculates that traffic volumes will be essentially the same at Ninth St & Heinz in the year 2030 as they are now. The DEIR calculates hundreds of thousands of square feet of new development will be built in the project area by 2030 with thousands of new employees, residents, and customers. Calculations that traffic will barely increase in 24 after these projects are built is not logical and requires reexamination. Box 3 of Figure III.A-3 shows the Existing Peak Hour Traffic Volume (without project) at Ninth St and Heinz to be 237 cars. Figure III.A-3 (Existing Peak Hour Traffic Volumes) shows 237 trips at 9th & Heinz. Figure III.A-7 shows Peak Hour Traffic Volume (without project) in 2030 to be 244 cars. An addition of only 7 cars during the peak traffic after 24 years and hundreds of thousands of square feet of development is illogical. While nearby intersections are calculated to have a 20-26% increase in peak hour traffic volumes between 2006 and 2030, this intersection is calculated to have a 2.95% increase.
4. The DEIR calculates that adding thousands of additional cars from the Bowl to the already stressed intersections of 7th & Ashby, 7th and Heinz, 7th and Potter, and 9th and Heinz on Saturday will add only 1 or 2 seconds delay to these intersections after refining a few lights. This conclusion defies common sense and should be reexamined. The DEIR calculates that Bowl traffic will only add 2 seconds of delay to a car waiting at 7th & Ashby. It further states that at 7th and Heinz, 7th and Potter, and 9th and Heinz, the additional delay will only be 1 second.

5. The DEIR states that on Saturdays in the year 2030, there will be the exact same amount of delay after the Project is built (with it’s associated 40,000 trips a week) at the intersections of 7th and Heinz, 7th and Potter, and 9th and Potter as there will be before the project is built (Table III.A-6) This is illogical and should be reexamined.

6. The DEIR states that at the intersections of 7th & Heinz, 7th & Potter, 9th & Heinz, and 9th & Ashby there will be essentially no difference in the amount of delay between existing conditions now and conditions in 2030 after the additional projected developments have been built in the area (without the Bowl). This is illogical and should be reexamined.

7. The DEIR used urban grocery store trip rates where there is good transit access and highly dense population to calculate traffic, unlike the project area which has poor public transit and is more than 1/4 mile to a dense population center. Explain why these rates should not be changed.

8. The DEIR states that opening up the Bowl parking lot through to Ashby is basically an opening up of 9th St through to the Potter Creek neighborhood at Heinz. There is no mention of this shortcut as part of traffic calculations affecting Potter Creek. Please study and include. The OSH short cut is moderately used but not well known. The Bowl shortcut will be widely known and used.

9. The DEIR states that on Saturday Peak-Hour in the year 2030 (III.A-7) there will be the exact same amount of delay at 7th & Heinz as there is now (III.A-6) (both without the project), even after the addition of thousands of residents and employees to the area which are identified by the Cumulative 2030 Projects section of the DEIR. Please explain how this could be possible.

10. Table III.A-7 states that in 2030, after the Project is built (and with all 2030 cumulative projects with their associated thousands of employees, residents and customers in the area) there will be LESS DELAY at 7th St and Heinz Ave than there will be under the present Existing-Plus-Project conditions (III.A-6). How is this possible? Please explain.

11. The supplemental staff report from Alan Gatzke dated March 8, 2006 states that: "Under Alternative D, cumulative traffic impacts at the intersection of San Pablo Avenue and Ashby Avenue would be mitigated to a less-than-significant impact after mitigation." The Recirculated Traffic Impact Analysis, January 2006, states that these same impacts are "Significant and Unavoidable." Which is correct?

12. The DEIR leaves out known and "probable" development in the immediate project area and thus underestimates cumulative traffic impacts. Please include these projects and recalculate. The DEIR states: "9th and Heinz are local serving roads and limited development is expected in the immediate area, so traffic increases on 9th and Heinz would be minimal." This statement does not account for these known and "probable" projects: Usteads (8th & Heinz St), Novosel Project (2817 8th St), Kava Massih project (2819 8th St), Fenske Project (2828 8th St) plus the 5 planned new projects between Dwight Way & Ashby on S. Pablo Ave.
PARKING

1. There is no mention in the DEIR of any provision for employee parking on the project site even though this document states that there will be "100 employees." Where are they expected to park? In the already at capacity neighborhood or OSH lot? Has the Bowl made any provision for employee parking? Where is this? Where in the EIR is this stated? If there is no provision on site for employee parking, why not?

2. The Recirculated Traffic Impact Analysis (Saturday Peak Hour) & Revised Alternatives of the DEIR (January 20 2006) identified seven new "potentially significant impacts" on the surrounding intersections. Why was there no new parking demand analysis done for Saturday since Saturday was clearly identified as having the greatest demand upon the Project? A new parking demand study for Saturday should be done.

3. The DEIR states that because there is a "surplus of on-street parking," "impact of overflow to neighborhood businesses would be minimal". The DEIR has cited "experience" (IV-D-59) as a justifying component in explaining its points of view. It is the empirical "experience" of businesses in the neighborhood that there is no appreciable "surplus" of on-street parking. Please explain this discrepancy.

4. The DEIR states that: "peak parking demand could "generally be accomodated on site" and is "generally sufficient" to satisfy ITE parking demand. IV D-57. In this context, what does "generally" mean and is "generally" an accepted quantitative ITE scientific term used in describing parking demand?

5. The DEIR states that a lack of parking on site may induce people to circle the neighborhood and result in negative air quality impacts. It goes on to say that this parking deficit becomes generally known and results in people declining to come to the store and therefore the negative environmental impacts disappear. This is contrary to experience at the existing Berkeley Bowl. Please explain this discrepancy and calculate the air quality impacts of the circling effect of this traffic.

PROJECTS MISSING FROM DEIR LIST OF CUMULATIVE (2030) PROJECTS

There are a number of known planned and "reasonably foreseeable" developments in the Project area that have not, but should be included in the DEIR's list of Cumulative Projects-Year 2030. Please add these projects and readjust traffic calculations accordingly. If they are not included, explain why. The DEIR states that "All projects that are proposed, recently approved, under construction or reasonably foreseeable that could produce a cumulative impact on the local environment when considered in conjunction with a proposed project are required to be evaluated in an EIR." It also states that "Cumulative impacts may be analyzed by considering a list of "probable future projects producing related or cumulative impacts." Following is a list of "reasonably foreseeable" and "probable projects" in the area of the Berkeley Bowl that "could produce a cumulative impact on the local environment when considered in conjunction with" the "proposed project."

Newly Identified Developments in Project Area:

A 1. Housing Project at YAS Auto Repair-Corner of Pardee & San Pablo- similar size to 2700 San Pablo. This property was recently sold and there are plans to build a housing project on this site.
A 2. Housing Project at The Medical Marijuana Club-San Pablo @ Grayson-East side of San Pablo - This property was recently sold. There are plans to build a housing project on this site.

A 3. Housing Project at A&W Pottery-NW Corner of Grayson & San Pablo- Property recently sold for housing development

4 Novosel Project- 2817 Eighth St. 4 Units - This project is presently going through Design Review in the City of Berkeley.

A.5 Kava Massih Project - 2819 Eighth St. 4-6 Units- This property has recently been sold to an architect who intends to build a 4-6 unit project on the site.

A.6 Brian Fenske Project- 2828 8th St - Office and 1 live/work unit - - This project is presently going through Design Review in the City of Berkeley.

A.7 Husteads- 8th & Heinz- 26 potential housing units- Directly across Heinz Avenue from the proposed Bowl is Husteads Towing Yard, which covers more than one-half of the entire block. There have been several proposals and discussions with the owner over the last decade to develop the site, mostly with housing. The owner has expressed interest but not acted on these proposals. It is clearly an underutilized site that will be developed. The property values on this property have gone up 7X in 10 years and it has been reported that the owner, Phil Woods, has offered the site to the Berkeley Bowl for parking. Mr. Woods attends all City hearings related to the project. Considering past discussions of development on the site, its widely acknowledged underutilization, the rapid rise in land values, and the three housing projects being developed directly adjacent and across the street from the site, it is "reasonably foreseeable" and "probable" that this site will be developed as housing in the near future. If developed at the density of other projects proposed for the same block there would be between 70 and 120 units of housing.

A.8 New Wareham Project- there is reportedly a new biotechnology development planned for Anthony St adjacent to the proposed Berkeley Bowl site.

A.9 McCauley Foundry -At the end of Carleton St. by the railroad tracks there is a large empty foundry. Various interests are looking at developing this site as light industrial/crafts space.

A. 10 Peerless Lighting-2246 5th ST - This large light industrial building was recently vacated and will very likely be reused as light industrial and art and craft space with some office.

A.11 Flint Ink -750 Gilman St This now empty large industrial site was until recently under a letter of intent from a car dealership and is currently being explored as a development site by a very active Berkeley developer.

A.12 Old Langendorf Bakery -7th & Potter St - This site is close to the Bowl and will "probably" be filled with new retail uses once the Bowl and its associated customer base are in place.

A.13 2700 San Pablo - 30 residential and 4 live work units, They have broken ground.

A.14 Proposed Zoning Change from MULI & M to CW along Ashby Ave and Gilman St. The City of Berkeley, at the direction of the Mayor and City Council, has budgeted and dedicated staff time to studying the rezoning of Ashby Ave (south side -San Pablo Ave to the I-80) and Gilman St (San Pablo Ave to the I-80) from MULI and M to CW. The mayor has stated that this rezoning is his goal. This is being done with the stated aim of attracting new retail businesses to the newly created CW zones which are presently industrial. These retail businesses would bring a much greater volume of traffic into these areas than the present industrial businesses, which have much lower trip generation rates associated with them. Since this effort to rezone (upzone) is being undertaken by the City of Berkeley which has the jurisdictional right and ability to make these zoning changes, they must be considered as "reasonably foreseeable" and therefore included in the tabulation and study of "Cumulative Impacts."
Consistency of the Proposed Project with Applicable West Berkeley Plan Goals

1. Goal 3 of the West Berkeley Plan states: "Improve the level of NEIGHBORHOOD SERVING retail in West Berkeley". The DEIR also states that: "The purpose of the proposed project would be to provide a full-service grocery store that would serve the LOCAL POPULATION". Page IV.A-19 The size and location of the proposed Bowl demonstrate that the project is not intended to be "neighborhood serving" and for the "local population", but is intended to attract a regional clientele. This is demonstrated by the language in the DEIR, which states: "the project...would also attract a regional clientele." and The project is" conveniently accessible from I-80" "and would support regionally-oriented retail trade". Please explain how this regional draw is consistent with the West Berkeley Plan's Goals of having "neighborhood serving" retail, which is by definition of a smaller scale than "regionally-oriented."

GENERAL IMPACT CATEGORIES

NOISE

1. The DEIR states that only a doubling of traffic results in noticeable noise level increases on streets. That the projected traffic increase of 78% at 9th & Heinz would cause no increase in noise levels and therefore have no "significant environmental impact" in the area is not supportable by common sense and logic. Please explain this conclusion and analyze and describe the projected decibel (DB) rise in local noise levels.

- GROWTH-INDUCING IMPACTS OF THE PROPOSED PROJECT

1. The proposed project will be growth inducing, contrary to the DEIR's statement (V-22) that "the proposed project would not be considered growth inducing."

The Bowl will bring 42,000 - 56,000 retail customers a week into the lower Ashby area. The mayor has stated that Berkeley should change the zoning on Ashby Ave to accommodate more retail uses and a majority of the city council have allocated City monies toward this end. The West Berkeley Bowl and its thousands of retail customers will further the mayor's stated goals by attracting other new large and small retail businesses to locate in the vicinity of the project and will thus be" growth inducing". The DEIR admits that people from outside the local area will come to the Bowl on local streets and off of I-80. This "regional clientele" will be growth inducing. The DEIR states that "the project...would also attract a regional clientele." and The project is" conveniently accessible from I-80" "and would support regionally-oriented retail trade".

2. Changing the proposed project's zoning designation from MULI (industrial) to CW will induce further zoning changes in the area, contrary to the DEIR's statement (V-22) that "the proposed project would not be considered growth inducing."

The proposed project will jump-start the City's documented ongoing legislative efforts to change the zoning in the direct vicinity of the project along Ashby Ave from MULI to CW. The stated goal of this zoning change is to induce growth by attracting new retail businesses into the area. The thousands of projected new retail customers will create political and economic pressure to further erode existing industrial zoning and its protections and the comparatively low traffic trip generation rate associated with industrial uses.

3. The proposed zoning change from MULI to CW is precedent-setting, growth inducing and such an action does not occur often in the City of Berkeley, contrary to the DEIR's claim that "The requested
general Plan amendment and zone change are not precedent-setting actions that could lead to growth, given that such actions occur often and are a regular aspect of the planning process for cities. Please document that these changes occur "often" in the City of Berkeley.

4. Given that the mayor and the majority of the city council have previously expressed a desire to change the zoning in the immediate vicinity of the proposed project, the requested discretionary actions associated with the project would strongly be expected to encourage and facilitate other amendments to the General Plan and zone changes to the areas in the vicinity of the project. This is contrary to the DEIR's statement that: "The degree to which the requested discretionary actions associated with the project would encourage or facilitate other amendments to the General Plan and zone changes to the areas in the vicinity of the project can not be estimated at this time".

5. If other amendments to the General Plan and zone changes are requested in the future for other properties in the area, the subsequent development that would occur due to the changes would necessarily be growth inducing, considering that many of the properties in the project area are presently occupied by low intensity and low traffic generating industrial and building supply uses. This is contrary to the DEIR's claim that since: "the project site and surrounding area are part of a "built environment"," if other amendments to the General Plan and zone changes are requested in the future for other properties in the area, the subsequent development that would occur due to the changes would not necessarily be growth inducing, considering that many of the properties in the project area are already developed with some type of use. For these reasons, the proposed project would not be considered growth inducing." All uses are not created equal and some types of uses are much more intense and growth-inducing than others. Although most of the area around the project site is part of a "built environment", a large portion of that environment is zoned for and developed as industrial and building supply uses which generate low amounts of traffic and are built with low FAR's (Floor Area Ratios). The DEIR claims that since the area is part of a "built environment" no further intensification of this environment is possible or likely. This is contrary to fact and experience. Manufacturing uses, like those in the area of the project, can and often are replaced by more intensive traffic and growth inducing uses such as regional retail. The addition of the project and its associated thousands of customers will make the area much more attractive to regional retailers. Changing the zone on the project site from MUL1 to CW will automatically raise the land value two to five times its original price. Since retail uses typically pay two to five times what industrial uses pay per square foot, the proposed project will have the effect of inducing growth by placing intense economic pressure on nearby industrial uses as well as political pressure on the City to change the surrounding zoning so that more monetary value can be extracted from the surrounding land by landowners and the City.

**DEIR ANALYSIS OF ALTERNATIVES TO PROPOSED PROJECT**

The DEIR is required under the "rule of reason" to study "reasonable alternatives" to the proposed project, in order to offer the community and decision makers a "reasonable choice." Two grocery store projects similar to the proposed project but smaller are analyzed. Alternatives C and D are described below:

<table>
<thead>
<tr>
<th>Alternative C</th>
<th>Alternative D stores</th>
<th>Both of these are larger than</th>
</tr>
</thead>
<tbody>
<tr>
<td>65,815 sq ft total</td>
<td>72,758 sq ft total</td>
<td>existing Berkeley Bowl</td>
</tr>
<tr>
<td>37,005 sq ft Grocery</td>
<td>45,430 sq ft Grocery</td>
<td></td>
</tr>
<tr>
<td>5,050 Office</td>
<td>3,420 Office</td>
<td></td>
</tr>
<tr>
<td>28,810 Warehouse</td>
<td>23,908 Warehouse</td>
<td></td>
</tr>
</tbody>
</table>
1. THE CITY OF BERKELEY SHOULD REQUEST THAT THE OWNER OF THE BERKELEY BOWL NOT BUILD THE PROPOSED PROJECT, BUT INSTEAD BUILD ALTERNATIVE C AS DESCRIBED.

2. IN THE REVISED ALTERNATIVES (DEIR), ALTERNATIVE C IS DESCRIBED IN THE DEIR AS MEETING ALL THE MAJOR PROJECT OBJECTIVES EXCEPT TWO, WHICH IN FACT IT DOES MEET. ADDITIONALLY, UNDER ALTERNATIVE C, THE PREVIOUSLY IDENTIFIED UMMITIGABLE SIGNIFICANT IMPACT AT SAN PABLO AND ASHBY COULD BE REDUCED TO A LESS THAN SIGNIFICANT IMPACT. THE DEIR ALSO STATES THAT ALTERNATIVE C WOULD GENERATE "LESS TRAFFIC" THAN THE PROPOSED PROJECT.

The DEIR states that Alternative C does not meet the project objective of providing a "neighborhood-serving retail" supermarket in West Berkeley because it was originally proposed as a natural food store. There is absolutely no logical reason that this proposal, a store 65,815 sq ft (37,005 sq ft grocery, 28,810 sq ft warehouse-20% larger than the existing Berkeley Bowl) would have to be a natural food store just because it was once described as such. To claim, as the DEIR does, that a supermarket larger than every other grocery store in Berkeley would not "improve the level of neighborhood serving retail in West Berkeley by providing a supermarket, the key deficiency identified by the West Berkeley Plan" is a completely illogical conclusion. It also flies in the face of common sense to say, as the DEIR does, that this size store (Alternative C) would not provide for the expansion of an existing, locally owned business by providing a new location in West Berkeley where a full service supermarket can provide a wide range of produce and groceries at competitive prices to an area of West Berkeley that currently lacks access to these products." Please explain why Alternative C does not meet these two goals of the proposed project and is not a better option for the community than the proposed project. Alternative C does not provide a community meeting room. This may be a nice amenity, but was not requested by the community, is not standard in supermarkets, and is not a necessary project component.

2. ALTERNATIVE PROJECT D IS IDENTIFIED IN THE DEIR AS MEETING THE 12 IMPORTANT PROJECT OBJECTIVES (as well as #13- providing a meeting room) OF THE CITY, THE OWNER, AND THE COMMUNITY. THE DEIR ALSO STATES THAT ALTERNATIVE C WOULD GENERATE "LESS TRAFFIC" THAN THE PROPOSED PROJECT. If the proposed project is not replaced by Alternative B, it should be replaced by Alternative D. Please explain why Alternative D does not provide a better option for the community than the proposed project.
Subject: The West Berkeley Bowl Project DEIR #2005072017 and Recirculated Traffic Impact Analysis (Saturday Peak Hour)

To the Berkeley Planning Commission and City Planner Alan Gatzke,

We ask that the City include an economic impact analysis as part of its EIR environmental analysis and consideration of the proposed West Berkeley Bowl. At 90,000 square feet, this "full service" store would serve a regional customer base, as is stated in the DEIR; "the project is conveniently accessible from I-80", and "would attract a regional clientele." (DEIR-Page IV-21-22). This is not the neighborhood-serving grocery the West Berkeley Plan calls for.

Traffic and parking are a major concern. Because the proposed store would generate 50,000 vehicle trips a week along Ashby, 7th Street, and San Pablo, which are already at capacity and cannot be expanded without taking buildings, we are concerned that our businesses would be affected negatively. The revised Draft Environmental Impact Report contemplates unmitigatable impacts at San Pablo and Ashby, and the analysis of traffic at Seventh and Ashby acknowledges that this intersection is already stressed. Other thoroughfares are similarly stressed. Parking is likely to overflow onto the neighborhood streets.

We believe that because of its scale and the anticipated congestion, the proposed facility could have potentially negative economic consequences for our businesses due to the disruption of supplier, delivery, and customer access to our enterprises. Those of us who depend on public traffic have already experienced public comment about the congestion in this area. We are concerned that the City has not adequately analyzed the economic impacts of this project, individually and as it contributes to the cumulative impacts of projects now planned and expected.

If there were negative economic consequences for our businesses, and thus the City and community, certainly it would be unsound policy to install a new business to the detriment of successful existing businesses. Without an economic impact analysis, however, the City cannot understand whether it might be making this choice.

Thank you.

Yours in concern for the health of all Berkeley's businesses,

[Signatures]
WEST BERKELEY ARTISANS & INDUSTRIAL COMPANIES
P.O. BOX 2307, BERKELEY, CA 94702 • WWW.WEBAC.ORG

Alan Rex
MACBETH HADDOW

Tom Sore
XIAN PRODUCTIONS 1037 MURRAY ST.
APX WINE CELLAR / SALLE

David Liu
Millennium Production 1033 Folger Ave

N. Victor
V & W PATIO DOOR + WINDOW CO INC
2815 7TH ST.

Jack Lichman
TUBMAKERS 915 ASHBY AVE. 94710

Paul Richter
Berkeley Outlet
711 HEINZ AVE.

Robert Hendley
SCHWEITZER CHOCOLATE MAKER
<table>
<thead>
<tr>
<th>Name</th>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jeff Hogan</td>
<td>Ashby Lumber</td>
</tr>
<tr>
<td>Robert Steinberg</td>
<td>Scharffenberger Chocolate</td>
</tr>
<tr>
<td>Dave Wilson</td>
<td>Wilson Glass</td>
</tr>
<tr>
<td>Mary Lou Vandeventer</td>
<td>Urban Ore</td>
</tr>
<tr>
<td>Alan Ross</td>
<td>MacBeath Hardwood</td>
</tr>
<tr>
<td>John Victor</td>
<td>V&amp;W Patio Door &amp; Window Co Inc.</td>
</tr>
<tr>
<td>Jack Liehem</td>
<td>Tubmakers</td>
</tr>
<tr>
<td>Bernard Marszalek</td>
<td>Inkworks</td>
</tr>
<tr>
<td>Paul Koehn</td>
<td>Edward Koehn Co Inc.</td>
</tr>
<tr>
<td>David Liu</td>
<td>Millenium Productions</td>
</tr>
<tr>
<td>Laurie Bright</td>
<td>D &amp; L Engines</td>
</tr>
<tr>
<td>Aerosol Dynamics</td>
<td>Susanne Herring</td>
</tr>
<tr>
<td>Cliff Landis</td>
<td>Apex Wine Cellars</td>
</tr>
<tr>
<td>Christophe Kubiak</td>
<td>LeBonne Cuisine Catering</td>
</tr>
<tr>
<td>John Phillips</td>
<td>John Phillips Harpsichords</td>
</tr>
<tr>
<td>John Curl</td>
<td>Heartwood Woodworking</td>
</tr>
<tr>
<td>James Parodi</td>
<td>Artisan Burlwood</td>
</tr>
<tr>
<td>Liam McNamara</td>
<td>The Shipyard</td>
</tr>
<tr>
<td>Xian Productions</td>
<td>Tom Sepe</td>
</tr>
</tbody>
</table>
Date: April 23, 2006

From: the Potter Creek neighbors
c/o G. Barry Wagner
2809 9th Street
Berkeley, CA 94710
(510) 841-4040

To: Mr. Allen Gatzke, Principal Planner
Land Use Division
2118 Milvia Street, 3rd Floor
Berkeley, CA 94704

Re: traffic mitigation comments for the proposed West Berkeley Bowl Project EIR

Dear Mr. Gatzke,

Please include and comment on the Potter Creek Neighborhood Traffic Mitigation Concept plan dated April 23, 2006 in the Environmental Impact Report.

Since the EIR for the proposed West Berkeley Bowl Project does not include a traffic plan to restrict traffic through the residential and business area to the north of Heinz Avenue, the neighbors have developed a conceptual plan to address this issue.

Thank you for your consideration.

Sincerely,

G. Barry Wagner

<table>
<thead>
<tr>
<th>PRINTED NAME</th>
<th>ADDRESS</th>
<th>TELEPHONE</th>
<th>YES</th>
<th>SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eugene Agrinse</td>
<td>2815 9th St.</td>
<td>543-4432</td>
<td>YES</td>
<td>Eugene Agrinse</td>
</tr>
<tr>
<td>G. Barry Wagner</td>
<td>2809 9th St.</td>
<td>841-4040</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>Peter Orth</td>
<td>1010 Grayson</td>
<td>548-5106</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>Catherine Jones</td>
<td>2810 10th St.</td>
<td>845-3615</td>
<td>YES</td>
<td>Catherine Jones</td>
</tr>
<tr>
<td>Helder Pereira</td>
<td>2809 9th St.</td>
<td>559-707468</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>Amber Rich</td>
<td>2809 9th St.</td>
<td>331-669-2900</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>David Snipper</td>
<td>1002 Grayson St.</td>
<td>540-6676</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>Rick Auerbach</td>
<td>930 Grayson St.</td>
<td>549-0290</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>Carol Henderson</td>
<td>2801 Tenth St.</td>
<td>849-2571</td>
<td>YES</td>
<td>Carol Henderson</td>
</tr>
<tr>
<td>Patricia C. Wood</td>
<td>2803 Tenth St.</td>
<td>845-7857</td>
<td>YES</td>
<td>Patricia C. Wood</td>
</tr>
<tr>
<td>Donatella Carth</td>
<td>2805 9th St.</td>
<td>841-8080</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>Regan Rice</td>
<td>950 Grayson</td>
<td>549-1456</td>
<td>YES</td>
<td>Regan Rice</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PRINTED NAME</th>
<th>ADDRESS</th>
<th>TELEPHONE</th>
<th>YES</th>
<th>SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>M. Sarah Kline</td>
<td>2830 8th St</td>
<td>843-7027</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Elizabeth A. Bloom</td>
<td>2634 4th St</td>
<td>(925) 324-1086</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Sarah Wikander</td>
<td>2815 8th St</td>
<td>916-381-9651</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Sally Swing</td>
<td>926 Grayson St</td>
<td>510-911-8216</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Morgan Smith</td>
<td>929 Grayson St</td>
<td>810-841-0090</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Richard Finch</td>
<td>2815 Eight St</td>
<td>510-540-6202</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Cameron W.</td>
<td>2810 8th St</td>
<td>510-704-0827</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Claudia Reitnouer</td>
<td>2810 8th St</td>
<td>810-764-0827</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Susan M. Young</td>
<td>945 Grayson St</td>
<td>510-649-9360</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>John Phillips</td>
<td>933 9th Ave</td>
<td>510-549-2272</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Janice Johnson</td>
<td>1643 Derby St</td>
<td>510-549-1520</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Peter Hurley</td>
<td>937 Grayson St</td>
<td>510-845-0505</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Gerold J. Hurley</td>
<td>937 Grayson St</td>
<td>510-845-0505</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Andrew F.</td>
<td>915 Pasadena St</td>
<td>510-261-2715</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Byron Delcomb</td>
<td>2850 6th St</td>
<td>843-7027</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Anthony N. Porter</td>
<td>2835 7th St</td>
<td>343-2332</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Jill E.</td>
<td>1035 Grayson St</td>
<td>848-4800</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Robert N. Holidak</td>
<td>1028 Piedmont St</td>
<td>981-9289</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Carol Whitman</td>
<td>1028 Piedmont St</td>
<td>981-9289</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
Comments submitted by Potter Creek Neighbors  
930 Grayson St Berkeley CA 94710  
Rick Auerbach  ricauerbach@yahoo.com  
549-0190

Comments on the Draft Environmental Impact Report - October 2005  
The West Berkeley Bowl Project - State Clearinghouse #: 2005072017  
Recirculated Traffic Impact Analysis (Saturday Peak Hour)  
Revised Alternatives of the DEIR - January 2006

GENERAL IMPACT CATEGORIES

NOISE

1. The DEIR states that only a doubling of traffic results in noticeable noise level increases on streets. That the projected traffic increase of 78% at 9th & Heinz would cause no increase in noise levels and therefore have no "significant environmental impact" in the area is not supportable by common sense and logic. Please explain this conclusion and analyze and describe the projected decibel (DB) rise in local noise levels.

- Parking & Traffic

2. The Project and its traffic plan do not meet the West Berkeley Plan's goal # 5: to: PROTECT LOCAL RESIDENTIAL STREETS FROM THROUGH TRAFFIC

GOAL 5 - Contrary to what the DEIR states, the neighborhood directly adjacent to the north of the site is not "a commercial and industrial area," but is the Mixed Use RESIDENTIAL zone (MUR). It has many residents and families and has a clear residential character. Under the Project Objectives section in the DEIR, the neighborhood to the north is described as "mixed use," not commercial and industrial. The DEIR states "The project site is in a commercial and industrial area." The project's primary access would be from Ashby Ave. Secondary access would be from Heinz Ave., a local street occupied by commercial and industrial uses.... Please explain how the project traffic is consistent with Goal 5 of the West Berkeley Plan.

3. Contrary to the DEIR's statement, the proposed project and its traffic plan do not meet the West Berkeley Plan's Land Use Goal #3 - Protect residential core neighborhoods from adverse impacts of economic growth especially traffic and parking. The project site is not in" a commercial and industrial neighborhood separated from a residential core neighborhood by San Pablo Avenue". The project site is adjacent to the Mixed Use RESIDENTIAL zone (MUR). This zone has many residents and families and has a clear residential character and will be adversely affected by the amount of traffic and overflow parking frm the proposed project. Explain how the proposed project meets the West Berkeley Plan's Land Use Goal #3.
Bowl DEIR Consistency Discussion states: "The project site is in a commercial and industrial neighborhood separated from a residential core neighborhood by San Pablo Avenue. The majority of traffic would...not significantly affect local streets to the north, east, or west. In addition, the project would...not use street parking in the area to the north of Heinz Ave."

The DEIR purports to make the case that there is ample on street parking for the proposed project and the" project would...not use street parking in the area to the north of Heinz Ave." It then contradicts itself by clearly implying there will be parking in the neighborhood from the proposed project- by stating: "because there is a "surplus of on street parking," "impact of overflow to neighborhood businesses would be minimal".) Please explain the discrepancy.

4. There is no mention in the DEIR of any provision for employee parking on the project site even though this document states that there will be "100 employees." Where are they expected to park? In the already at capacity neighborhood or OSH lot? Has the Bowl made any provision for employee parking? Where is this? Where in the EIR is this stated? If there is no provision on site for employee parking, why not?

5. The DEIR states that a lack of parking on site may induce people to circle the neighborhood and result in negative air quality impacts. It goes on to say that this parking deficit becomes generally known and results in people declining to come to the store and therefore the negative environmental impacts disappear. This is contrary to experience at the existing Berkeley Bowl. Please explain this discrepancy and calculate the air quality impacts of the circing effect of this traffic

6. DEIR BOWL Project Objectives states: To prevent adverse impacts on the mixed-use neighborhood to the north, and on commercial uses to the east and west, by placing the primary access ) point at the south so that deliveries and most other vehicular traffic will enter and exit the site via Ashby Ave. There is no restriction on customer access from the "mixed-use neighborhood to the north". This lack of restriction will not" prevent adverse impacts on the mixed-use neighborhood to the north" as the DEIR states. Please explain hoow this neighborhood is protected by the Bowl's traffic.

7. The DEIR states: "The Project would represent a long-term commitment to a more intensive use" but"would not commit future generations to using the site as a grocery store. The City should protect the neighborhood from a different large regional retail use occupying the proposed project's site in the future. How does the city propose to do this. Please discuss and examine the concept of creating a specific zoning classification for the area that would be called CW-G. This classification would only allow food stores. This would help protect the neighborhood in perpetuity from unintended negative consequences of out of scale and character development on the site.
April 24, 2006

Planning Commission
City of Berkeley
Berkeley, CA

RE: Air Quality EIR for the West Berkeley Bowl

Dear Sirs:

I am writing to express my concern regarding the Environmental Impact Analysis, Air Quality, Section IVA of the current EIR for the 91000 square foot commercial construction proposed for our MULI neighborhood.

Most of this EIR is a review of existing standards. There is indeed very little discussion of the change in air quality expected from the predicted traffic increase. Nor is there any discussion as to what this project brings in comparison to currently allowed MULI uses.

Changes in carbon monoxide (CO) concentration are considered at three intersections (San Pablo and Heinz, San Pablo and Ashby, Seventh and Ashby). There is no discussion of the increased truck traffic, or resultant air quality, for servicing of the warehouse. There is no discussion of the result of the predicted 80% increase in weekend traffic on the surrounding residential neighborhood.

Even for the intersections modeled, the EIR report does not state what emission factors (CO emission rate per vehicle mile traveled, or year assumed for emission rate) used for “existing plus project”. They provide a comparison that shows “existing plus project” results in a 33% reduction of CO at Seventh and Ashby, even though the traffic and the wait period are both predicted to increase. This is a misleading analysis. For the same year, more cars do not emit less CO. Either the study has assumed massive reductions in CO emission rates over the period of project construction, or the calculations are simply wrong.

A fairer comparison is to contrast “existing plus project” to “existing plus allowed MULI use”, using the vehicle same emission factors (ie same basis years) for both. That is the only way to evaluate how the air quality will be affected by the added traffic from a commercial operation as opposed to that which would result from the light industrial for which the land is now zoned.

Sincerely,

Susanne Hering, PhD
Dear Mr. Gatzke,

As a resident in the neighborhood very close to the proposed project and a happy customer of the current Berkeley Bowl, I am all for construction of a new Berkeley Bowl. I have reviewed the Impact Report, and understand that some increase in traffic, particularly at the Ashby/San Pablo intersection, are likely results. However, this increase due to the new Bowl seems minor in the face of the growth of Emeryville and would be more than compensated by the great convenience of having a high quality food market right in our neighborhood. It would be a big improvement from our perspective. I am sure there is a large silent majority that agrees with me on this, so please do not be persuaded by a few vocal opponents.

Sincerely yours,

Amy Merrill, home-owner
1235 Haskell Street
Berkeley, CA 94702
547-2307
Beasley, Melanie E.

From: Gatzke, Allan E.
Sent: Tuesday, April 25, 2006 1:53 PM
To: Beasley, Melanie E.
Subject: FW: comment re West Berkeley Bowl

-----Original Message-----
From: Douglas Smith [mailto:douglassfredericsmith@yahoo.com]
Sent: Saturday, April 22, 2006 6:36 AM
To: Gatzke, Allan E.
Subject: comment re West Berkeley Bowl

Dear Mr. Gatzke,
We live a few blocks away from the proposed site of the West Berkeley Bowl Market, and are very much in favor of the proposed market as shown in the draft EIR on the Planning Dept. web site. We're not able to attend any of the public meetings to comment, but wanted to make our opinion known.

We very much look forward to having a good market available to our neighborhood. Thank you for your help with this project.

Douglas Smith
Ingrid Adamson-Smith
2422 Byron St.

Blab-away for as little as 1¢/min. Make PC-to-Phone Calls using Yahoo! Messenger with Voice.
-----Original Message-----
From: Lisa Mikulchik [mailto:lisamik@sbcglobal.net]
Sent: Saturday, April 22, 2006 11:43 AM
To: Gatzke, Allan E.
Cc: info@berkeleybowl.com
Subject: In support of proceeding with plans for the West Berkeley Bowl

Planning Commission
C/O Allan Gatzke, Principal Planner
Land Use Planning Division
2118 Milvia Street Third Floor
Berkeley, CA 94704

I would like to weigh in on the proposed development of the West Berkeley Bowl
on Heinz. I support moving forward with the Recirculated plan. I live in West
Berkeley nr Dwight and San Pablo; this store would fill a real need for food
shopping options without "stealing" from other, smaller stores. The product is
consistently good, the social involvement of the ownership is commendable, the
prices to a great extent (but not enough) are competitive for lower income
shoppers, and it would bring in tax dollars from Emeryville as well.

Thank you,
Lisa Mikulchik
Byron Street
Berkeley 94702
-----Original Message-----
From: Barbara Bowman [mailto:quagganaut@earthlink.net]
Sent: Monday, April 24, 2006 11:23 AM
To: Gatzke, Allan E.
Subject: West Berkeley Bowl

Dear Mr. Gatzke:

Here are some comments regarding the impact of West Berkeley Bowl on the neighborhood environment:

Background:
I enthusiastically support a new Berkeley Bowl store on Heinz at 9th.

My home is on Tenth Street between Heinz and Grayson. My husband and I intend to live there for the rest of our lives. It is a 2 1/2 minute gentle stroll from our front door to the proposed entry to Berkeley Bowl.

We were excited about the initial plan described to the neighborhood: a warehouse, with a small retail unit to serve the local area with limited items for sale. Though dismayed by the bait-and-switch (even though it may not have been planned that way), we are willing to support a larger store in the space, because it is Berkeley Bowl.

My concerns:
1. Our neighborhood is relatively quiet on weekends; this will change drastically with the entry of Berkeley Bowl. Our neighborhood is quite busy on weekdays; this will get even worse with the entry of Berkeley Bowl.

2. From time to time, people express the idea that this will be a local market. Make no mistake, the reputation of Berkeley Bowl, plus the proximity of this new store to a freeway exit, will make it a regional shopping place. Friends who have complained that getting to the current Bowl is too difficult have expressed delight that this new store will be so accessible; they intend to come from other towns (Alameda and Oakland, for two examples) to shop there.
3. The flow of traffic needs to be managed in such a way that cars are not directed onto residential streets, notably Ninth (the primary target) but also Tenth and Eighth streets. Approaching the Bowl from these streets should also be discouraged. This needs to be done without complicating life for our good neighbors at Meyer Sound, who have facilities both on our block of Tenth and on the San-Pablo/Tenth block of Heinz; this will be a real challenge.

4. The flow of traffic in the Berkeley Bowl parking lot needs to be arranged much better than in the current Bowl's lot. I confess, I usually don't drive into the lot at all, because of the near-certainty that I will be stuck in there, unable to escape, if there are no spaces to be had. I go immediately to the neighborhood for parking - sorry, but this is the reality. The new Bowl parking has to be arranged so people can enter without fear that they will be trapped, so that they will go into the lot for parking as a first choice.

5. Neighbors from across San Pablo have expressed the opinion that traffic at Ashby and San Pablo is not a problem because Ninth Street will take a lot of the additional traffic. This fills us with dread; diverting traffic onto Ninth Street, or its neighbors Eighth and Tenth, should be avoided at all costs. People who live on the west side of San Pablo understand the traffic concerns in our neighborhood.

6. Traffic in the abstract is rather easy to direct; in reality, it may not behave as expected. Please build into the plan a requirement that the traffic patterns and impacts be reviewed 6 months to one year after the opening of the bowl, and perhaps two and five years, also. Include in this requirement who is responsible for a) initiating the traffic review, b) funding the traffic review, c) implementing new recommendations based on the traffic review. We have noted that the stoplight at Seventh and Potter has impeded traffic on Seventh, and the obvious and simple solution (eliminating one left turn arrow) has not been implemented. Please do not let our neighborhood fall into another ouliette.

7. If this were almost* any other store, we would not want it. Safeway and its cousins would not serve our needs. Is there a way to write into the planning some measure of control over the future of the space, when the owners of Berkeley Bowl inevitably elect to retire? (*Monterey Market would be fine :)

Thank you for considering these concerns,
Barbara Bowman
Potter Creek homeowner since 1978
APPENDIX 2.0


TRAFFIC AND PARKING CONCERNS FOR THE WEST BERKELEY BOWL PROJECT AND SOLUTIONS

11/08/05

Submitted by Sandy Simon
Contact Phone 510-540-9966

-Contains photos of current bowl parking and loading docks
- Re-worked future project plans
- Traffic flow ideas
CONCERNS with Current Design

TRAFFIC & PARKING

1. Main Entry off Ashley is shared with delivery trucks, impasse during morning hours to parking. Suggest blocking above.

2. 9th St. will become congested with in & out traffic. The intersection needs lights and Right Turn Only Signals.

- This changes the parking Moore entry space and exit

- Cafe is NOT near 4th St, but still on 4th St but adjacent to parking AWAY from school

- Cafe is visually tied to Shafter/Berger
  sq ft: slightly less in that cafe is in main store
  parking lots are aligned

- Needs a Bike Cage
THE BERKELEY BOWL:

HOW POLITICS, POLICY, AND COMMUNITY AFFECT FOOD ACCESS

PREPARED BY:
Angela Armendariz
Lily Sinayuk
Natalie Studer

Public Health 290
May Wang, DrPH, RD
April 21, 2003
OVERVIEW

Access to healthy food is a critical factor in individual and community health. However, access to quality, affordable food is often limited in low-income neighborhoods. The issue of food inaccessibility, often perpetuated along with the cycle of poverty, is often overlooked in poor communities preoccupied with violent crime, unemployment and poor education systems. Nevertheless, supermarkets and grocery stores with fresh produce are frequently missing from low-income areas and instead there is a high concentration of liquor stores. This disparity is supported by a recent study on local food environments that states “foods recommended by health authorities are sometimes more expensive and less available in poor areas and, although people with low incomes spend less money, a greater proportion of their income is spent on food”(1). In addition, foods that are available to the poor are often of inferior quality and lower nutritional value. Since it has been clearly established that poor nutrition leads to poor health and higher rates of chronic diseases and mortality, increasing access to fresh food and produce can be viewed as a means of improving public health and economic and community development.

This paper will examine how the intersection of business interests, city government, public health interests, and a local food policy council in Berkeley, CA may play a role in addressing the neighborhood health disparities believed to be associated with poor access to healthy foods. The case study of the Berkeley Bowl will be an important point of reference throughout the paper because the original store represents a community working with business and government to remedy food access disparities. Plans for a second Berkeley Bowl in the long-underserved and low-income southwest area of the city are what prompted this case study
with questions about whether the local government was acting proactively to remedy disparities. The answers generated from the resulting inquiries often indicate misdirected, though well-intentioned, efforts on the part of the government and food policy council to address food insecurity. In a search for best or better practices, a subsequent comparison of Berkeley’s efforts with those of Toronto’s more successful food policy council serves to highlight shortcomings in local plans as well as strategies for change.

CITY OF BERKELEY HEALTH STATUS REPORTS

The 1999 City of Berkeley Health Status report revealed that in 1997, 68% of all deaths in Berkeley were due to chronic diseases, particularly heart disease, cancer, and stroke (2). The report noted that despite these statistics, the city had no chronic disease prevention program in its city Health Department.

Among other health disparities, this report revealed that the city’s African-American population was dying at a significantly higher rate than the city’s White population (2).

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>Total*</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>1,076.9</td>
</tr>
<tr>
<td>White</td>
<td>357.6</td>
</tr>
<tr>
<td>Hispanic</td>
<td>157.2**</td>
</tr>
<tr>
<td>Asian/Pacific Island</td>
<td>127.9</td>
</tr>
<tr>
<td>All Race/Ethnicities</td>
<td>396.9</td>
</tr>
</tbody>
</table>

* Rate per 100,000 population, age-adjusted to 1940 U.S. Standard Population
**Rate statistically unreliable due to small number of events
This was reaffirmed in the city’s follow-up 2001 Health Status report (3), which documented the following dismal chronic disease statistics:

- African Americans in Berkeley are twice as likely to die from any form of cancer than are Whites.
- The age-adjusted mortality rate for coronary heart disease for African Americans is more than 3 times that of Whites in Berkeley.
- The risk of dying from stroke is almost 5 times higher for African Americans than it is for Whites in Berkeley.

Both the 1999 and 2001 reports emphasized the relationship of these racially divided and preventable health disparities to imbalances in economic, healthcare, and educational resources. The resulting high concentration of chronic disease in the historically low-income neighborhoods of South and West Berkeley were discussed.

- In May of 1999, 79% of the 993 Berkeley households receiving welfare benefits identified as African-American, while only 8% identified as White.
- African American and Latino communities are concentrated primarily in the low-income areas of South and West Berkeley.
- In 1990, nearly half (47.4%) the population below 200% of the federal poverty line resided in South and West Berkeley. 76% of those eligible for support services such as MediCal and people on Temporary Assistance to Needy Families live in South and West Berkeley.
- In 1997, the average number of years of life in the city of Berkeley as a whole was 77 years. However, a closer look by census tract reveals that the average years of life in Berkeley ranges from 62-64 years in South Berkeley and West Berkeley in contrast to 80-84 years in more affluent North Berkeley, the Berkeley Hills and the Claremont area.

While “Years of Potential Life Lost before the Age of 75” will include all causes of death, including chronic disease, accident, homicide, etc., the following map geographically illustrates...
that the highest burden of mortality resides in South and West Berkeley, as delineated by census tract (3).

In response to the city’s chronic disease health disparities highlighted in the 1999 Health Status Report, the City of Berkeley Health and Human Services has established a Chronic Disease Prevention Program within the City’s Public Health Department.

IMPACT OF NEIGHBORHOOD FRESH FOOD ACCESS ON CHRONIC DISEASE

A healthy diet, including a high intake of fruits and vegetables, is widely acknowledged to be important in the reduction of chronic disease risk. Unfortunately, Berkeley residents are not consuming the recommended “5-A-Day” or more servings of fruits and vegetables each day, and intake of produce worsens in populations living in the South/West Berkeley flatlands. In a 2002 study, fewer than 20% of the Berkeley African Americans surveyed reported consuming even a suboptimal three servings a day (4). When asked why they did not eat fruits and vegetables, 41% of African Americans, 41% of Latinos and 34% of Whites living in West and South Berkeley said they did not have enough money. Residents said that “cost and
shopping/preparation times are the major barriers to eating more produce”, and many noted that their neighborhood lacked a grocery store (5).

In 2002, a study entitled, “Berkeley Food Security Asset Map: Examining Availability and Accessibility of Fresh Food” was produced by Tamara Gardner, a UC Berkeley graduate student in the School of Public Health (6). The study corroborates what residents of West and South Berkeley indicated about their access to fresh produce. In the conclusion, the author states,

“This study indicates that lower income households of West and South Berkeley experience many individual and environmental factors that limit accessibility to available fresh produce within and outside their neighborhood. These findings indicate that store types and the availability and accessibility of fresh fruits and vegetables do vary by neighborhood……The study results show that the limited availability and accessibility of fresh produce in West and South Berkeley may make obtaining a healthy diet in these neighborhoods more difficult than in other areas of the city.”

As a public health issue, improved access to healthy food in South and West Berkeley has tremendous potential to positively impact the significant diet-related chronic health disparities seen in these historically low-income Berkeley neighborhoods.

BERKELEY FOOD POLICY COUNCIL

In May 1999, the Berkeley Food Policy Council (BFPC) was formed, with the overall goal of increasing community food access (7). The release of the 1999 City of Berkeley Health Status Report was a catalyzing force in this group’s formation, although the issues of neighborhood lack of food access, as well as organic and sustainable agriculture and food systems had been lively points of discussion in the Berkeley community for many years.

According to the BFPC website (7), “The Berkeley Food Policy Council is a coalition of residents, non-profit agencies, community groups, school district and city agencies.” The goals of the BFPCs forum for action and policy development include the following:
• Increase availability of fresh affordable produce to all members of the community.
• Improve linkages between local organic farms and means of distribution throughout urban areas.
• Expand opportunities and support for urban gardening and farming.
• Improve the quality of the food at the public schools.
• Develop policy and planning between the City of Berkeley and the Berkeley Unified School District on food issues.
• Respond to a recent study by the Berkeley Public Health Department revealing serious discrepancies in life expectancy in South and West Berkeley in comparison to the rest of the city, dietary problems playing a significant role.

The BFPC is open to any community member or group wishing to participate, and currently boasts an overall membership of 65 individuals and groups, with a core contingent of roughly 15 members (8). While increasing food access in the low-income neighborhoods of Berkeley is on paper as being a key area of the BFPC’s work, a review of the council’s 2002 accomplishments and action items reveals significant emphasis being placed upon the development of sustainable food systems, and the production and purchase of locally grown foods (9). This has manifested in BFPC projects for community and container gardening, farmer’s market programs, and resources for urban gardeners. Interviews with individuals active in the BFPC circle revealed that because of the open, non-representative nature of the council’s membership, BFPC direction and projects are dictated by the interests of the individuals and organizations that “show up” at the monthly BFPC meetings. While BFPC members generally verbalize an interest in supporting an influx of affordable, fresh produce into the low-income neighborhoods of West and South Berkeley, the vision of how this should happen differs widely. Because of the current council’s emphatic focus on organic and locally produced foods, the idea of supporting projects and systems that would more immediately and reliably bring conventional produce into low-income neighborhoods appears to receive less support and enthusiasm among council members.
Since Berkeley initiated the Chronic Disease Prevention Program (CDPP), the program has played a key organizing role in the BFPC, providing meeting coordination and staff time to support the BFPC’s mission. In an effort to directly address the 1999 Health Status report’s findings on chronic disease, CDPP staff served on a BFPC subcommittee that has sponsored the grant-funded Farm Fresh Choice project, where farmer’s market produce is brought to after-school programs in low-income neighborhoods for distribution (10). In interviews, CDPP staff emphasized that the city’s Public Health Department’s role in participating in the BFPC was to push the health disparities and food access agenda (8). The BFPC serves as a formally recognized advisory group to the city’s Public Health department and City Council in the area of nutrition and food policy, and in 2001, the City of Berkeley City Council passed a landmark Food and Nutrition Policy which was largely based on the advice and guidance of the BFPC.

CITY OF BERKELEY FOOD AND NUTRITION POLICY

The Berkeley Food and Nutrition Policy (11), passed in October 2001, is one of very few existing city food policies in the U.S. The acceptance of the policy was a huge accomplishment for the newly formed food policy council, even though Berkeley City Council only accepted the document when its wording provided suggestions rather than mandates for actual change (8).

The purpose of the food policy as it was passed is to “help build a more complete local food system based on sustainable regional agriculture that fosters the local economy and assures that all people of Berkeley have access to healthy, affordable, and culturally appropriate food.” The policy describes nine goals along with strategies for meeting those goals, and outlines the City’s possible roles in helping to reach the goals. The first goal is one of the most specific, requiring that the food served in city programs be nutritious, fresh, regionally grown and organic. Other goals include improving the availability of food to Berkeley residents in need and to
maximize the preservation of regional farming. Strategies to reach the nine goals are divided into five categories, 1) Local and Regional Food Systems, 2) Equitable Access to Nutritious Food, 3) Public Policy, 4) Public Outreach and Education, and finally, 5) the Berkeley Food Policy Council. The policy describes the City Council’s commitment to work toward the achievement of these goals through the following mediums: City of Berkeley programs that involve the preparation and serving of food, the food that is purchased by all City of Berkeley programs, and in other city-funded programs.

Kate Clayton, director of the Chronic Disease Prevention Program within the City’s Public Health Department, and also a member of the BFPC’s steering committee commented that the Food and Nutrition Policy was accepted after many months of revisions and finally went through in its current, more watered-down form (8). Although ambitious in its goals, the policy has a limited influence. The BFPC can strongly encourage the City to act upon its recommendations, but it has no authority to enforce the policy. As an example, Ms. Clayton commented that in fact very few real changes had been made and very few people in the city’s departments were even aware of the food policy’s existence (8).

BERKELEY BOWL

In February 2003, local papers began reporting on rumors that the owners of the Berkeley Bowl, a locally-owned, independent supermarket, were considering bringing a second Berkeley Bowl to the mixed-use, south corner of West Berkeley. The potential food access and public health impact of this development is significant and raises several questions that motivated this study, such as:

- Was a recognized disparity in food access part of the motivation in bringing a store to the area?
• What role, if any, did the Berkeley Food Policy Council play in this decision?

• How would the city of Berkeley, with its progressive food policy professing concern with the health disparities in South/West Berkeley, play a role in this business decision?

• What incentives or assistance would the city provide to this business endeavor with public health implications?

The search for these answers, recounted below, revealed a positive step in addressing disparity in food access happening almost accidentally, without neighborhood involvement or city assistance.

Before introducing the politics and business decisions involved in opening the second store, a discussion of the original store’s opening provides valuable perspective on how community involvement is often vital for recognizing need and redressing disparities in food access.

The Berkeley Bowl, a supermarket reputed to have the largest selection of produce in California, is located in south Berkeley amidst the busy thoroughfare of Shattuck Avenue. Now a mecca for fresh produce within a full service supermarket, this store has achieved somewhat of a cult status in the Bay Area. Surveyed customers were found to travel from as far as San Mateo and Marin Counties to take advantage of the store’s enormous variety of conventional and organic produce sold at affordable prices. However, as popular and well-loved as Berkeley Bowl is, the fact that the store exists in its current location and form is partly a testament to residents empowering themselves to improve food accessibility in a community that had been underserved for several years. This store and its story serve as a useful case study for recognizing disparities in food access, mobilizing area residents, and utilizing local resources to improve the availability of food.

The store that is now Berkeley Bowl started out in 1977 as a small produce, seafood and meat store. It was located across the street from its current location in a converted bowling alley.
(12). Berkeley Bowl’s subsequent expansion into a supermarket in March of 1999 is the result of a “long-fought victory for a neighborhood that has been without a full-service market for five years” (13). The south Berkeley neighborhood around Shattuck Avenue and Adeline Street didn’t have a store from the time that Safeway closed its doors in November 1994 and refused to sell the site while perspective tenants, including Glenn and Diane Yasuda, the owners of the original Berkeley Bowl, refused leasing arrangements. Years of negotiations ensued during which the store sat empty.

The Community Committee for a Full-Service Supermarket, which was formed to fight for a store in the area soon after the Safeway closed, played an instrumental role in facilitating the establishment of the current Bowl. Initially, the group’s objections blocked Safeway when it intended to lease the site to MacFrugal’s, a discount variety store. Dave Fogarty, community development project coordinator for the City of Berkeley at that time, stated that the “implication of leasing it to MacFrugal’s was that it was a second-rate neighborhood appropriate for a distressed goods store” (13). After years of community involvement and several more failed leasing attempts, Safeway finally conceded to selling the store to the Yasudas. According to Larry Evans, Berkeley Bowl store manager, the involvement of area residents at that time was critical (14). The support of local residents led the City of Berkeley to waive some permitting requirements and other bureaucratic processes. The City further facilitated the store’s development by making the street adjacent to the store one-way, which increased parking availability and eased traffic congestion. It was also at the request of the neighborhood that Yasuda, who had specialized in selling produce, agreed to turn the store into a full-service supermarket—a factor which in itself improves community food access by making shopping more efficient for those on tight or busy schedules (13). The store also makes a concerted effort
to hire local employees, thereby improving the economic situation of the surrounding neighborhoods in multiple ways. Max Anderson, one of the founding members of the Community Committee for a Full-Service Supermarket, expressed at that time the importance of community food access as well as the challenge to improving it in underserved areas: “We may be one of the very few examples of a community working in partnership with city agencies to bring back a supermarket to a location that has been deserted” (13). The Berkeley Bowl serves as an inspiring model for community and business interests working in partnership to restore food access.

Plans are now in the works for opening a second Berkeley Bowl in southwest Berkeley, a neighborhood with few supermarkets or options for high-quality, fresh produce (12). Although a significant disparity in the area’s access to food has been demonstrated (6), the proposal for the second store has not received the support of the community and city that accompanied the original Berkeley Bowl’s relocation and expansion. This case study, through conversations held with Berkeley Bowl management and city officials, examines the factors behind this situation.

Larry Evans, Berkeley Bowl store manager, said that the city is neither providing fiscal incentives nor creating any obstacles to the opening of the second location. He explained that city officials are supportive of the store’s request for a permit because the second store will be a source of revenue for the city, but that the process nevertheless remains cumbersome and bureaucratic. Fees were waived for the original store because well-informed and proactive residents lobbied a great deal for its development, but there hasn't been nearly the same support for opening the second location. This is partly due to the fact that the site for the second store is still very industrial, whereas the first site was mainly residential and had lacked a full-service supermarket for quite some time. However, he countered, the city of Berkeley plans to increase
residential development in the area. Mr. Evans said that the business plan for the second store was mainly motivated by a need to improve service to current customers, overcrowding and limited parking in the current store, and expand warehouse space. He added that the owners and management regard the second location as a long-term investment rather than expecting an "overnight slam dunk" success that the first store became. When asked, Mr. Evans indicated no experience or knowledge of food policy in Berkeley that had in any way affected the Berkeley Bowl (14).

THE NEW BOWL AND BERKELEY POLITICS

Despite initial expectations that Berkeley’s City Council and the Food Policy Council would have facilitated and provided incentives to open the second Berkeley Bowl in a low-income and underserved area, conversations with city officials revealed a lack of significant involvement, assistance provided, or even knowledge of the plans for the second store.

A phone conversation with Cisco DeVries, Chief of Staff in Mayor Tom Bates' office, revealed the City’s limited involvement in the plans for the second Berkeley Bowl location (15). The involvement that is taking place isn’t stemming from a public health perspective that advocates increasing food access in undeserved areas (15). Mr. DeVries said that the mayor has focused his efforts around food on school nutrition programs that have apparently been spearheaded in Berkeley by California food guru Alice Waters. He said that the mayor has already met with Berkeley Bowl representatives regarding their plans to open a second location. Although the mayor is very supportive of these plans, the city is not offering or able to offer fiscal incentives. He explained that this is because grocery stores do not pay sales taxes to the city. Mr. DeVries also said that one community meeting has already been held regarding this
proposal, and that participants, were generally supportive although the turnout wasn’t huge. Mr. DeVries responses illustrated how the city’s focus on immediate financial gain often supersedes its public health priorities, which, when addressed fully, increase long-term property values and revenue. This would be especially true for placing an attractive store like the Berkeley Bowl in an underserved area. Mr. DeVries then referred further questions on the matter to City Manager Arrietta Jacobs, who he said has a better understanding of the history of food policy and grocery stores in Berkeley.

During a subsequent conversation with Ms. Jacobs, one of the questions posed to her included what her knowledge was of Berkeley’s Food and Nutrition Policy and what she knew of steps that had already been taken to implement its suggestions. She mentioned efforts to use only organic and sustainable foods in the city’s summer youth camps located in the Sierras; the weekly farmer’s markets located on Center Street in the downtown area; and the Community Action Team which she described as a capacity building program in west Berkeley that assembles and sells weekly produce boxes for 200 seniors in the city (16). She said that changes and improvements in food access have occurred even though they have been incremental, and that health prevention and education services organized by the Department of Health and Human Services have also been improved. She was not aware of any efforts to attract grocery stores to underserved areas of Berkeley or of any incentives that are systematically offered to perspective storeowners. When asked about the city’s involvement in the proposal for the second Berkeley Bowl, Ms. Jacobs said that the city is trying to fast track the process and will benefit from tax revenues, a stance that differs from the one proffered by the mayor’s chief of staff and indicates a degree of miscommunication and misunderstanding that seems to be common in the city government.
FOOD POLICY COUNCILS

The next step in this study was to examine precedence for Food Policy Councils’ involvement with food retail development in low-income neighborhoods. A review of existing Food Policy Councils (FPCs) in the United States and Canada was conducted with a focus on Toronto’s highly successful FPC. Best practices were examined that FPCs can follow in supporting food policy agendas within complex business, political, and public health environments. This aspect of the study was also useful to highlight ways in which Berkeley’s FPC can make a more immediate impact on meeting the food needs of the community’s underserved.

Typically, FPCs come together to develop projects and policies that address food issues holistically. These groups seek the advice of experts from all facets of the food system, including business/retail, public health, agriculture, ecosystems, the environment, etc. Indeed, membership is typically diverse and can include farmers, food processors, wholesalers, distributors, grocers, restaurateurs, anti-hunger advocates, school system representatives, community and religious leader, scholars, and other concerned citizens of a community. FPCs exist at the state, county and city level and many exist as advisory boards to their respective governments. Some exist as subsections of government departments, but others are placed outside of government, such as non-profit entities. In general, FPCs educate themselves, policymakers, and the public about food-related issues. FPCs often gather unknown information about their food systems and use this information to formulate policy and develop projects. Specific projects range from developing community gardens to developing bus routes to connect low-income neighborhoods with better quality grocery stores. Though FPCs typically develop
policy at their level of operation, they may also influence food policy by taking a position on a state or national issue (for a more detailed review of FPCs see Ref. 17)

Food Policy Councils exist (or have existed) in 12 - 15 states and two provinces (17, 18). The Knoxville Food Policy Council, recently expanded and now known as the Knoxville-Knox County Food Policy Council, was instated in 1982 becoming the first FPC in the United States. Since then, FPCs have been organized throughout the U.S., some as recently as last year. In Canada, the Toronto Food Policy Council (TFPC) is one of the longest standing FPCs. Established in 1991, the TFPC has been hugely successful and continues to serve as a model for food policy councils nationwide.

**TORONTO FOOD POLICY COUNCIL**

The TFPC operates as a sub-committee of the Board of Health (19). The council has 21 members who are appointed by the Board of Health, and has two or three staff members who are employed by Toronto Public Health (20). Members include City Council members, and volunteer representatives from consumer, business, farm, labor, multicultural, anti-hunger advocacy, faith, and community development groups (19). The TFPC has developed and maintains an extensive and sophisticated food systems agenda. The TFPC works hard to connect community groups concerned with food issues with each other and with relevant public agencies. Like other food policy councils, they have no power to pass or enforce laws, but this council is proactive at working to encourage food policy development. The TFPC has had many successes, which include designing Canada’s first Food Access Grants Program, initiating a food program that helps hospitals increase their purchase of local foods, and leading the effort for community garden promotion (19). By and large, their greatest success has been becoming familiar with and thoroughly understanding their food system; the TFPC has influenced change in food policy by
developing expertise in a wide range of issues, in everything from community gardens to food waste recovery. An important aspect of their work has been the publication of fifteen discussion papers on various elements of food systems policy. These papers, which cover a wide variety of topics, are intended to foster dialogue around food issues. The council performs research and presents strategies, in addition to outlining issues in great detail. These discussion papers are very useful because they keep issues that are important to the council on the government and community’s radar. Furthermore, this a way for them to be persistent in educating the City of Toronto about food issues, as well as about the food policy council itself.

One of the objectives of this study was to examine how a successful food policy council such as the TFPC works to increase food access to low income and poorly served areas of their city. As stated on their web site, one of the TFPCs mission’s is to promote food security for all Torontonians. In 1997 they published their seventh discussion paper, entitled “Food Retail Access and Food Security for Toronto’s Low-income Citizens” (21). This report identified several areas of Toronto that were poorly served by quality food stores and made six recommendations. The focus of the recommendations is the reformation of the dominant food retail system and the promotion of alternative food distribution systems. Understanding that a single program won’t ensure food security to all, and that the issue of food security needs to be tackled from the very top, the Council recommended that City Planners “consider food provisioning as an essential service.” They suggest that good quality, competitively priced food retail outlets (and here they stress, “supermarkets, not convenience stores”) be included in all neighborhood area plans before any development approval is granted (21). The recommendation to the Ontario Ministry of Municipal Affairs and Housing was to amend the Planning Act in order to include these suggestions. They also recommended that the City of Toronto Department
of Planning and Development assess its options and plan business models to increase food access.

Over the years the TFPC has worked hard to identify the sources of the disparities in their City, and to look for solutions by working at all levels of their food system. Indeed, recommendations from the above-mentioned report have recently been incorporated into an Action Plan (22) written by the Hunger Action Committee (a committee which partners with the TFPC). This Action Plan has been endorsed unanimously by the Toronto City Council, which has adopted and acted upon its recommendations.

**TFPC vs. BFPC**

Whether a food policy council is successful depends on the criteria by which it is evaluated (18). In his study (18), Dahlberg noted several possible evaluative criteria, such as, assessing a FPC by the goals that they set out to accomplish, the degree to which the council contributes to the education of political leaders and the public, and in terms of their larger and longer term set of goals relating to sustainability. If the Berkeley Food Policy Council were to be judged by such criteria and further compared to the Toronto Food Policy Council, it would appear that the BFPC falls far behind in its effectiveness. Although the BFPC has set important goals for itself, it is undermined by several factors mentioned in this study. These include a City Council that is receptive to hearing suggestions but not being held accountable to implementing substantial changes. Another concern about BFPC is in its representativeness -- many who attend its meetings and have expressed sustainable backyard agriculture as a priority are far from representative of low-income residents who have more pressing needs for immediate, convenient, and affordable food access.
CONCLUDING POINTS

The original Berkeley Bowl represented a hugely successful confluence of community, business, and political interests that created food access in an area that had been underserved for years. It was with expectations of similar levels of cooperation and a strong public health focus that this study began to explore the factors and interests involved in bringing a second store to an even more underserved community in Berkeley. However, a subsequent investigation of influences behind the new store revealed that it was not city politics or public health policy addressing unmet needs, but strictly business interests. Community interests had also not been very vocal in expressing support, partly because of the store’s location in a semi-industrial area (although there is a substantial residential area surrounding it). The fact that the store was motivated by business in no way diminishes its value or importance, but does serve to illustrate a disconnect that exists on many levels around food policy in Berkeley.

First of all, as indicated by Berkeley’s Health Status Report, disparities in health indicators and outcomes are substantial in the city’s low-income areas. These are the same areas that have also been found to have limited access to supermarkets and fresh produce (6). Despite the report’s staggering statistics, there have been no concerted efforts on the part of the city to redress these disparities in food access. When contacted, city officials demonstrated little awareness of the plans for the new Bowl and corroborated that limited assistance and no fiscal incentives are being attached to its opening. In response to questions about what improvements had been made according to suggestions in Berkeley’s food policy, the city officials did not cite any that were targeted to improve food access to the underserved. Even the farmer’s market, often cited as a product of the policy, is located in central Berkeley and has prices that are often prohibitively high. In addition, while a store of Berkeley Bowl’s size and financial strength has
the resources to open a second location, smaller grocers have not been systematically provided with assistance or incentives that they would need in order to open shop in the area. Instead of assistance, prospective storeowners are faced with obstacles, such as permit processes and other bureaucratic city procedures. It became clear from our conversations that improving public health was not among the highest of the city government’s priorities. From a city planning and development perspective, it is unclear why easy access to quality food is not on the planning radar, as it is an attractive feature that can draw homeowners and tenants to the planned low-income residential development areas close to the second Bowl site (14).

Despite the lofty goals laid out by the BFPC, the council, when contacted, was not even aware of the possible expansion of the Bowl, indicating the lack of retail food/business presence on the council. Since becoming aware of this issue, the BFPC has not mobilized to bring this to the city government as a public health issue, or as a food policy issue. The council’s current preoccupation with community gardens and sustainable backyard agriculture is an illustration of the disconnect between Berkeley’s food policy council and the needs of Berkeley’s low-income residents. Once again, the goals of those influencing policy are very far removed from meeting the everyday pressing food needs of families struggling to make ends meet in low-income areas.

Toronto’s Food Policy Council provides a model for an effective FPC working with a receptive and responsive local government where needs are assessed and changes are made accordingly. The TFPC demonstrates the importance of utilizing expertise from all facets of the food system – the better you understand your food system, the better capable you are to change food policy and address the real needs of your community.
Berkeley is in many ways a city of contradictions and this study has revealed that this tendency holds true for its food policies and priorities as well. For a city proud of its radicalism and liberalism, Berkeley’s Gourmet Ghetto and real ghetto are close geographically, but far apart in the types of food available and health indicators common to them. This study has that revealed that while Berkeley has one of very few food policy councils in the United States, current efforts are directed at sustainable, local urban agriculture projects that are in reality mainly accessible to those with the financial and time resources available to maintain them. A single mother, working two jobs while raising a family in southwest Berkeley, would hardly have the time to sow and harvest enough food to feed her family. As no community surveys have been conducted on the issue, the notion that low-income residents would vote for community gardens over a well-stocked and affordable local supermarket as a means to feed their families may reflect some degree of cultural and economic bias within the BFPC. While some of the suggestions in Berkeley’s food policy are very relevant to meeting the needs of such families, the City Council has clearly indicated reluctance in having to implement these recommendations.

Fundamental changes need to be made in Berkeley in order to improve the city’s health at large and food access in its traditionally underserved areas. The food needs of families and individuals in these areas need to be acknowledged and addressed by a more representative BFPC, and a Berkeley City Council which maintains a higher level of accountability to all of its constituents. The original Berkeley Bowl is an inspiring model that proves that the struggle to improve food access is best fought as a cooperative effort by business, political and community interests -- the results of which benefits them all.
Works Cited


4. Farm Fresh Choice Project Team, 2002


8. Kate Clayton, City of Berkeley CDPP, Personal Interview, April 7, 2003.


Berkeley Food Security Asset Map:
Examining Availability and Accessibility of Fresh Food

Tamara Gardner, R.D., M.P.H.
University of California, Berkeley
School of Public Health, Nutrition
Thesis Project
May 2002
EXECUTIVE SUMMARY

The aim of the Berkeley Food Security Asset Map Project is to document retail food venues in the city of Berkeley, with an emphasis on the availability and accessibility of fresh produce in the lower income neighborhoods of West and South Berkeley. Recent studies suggest that food insecurity is related to limited availability and accessibility of fresh food markets in low-income neighborhoods (Frances, V. 1995; Andrew, L. et al 2001; Morland et al 2002; Cummins & Macintyre, 2002). By providing current data on the availability and accessibility of retail food venues, this project may serve as a proxy measurement for assessing levels of community food insecurity in Berkeley neighborhoods until more direct household measurements are feasible. In addition, this project will provide baseline data for future local food security and nutrition programs.

Quantitative and qualitative data were collected to achieve the project objectives. First, data on retail food venues were obtained from the yellow pages of the telephone directory and used to create a map of retail food venues that sell fresh produce, using GIS software. Second, a sub-sample of 22 food venues located in West and South Berkeley were surveyed to examine the availability and accessibility of affordable, quality produce in these low-income neighborhoods. The quantitative data were compiled and analyzed for means and frequency distributions using Microsoft Excel 2000. The qualitative data were analyzed using grounded theory techniques.

The maps showed that grocery stores are more concentrated in the higher to middle income neighborhoods of North Berkeley and Claremont than in the lower income neighborhoods of West and South Berkeley, eight and three stores respectively. Convenience and liquor stores are more concentrated in West and South Berkeley than in more affluent parts of Berkeley. None of the local markets or convenience/liquor stores surveyed carried a variety of affordable, quality produce. The survey data showed that fresh produce, carried by local markets and convenience stores is typically less varied, more expensive, and of poorer quality than produce available in supermarkets. When fresh produce is available in the lower income neighborhoods, its limited availability,
higher cost and poorer quality, makes it difficult for families to acquire a healthy quantity and variety of fresh fruits and vegetables. In conclusion, the results of this study suggest that residents of the lower income neighborhoods of West and South Berkeley may be at risk of food insecurity due to poor access to quality and affordable fresh produce.
Aims and Objectives

The city of Berkeley, in Alameda County, California is known for its eclectic restaurants, markets, and gardens brimming with fresh, nutritious food. However, the abundance of fresh foods in markets and restaurants, especially produce, is not readily available in all neighborhoods. The lower income areas of Berkeley, specifically West and South Berkeley, are characterized by *food insecurity*. Food insecurity is defined as the inability to get enough nutritious food to lead a healthy and productive life. Recent studies suggest that food insecurity is related to limited availability and accessibility of fresh food markets in low-income neighborhoods (Frances, V. 1995; Andrew, L. et al 2001; Morland et al 2002; Cummins & Macintyre, 2002).

The aim of the Berkeley Food Security Asset Map Project is to document retail food venues in the city of Berkeley, with an emphasis on the availability and accessibility of fresh produce in the lower income neighborhoods of West and South Berkeley. By providing current data on the availability and accessibility of retail food venues, this project may serve as a proxy measurement for assessing levels of community food insecurity in Berkeley neighborhoods until more direct household measurements are feasible. In addition, this project will provide useful information for determining current food needs in the city. The Berkeley City Health Department in partnership with the Berkeley Food Policy Council (BFPC) may use the Food Security Asset Map as they begin the implementation phase of the city’s new food and nutrition policy. Also, this project will provide baseline data for the design and evaluation of future local food security and nutrition programs; such programs are expected to be implemented within the next decade.
Background

Food Insecurity Overview

Food insecurity has presented many challenges to the formulation of health and social policy in the United States for several decades. In a nation with abundant agricultural and economic resources, food insecurity and hunger are conditions that should be quickly addressed and resolved. Over the past decade, policy makers have begun to acknowledge and listen to concerns about food insecurity. For example, the U. S. Department of Agriculture provided funds for measuring food security, and established the Community Food Security Initiative for creating and enhancing grassroots partnerships that build local food systems and reduce hunger (Kantor, L 2001).

In 1999, approximately 31 million Americans, or 10% of the population, were food insecure (Hamilton, et al 2001). Food security is defined as “access by all people at all times to enough food for an active, healthy life. This includes, at a minimum, readily available nutritionally adequate and safe food and an assured ability to acquire acceptable foods in socially acceptable ways” (Ohls, J et al 2001). A person or household is considered food insecure when access to or availability of nutritious, safe food is limited or uncertain. Two key elements of food security are: 1) availability of a balanced adequate diet, and 2) physical and economic access to food by individuals and households.

The availability and accessibility of food depends on macro as well as micro level factors. At the macro level, economic factors such as changes in production or distribution, government policies and regulatory actions, and uncontrolled factors such as weather impact the supply or affordability of food. At the micro level, factors such as local food resources, household income, and household transportation impact the accessibility of food.

Health Consequences

The effects of food insecurity and hunger on the health of children and families are costly.
While it is established that chronic food insecurity or hunger can adversely affect growth and development in children, researchers are now discovering that food insecurity may also increase the risk of obesity for both children and adults (Dietz, 1995; Dwyer, J. & Cook, J 2001). Two hypotheses to explain this relationship have been proposed: (1) The association between obesity and food insecurity may be a result of weight cycling due to periodic or chronic food shortages (Dietz, W. 1995); (2) Researchers have found that food insecure families tend to buy low-cost foods that have a high fat content and provide inadequate levels of nutrients (Klienman et al. 1998). Also, research studies have provided evidence that food insecurity and hunger are associated with several kinds of psychosocial and motor dysfunctions among children (Klienman et al. 2001; Alaimo et al 2001). In the elderly, food insufficiency appears to contribute to poor health and decreased functionality (Dwyer, J. & Cook, J 2001).

**Contributing Factors: What causes food insecurity?**

Food insecurity is a multifaceted and complex problem. In the United States, food insecurity can be linked to economic and sociopolitical factors that affect individuals and their environments. Poverty, neighborhood environment, and transportation are three factors examined in this paper.

**Poverty**

A major determinant of food insecurity is poverty. A national survey found that 37% of households with incomes below the poverty line are food insecure. Among households that are below 185% of the poverty line\(^1\), food insecurity is six times more prevalent and hunger is eight times more prevalent than in households above 185% of the poverty line (Andrews, M. 2000). Although there are federal food assistance programs to provide services to those living at or below the 185% of the poverty line, the programs are inadequate for addressing food insecurity issues today.

First, Federal food assistance programs serve only the poor of the poorest. Second, benefits for some program may not provide adequate assistance to help benefit recipients

---

\(^1\) For a family of four, 185% of poverty level is an annual income of $34,040.
meet their nutritional needs. Government food assistance programs are not intended to provide families or individuals with all of their food needs. For example, Food Stamp participants receive benefits that amount to the difference between the cost of the Thrifty Food Plan (TFP) and 30% of the participant’s gross income. The TFP\(^2\) is a minimal cost meal plan designed to meet the “average person’s nutritional needs for a limited time” (Andrews et al 2000). The federal government uses the TFP to establish the poverty line as well as determine Food Stamps benefits (USDA Food and Nutrition Services 2002). The TFP assumes that low cost, bulk food items are available and accessible. These calculations are widely criticized by hunger advocates and social service providers because they are based on outdated estimates of basic living expenses such as housing, transportation and real food costs (Poppendieck, J 1998).

In California, approximately 11% of the population is food insecure (USDA Economic Research Service 2000). A recent hunger study conducted in Alameda County, California, found that federal and state food assistance programs are not meeting the needs of low-income Californians. Sadly, even those families with one working adult receiving government food assistance, reported that they often could not purchase enough nutritious food to avoid food insecurity. Food Stamp participants in Alameda County (and also nationwide) reported that their benefits last only 2 ½ weeks (Bartholow, J. et al 2002; Hunger in America 2002). These families relied on sporadic resources such as food pantries and soup kitchens.

Further, the study also found under use of food assistance programs by eligible residents. Only 20% of clients using emergency food sources, such as pantries and soup kitchens, reported receiving Food Stamps, yet 80% of these clients lived in households that had qualifying incomes (Bartholow, J. et al 2002). When these eligible households were asked why they were not receiving Food Stamp benefits, the most common responses were: 1) they thought they did not qualify, 2) the benefits were too small to be worth the time and effort to receive them, or 3) they felt someone else would need them more. Although the federal government requires that Food Stamp participants complete

\(^2\) The USDA Thrifty Food Plan is a standardized diet plan that is used by the federal government to estimate the national average cost of an economical nutritional adequate diet. A full description of the TFP and the current costs can be found on USDA’s web site:  www.ers.usda.gov
eligibility forms only once every three months, the state of California requires eligibility information be completed every month increasing the “time and effort” burden on low-income families. Thus, it is even more crucial that low-income families, even those who receive federal food assistance benefits, are able to access affordable healthy food within their very limited food budget.

**Neighborhood Environment - Physical and Sociopolitical Factors**

A body of literature exists to show that an individual’s health and behavior may be affected by the surrounding social and physical neighborhood environment (Yen I, Kaplan G. 1999; Diez-Rouse et al 1997; Andrews M et al 2000; Morland K. et al 2002). Food insecure communities share these common traits: limited affordable housing, low levels of income, and limited access to competitively priced fresh foods (Andrews M. et al 2000). While the neighborhoods of West and South Berkeley have all three of these, the latter two traits are the major contributing factors examined by this project (City of Berkeley Public Health Department 2000). Several studies have found that limited availability of affordable, fresh food markets in low-income communities and poor access to markets outside their communities contribute to higher levels of food insecurity in poor neighborhoods (Andrews M et al 2000). Thus, market dynamics affecting fresh food availability within low-income neighborhoods and unreliable transportation affecting access to food outside the local neighborhood have created environmental barriers to eating a healthy adequate diet in low-income communities.

According to most experts, food insecurity and hunger do not result from poor agricultural production; rather, they result from access and distribution problems caused by the industrial food system. One example of this is the corporate practice of “redlining” stores in inner city areas. Redlining refers to the practice of closing a chain supermarket in low-income neighborhoods and moving to suburban areas to maximize profits. Corporations have been accused of intentionally decreasing sales by poorly stocking the shelves and transferring troubled employees to these locations (Parker, W. 2001) so as to justify closing their doors in these neighborhoods. Redlining leaves local residents,
mostly lower income and often people of color, without access to supermarkets in their communities. Recent studies have found that households that buy food at medium-sized grocery stores or small corner stores are significantly more likely to be food insecure than households that shop at supermarkets or large grocery stores. (Andrews et al 2001; Ohls, J et al 2001). A 1997 USDA study found that corner stores have as much as a 10-48% higher market basket price\(^3\) than larger grocery stores (Andrews et al. May-August 2001; Kantor, L 2001; Pinderhughes, R and Miner, J. 2000). Small grocers and corner stores tend to have higher prices and less selection than larger stores, especially when it comes to produce. A food market study conducted in Alameda County found that only 27% of markets eligible to accept Food Stamps handle any significant amount of fresh produce. Additionally, corner stores had the highest percentage of sales to Food Stamp recipients than any other type of store (Frances, V et al 1995). Thus, limited fresh food availability due to redlining and dependence on more expensive corner stores that stock relatively no fresh produce contributes to food insecurity and poor diet quality for low-income neighborhood residents. In Britain, the term ‘food desert’ was recently coined to refer to areas where cheap, nutritious food is virtually unobtainable to some residents. In these areas, supermarkets or large grocery stores are not available, forcing residents with limited transportation to rely on local stores where prices are often high, and fresh produce is non existent (Cummins & Macintyre, 2002).

**Transportation and Food Access**

In addition to limited availability, various studies suggest that low-income households have less access to reasonably priced high quality foods than other households (Ohls et al. 2001; Montovani et al 1999). Lack of reliable transportation appears to be the reason. A 1997 USDA study found that the variable that was most strongly associated with food insecurity was lack of car ownership (Hamilton W et al 2001). This same study found that many Food Stamp participants, especially African Americans, made just one major shopping trip each month. Thus, when Food Stamp participants do go to large markets they take fewer trips per month and they are more likely to take public transportation to

---

\(^3\) Market basket price based on 42 core items on the Thrifty Food Plan
and from the supermarket (Andrew et al 2001). Relying on public transportation inherently reduces the amount of food that can be purchased at these lower supermarket prices due to barriers of carrying multiple bags on and off of buses/trains. Fewer shopping trips can mean reduced access to food and paying higher prices for perishable items, often making fresh produce a luxury item. Thus, transportation affects, directly and indirectly, food insecurity at the individual and the neighborhood (community) levels.

**Berkeley**

**Demographics**
With approximately 103,000 residents in 10 square miles, Berkeley is one of the most densely populated cities in the state of California (Berkeley City Health Department 2000). In addition, the Bay Area is one of the most expensive places to live in the nation. In the past decade, Berkeley housing costs have increased faster than income (City of Berkeley 2000). Like the rest of the nation, Berkeley suffers from the same economic and sociopolitical conditions that lead to food insecurity. Examining these factors and documenting the availability and accessibility of food venues may serve as a proxy measure for food insecurity in Berkeley.

**Poverty**
In 1990, 9% of Berkeley residents were living in poverty (Berkeley City Health Department 1999). Poverty status is unequally distributed by race. In 2000, 19% of African Americans, 17% of Hispanics and only 4% of whites were living in poverty. Almost half the residents of Berkeley living below the 200% federal poverty level reside in West and South Berkeley (2000 Census Data). In addition, three out of four children living below the poverty line in Berkeley reside in these areas (Berkeley City Health Department 2000). These families are faced with many difficult budgetary decisions because of their limited income and time. One of the most difficult tasks for many families is to provide a nutritious adequate diet within the budgetary constraints. Often, this balancing act is tilted more by monetary and time considerations than by health and nutrition considerations.
Neighborhood Environment

In 1999, the Berkeley City Health Department released a *Health Status Report* highlighting the health disparities between African Americans and Whites living in different neighborhoods (Berkeley City Health Department 1999). Residents living in West and South Berkeley, whom are predominantly African American and Hispanic, have greater rates of morbidity and mortality from all causes than do residents living in other areas of the city. When examining life expectancy, the health department found that those residing in North Berkeley and the Claremont neighborhoods, which are primarily white and Asian, live an average of almost twenty more years than those living in West and South Berkeley, a life expectancy of 80-84 compared to 62-64 years (Berkeley City Health Department 1999). In addition to these health disparities, higher poverty rates in West and South Berkeley place these residents at a significant risk for being food insecure.

In Berkeley, two surveys were conducted related to residents’ fresh produce consumption and nutrition habits. The first survey, the March 2000, *Berkeley Nutrition and Physical Activity Report and Recommendations*, examined the diet and physical activity habits of a representative sample of Berkeley residents. This study found that the diseases most commonly affecting Berkeley residents’ health are diseases related to lifestyle habits, particularly nutrition and physical activity (Clayon, K. & Adams, J. 2000). This study and a survey conducted by the Berkeley Food Policy Council (BFPC)\(^4\) found that many residents are not getting the daily recommended five to nine servings of fruits and vegetables each day (Farm Fresh Choice Project Team 2002). In fact, less than 20% of African Americans surveyed reported consuming at least three servings a day. When West and South Berkeley residents were asked why they did not eat fruits and vegetables, 41% of African Americans, 41% of Latinos and 34% of Whites said they did not have enough money. Residents said that cost and shopping/preparation times are the major barriers to eating more produce. Many of these participants noted that their neighborhoods lacked a grocery store and the time demands of being a “working” family led them to using fast foods as a primary meal source (Clayton, K. Adams, J. 2000).

---

\(^4\) Berkeley Food Policy Council is a coalition of residents, non-profit agencies, and community groups working together with the City Health Department to create a healthful food supply.
Transportation

The Berkeley transit system has many bus lines that run throughout the day, seven days a week. The small geographical area of the city means that residents can reach most areas of the city by bus and/or short walk. Nonetheless, one may have to transfer between bus lines, one or more times, to get to a supermarket or large grocer, especially from West and South Berkeley. In addition, limited bus schedules often require long waits for the next bus, both at transfer stops and for the return trip from the supermarket. Anecdotal evidence based on bus line information indicates that West and South Berkeley residents who do not have cars may have to spend an average of 1 hour or more getting to and from a supermarket or grocery store that stocks quality, affordable produce. The Bay Area Transportation Coalition is developing a Berkeley transit line map that will provide estimated commute distances and transit times for residents from different neighborhoods to get to community institutions that may impact on health behavior, such as parks and fresh food venues. This project is expected to be completed fall 2002 (Mercer, M. personal communication January 2002)

The City of Berkeley is one of the few cities in the United States to formally recognize the importance of a citywide policy promoting good nutrition, an adequate and healthy local food supply and sustainable agriculture. The work of the BFPC helped to establish goals and objectives of the City of Berkeley Food and Nutrition Policy, which was passed by the City Council in September 2001 (Berkeley City Council 2001). The purpose of the policy “is to help build a more complete local food system based on sustainable regional agriculture that fosters the local economy and assures that all people of Berkeley have access to healthy, affordable, and culturally appropriate food”(City of Berkeley 2001). The policy’s goals and objectives are wide reaching and innovative in order to achieve the purpose of the policy. The Berkeley City Health Department (BCHD) and the Berkeley Food Policy Council (BFPC) are working together to prioritize and implement the objectives of the policy.

The members of the BFPC and the City Council recognize that in order to achieve the
Food and Nutrition Policy goal they have to ensure that quality, affordable fruits, vegetables and other healthy foods are available and accessible to all Berkeley residents, particularly those living in West and South Berkeley. In order to begin implementing the policy strategies and objectives, baseline data on fresh food, especially produce, availability and accessibility must be collected. This project, the *Berkeley Food Security Asset Map: Examining Availability and Accessibility of Fresh Food* will provide these data. In addition, such information can serve as a proxy measure for assessing food insecurity risk among residents by neighborhood until direct household measurements are feasible.

**Methods**

Our specific objectives were to develop a citywide geographic map of retail food venues, and determine the availability and accessibility of quality, affordable fresh produce in West and South Berkeley. To achieve these objectives, we: (a) compiled a list of all retail food venues in the city, (b) used software to map the retail food venues that sell produce, and (c) gathered additional data regarding the availability of fresh produce, from a sub-sample of those venues that were located in West and South Berkeley. We defined retail food venues to include supermarkets, grocery stores, convenience/liquor stores, specialty food stores, and farmers’ markets. The definitions of these types of food venues are available from the North America Industry Classification System (United States Census Bureau 2002).

**Identification of Food Venues**

We obtained a list of all retail food venues from the City of Berkeley Environmental Health Division. Then, we expanded this list using the local phone book by examining stores listed under the headings of “grocer”, “grocery store”, “food” and “food market”(Pacific Bell Directory White Pages 2001; Valley Yellow Pages 2001). A total of 141 venues were included on the final list and entered into a database. Based on the North American Industry Classification System (NAICS) definition and the phone book listing, stores were categorized as supermarket, local market, convenience/liquor store, co-op or other. Any store that was not a chain supermarket or large grocery comparable
in size and selection to a supermarket, was defined as a local market. Liquor and/or convenience stores were most commonly categorized according to their name, (e.g. C.A. Liquors), and primary sale items.

We contacted each venue by phone to determine if they sold retail produce. All stores that were contacted and stated they sold one or more produce items were included on the final list. The list included 55 stores ranging from small corner stores to large grocers.

**Geographic Food Venues Asset Map**

Retail food venues were mapped to provide a visual display of food availability in Berkeley using the Environmental Systems Research Institute, Incorporated, Arc View 3.2 Geographic Information System (GIS) software. The final list of retail food venues described above was entered into a database. This database was imported into the GIS software, which then integrated street address (or census tract) information into geographic maps. The maps generated provide a “real” picture of where stores are located in the city and their relation to major streets, bus stops and other markets. The geographic area was then divided by neighborhoods, specifically North, Central, West, South and Claremont, to determine the distribution of different store types by neighborhood.

**Survey**

To obtain additional information regarding the availability of fresh produce and other basic food items, we surveyed a sub-sample of approximately half of all food venues in West and South Berkeley. This sub-sample was obtained randomly by selecting every other store on an alphabetically arranged list of stores located in West and South Berkeley. West and South Berkeley are neighborhoods bounded by city streets.

- **West Berkeley** - west of Sacramento Street to the Marina and the city of Albany on the north and the city of Oakland to the south;
- **Southwest Berkeley** – is a subsection of West Berkeley from Derby Street and Sacramento Street to the marina bordering the City of Oakland;
- **South Berkeley** - south of Derby Street to the city of Oakland and west of Fulton Street bordering West Berkeley at Sacramento Street.
Development of Survey Instrument

The instrument used in the above survey was a questionnaire developed by reviewing published literature on food security assessment and measurement techniques, and food availability and affordability, and interviewing key informants such as members of the BFPC, public health department staff, and local nutrition and agricultural researchers. Based on information gathered from the literature review and the interviews, the questionnaire was designed to examine: (1) variety of fresh produce with a focus on the availability of culturally appropriate items, (2) availability, quality, and affordability of produce and other items\(^5\) included on the USDA Thrifty Food Plan \(^6\) as well as (3) physical environment characteristics that may influence residents access to fresh quality produce such as safety and cleanliness (Stokol, D. 1993; Sooman A, Mcintryre S. 1995). The questionnaire included close-ended and open-ended questions, which were to be answered by observation of the stores and their surrounding neighborhood. (See Appendix A.)

The questionnaire was pre-tested at two different food venues, which were chosen based on a perceived contrast between the two stores. One store is a local market that focuses on produce; the other is a convenience/liquor store. Based on the pretest, the order of the questions was slightly modified, and the wording changed for clarity.

Data Collection

The survey was conducted from January through March of 2002. One researcher (TG) gathered all the data, in order to provide greater consistency in the qualitative assessment of store and neighborhood environment. A total of 22 stores were surveyed from the twenty-three selected. The one store not surveyed was permanently closed. To provide more reliable comparisons among stores, the surveys were conducted mostly on Thursdays, Fridays, and weekends during the afternoon and early evening. Detailed notes of store and neighborhood observations were recorded. Photographs of the neighborhood stores were also taken to help convey the impacts of the local

\(^5\) The availability and variety of TFP staple items such milk, bread, pasta, rice, beans, and canned and frozen vegetables and fruits was investigated.
neighborhood environment on residents to local leaders (Wang, C 2002). The pictures are shown in Appendix B.

Data management and analysis

Quantitative data

The survey data were compiled and analyzed using Microsoft Excel 2000. Quality and variety were assessed using a 5-point Likert scale. There were two questions each for both quality and variety (Figure 1). The scores for each question were averaged. Both questions had to receive at least an average score to qualify as having either quality or variety. Produce variety was considered culturally appropriate if the store carried three or more ethnic-specific items. Produce variety was classified as inadequate (=4 items), moderate (5-6 items) or adequate (= 7 items). Affordability was assessed by estimating the cost of the standard package of produce items included in the USDA Thrifty Food Plan (TFP). This standard package includes 12 produce items in standard quantities, totaling approximately 25 pounds of fresh fruits and vegetables. A list of these items and their standard quantities in the TFP is given in Appendix C. The cost of this standard TFP package was calculated for each store surveyed. Figure 2 illustrates how the cost for a TFP standard produce item package was estimated for each store. If a store did not carry a TFP produce item, the cost was imputed from the average.

<table>
<thead>
<tr>
<th>Quality of produce:</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Do the fresh fruits and vegetables look appealing?</td>
<td>Strongly disagree</td>
<td>Strongly agree</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>12</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Are the fruits and vegetables over-ripe or bruised?</td>
<td>Strongly disagree</td>
<td>Strongly agree</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>12</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Variety:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If we consider a store that stocks at least 5 different types of fresh fruit as having moderate variety, how would you rate fruit variety in this store?</td>
<td>A) Excellent</td>
<td>B) Good</td>
<td>C) Moderate</td>
<td>D) Fair</td>
</tr>
<tr>
<td>If we consider a store that stocks at least 5 different types of fresh vegetable as having moderate variety, how would you rate vegetable variety in this store?</td>
<td>A) Excellent</td>
<td>B) Good</td>
<td>C) Moderate</td>
<td>D) Fair</td>
</tr>
</tbody>
</table>
price for that item, estimated from the surveys of stores that did carry the item. A store had to carry seven of twelve items to be included in the analyses – sixty-three percent of the stores were included. A store was considered to carry produce at ‘relatively affordable’ prices if this standard package of produce items (referred to as the Fresh Produce Basket) was priced at or below the average price estimated from all stores surveyed.

<table>
<thead>
<tr>
<th>Item</th>
<th>TFP standard quantity</th>
<th>Store price</th>
<th>Cost of standard quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oranges</td>
<td>4 lb 12 oz</td>
<td>$0.49/lb</td>
<td>$0.49/lb X 4.75 lb = $2.33</td>
</tr>
<tr>
<td>Apples</td>
<td>1 lb 4 oz</td>
<td>$0.976*</td>
<td></td>
</tr>
</tbody>
</table>

*Store does not carry apples, so the cost per lb is imputed, using the mean price of apples estimated from the prices listed by all surveyed stores that carry apples.

**Qualitative Data**

Store and neighborhood observations were analyzed using grounded theory techniques. Grounded theory as explained by Strauss and Corbin (1990) is a process of breaking down qualitative data into key concepts, then grouping and putting them back together into a coherent conceptual framework that explains the phenomenon of interest. Grounded theory “addresses how various types of awareness (context) come to be (conditions for action/interaction), how they are maintained (strategies), how they change (process), and what that means for those involved (consequences)”(Straus A, Corbin J 1990). Grounded theory is composed of three types of coding that can be used simultaneously or in stages.
The first type, open coding, is where the qualitative data are carefully examined, compared and broken down into key concepts and subcategories. Once open coding was completed and key concepts were determined, the data were reviewed again to document related concepts and validate the key concepts. An example of a key theme that was identified was customer service. Second, axial coding was conducted. This involved documenting the questions that arose while reviewing and analyzing the data. For example, “how does a shopper’s interaction with the store personnel affect her/his shopping decisions?” Axial coding focuses on the context and *intervening conditions* in which the data were collected and the relationships between the data collected. Intervening conditions are the broader structural context including time, space, culture, economic status, history, etc. An example of an intervening condition could be that the time of day or week may affect the number of customers or store personnel in a store at any given time. In addition, the frequency of different store and surrounding environment characteristics observed were tallied to examine the relationship between these factors and produce availability. Lastly, selective coding was used. This is the process of selecting the key concepts, systematically relating it to other concepts and subcategories, validating those relationships against data and refining subcategories that need further development.

*Limitations*

There are several limitations to this project many of which are related to lack of food insecurity information specific to Berkeley residents. First, Berkeley residents’ level of food insecurity has not been directly measured. Nonetheless, Alameda County data combined with census tract information such as income provides strong evidence that West and South Berkeley residents are at high risk for food insecurity. In addition, researchers have begun to use the availability and accessibility of food markets in low-income neighborhood as a proxy for measuring food insecurity at the community level (Andrews et al March 2001; Morland et al 2002; Cummins, Macintyre 2002). The aim of the Berkeley Food Security Asset Map is to begin providing this type of data.

Second, residents’ barriers to accessing markets outside of West and South Berkeley
such as the need for and adequacy of using public transportation were not investigated by this project. However, transit information being collected by the Bay Area Transportation Coalition could be integrated into the Berkeley Food Security Asset Map when it is available (Mercer, M. personal communication 2002). Third, limited data were available on residents’ purchasing habits as well as perceived barriers to accessing produce when it is available. The Nutrition and Physical Activity Report provided some information on barriers to consuming produce, however more detailed information is needed regarding individual and neighborhood environment factors that impact produce purchasing and consumption patterns.

Third, the questionnaire was pre-tested but not validated for reliability or for internal consistency. In an effort to acknowledge the continued debate regarding the subjective nature of observational data, the survey instrument was designed to minimize personal biases and variations in assessing different stores. Having the researcher both record and describe all features that characterized the variety and quality of produce, the neighborhood block, and each store’s internal and external environment was done to do this. In addition, since one researcher conducted all the food surveys, including both the quantitative and qualitative portions, inter-interviewer bias was minimized. Lastly, some storeowners did not respond to the open-ended questions due to communication barriers, whereas at a few stores, the open-ended questions led to impromptu interviews with storeowners. These interviews covered topics such as storeowners’ barriers to selling produce, their perception of customers’ buying habits as well as how the neighborhood characteristics impact their store inventory decision.

**Results**

**Food Venue Asset Map**

One hundred forty-one stores were identified as possible retail food venues and were contacted by telephone or in person during the survey to determine if they sold produce. A total of fifty-five stores stated that they sold one or more produce items. These fifty-five stores were then classified by store type and mapped using the GIS software. This map (Figure 3) shows that grocery stores are more concentrated in the higher to
middle income neighborhoods, namely North Berkeley and Claremont. There are eight large retail food venues (4 supermarkets, 3 large grocers, and 1 co-op) in the North and Claremont neighborhoods compared to only three (1 supermarket, 1 large grocer, and 1 grocery outlet) in the West and South Berkeley neighborhoods. In addition, two of the grocery stores in West and South Berkeley lie on the border of more affluent areas of the city. Small local markets and independent grocery stores are located throughout the city; however they are more prevalent in the Central, North and Claremont neighborhoods than in the lower income neighborhoods of West and South Berkeley. Convenience and liquor stores are more concentrated in West and South Berkeley than in more affluent parts of Berkeley. Moreover, Figure 3 only shows those stores that said they carried at least one produce item. Thus, many convenience and liquor stores may not be presented on the map.

The map in Figure 4 shows the stores located in West and South Berkeley and color-codes surveyed stores by produce availability, quality, variety and affordability. Only three stores (described above) surveyed in West and South Berkeley met our predefined criteria for quality, variety, and affordability of produce.

**Surveys in West and South Berkeley**

*Produce Availability by Store Type*

Table 1.1 shows the number of produce items carried by store type. Of the 22 stores surveyed in West and South Berkeley, the most common store type was small local market (11/22). Local markets were more likely to be located in West Berkeley than South or Southwest Berkeley. All local markets carried some amount of produce. Six of the stores surveyed were convenience/liquor stores. No convenience store carried produce except for an occasional apple, banana, or lemon.
Produce Availability by Neighborhood

Seventy-three percent (16/22) of surveyed stores carried one or more fresh produce items but only fifty percent of all stores surveyed stocked an adequate variety of produce (Table 1.2). Further examination of the data showed that vegetables are more readily available than fruit. Sixty-four percent of all stores had an inadequate selection of fruit. Moreover, in Southwest Berkeley all stores either had no produce selection or a poor selection of fruit. The produce items most likely to be well stocked were those that generally have a longer shelf life - apples, bananas, oranges, onion and potatoes.

Table 1.2 Produce Availability by Neighborhood

<table>
<thead>
<tr>
<th>Produce variety</th>
<th>West</th>
<th>South</th>
<th>SW</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 items</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>1 to 4 items</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>5 to 6 items</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>7 to 10 items</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>11 or more items</td>
<td>5</td>
<td>2</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td><strong>Total stores</strong></td>
<td><strong>11</strong></td>
<td><strong>7</strong></td>
<td><strong>4</strong></td>
<td><strong>22</strong></td>
</tr>
</tbody>
</table>
Table 1.3 show produce quality by neighborhood. In South Berkeley, one of the two stores that carried quality produce was a large grocer located on the edge of South bordering Central Berkeley. No stores surveyed in Southwest Berkeley met the criteria for quality produce.

**Affordability**

In order to be considered ‘relatively affordable’, a store had to have a Fresh Produce Basket price at or below the average of all stores surveyed. The average produce basket price was $18.66 (S.D. = 3.5) for approximately 25 pounds of 12 fruits and vegetables. Twenty-five percent of the stores that carried produce (4/16) had relatively affordable produce prices when compared to the average Fresh Produce Basket cost of all stores surveyed.

Table 1.4 shows the neighborhood, total price, and store type for those stores, which carried 7 out of 12 TFP items. None of the stores in Southwest Berkeley carried produce at relatively affordable prices.

**Availability- Variety, Quality and Affordability**

Table 1.5 shows that only three of twenty-two (14%) stores surveyed carried a moderate variety of good quality, affordable

---

Table 1.3 Produce Quality by Neighborhood

<table>
<thead>
<tr>
<th>Neighborhood</th>
<th>Number of Stores with Quality Produce</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>West (n=11)</td>
<td>7</td>
<td>82%</td>
</tr>
<tr>
<td>South (n=7)</td>
<td>2</td>
<td>29%</td>
</tr>
<tr>
<td>Southwest (n=4)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>9</td>
<td>41%</td>
</tr>
</tbody>
</table>

Table 1.4 Affordability* by store type and neighborhood

<table>
<thead>
<tr>
<th>Neighborhood</th>
<th>Store type</th>
<th>Total price</th>
<th># of TFP items</th>
</tr>
</thead>
<tbody>
<tr>
<td>S Supermarket</td>
<td>$13.95</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>W Local market</td>
<td>$14.76</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>W Outlet</td>
<td>$15.59</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>W Supermarket</td>
<td>$17.79</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>W Local market</td>
<td>$19.00</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>W Local market</td>
<td>$19.30</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>S Local market</td>
<td>$19.40</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>SW Local market</td>
<td>$20.20</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>S Local market</td>
<td>$20.82</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>W Co-op</td>
<td>$26.20</td>
<td>12</td>
<td></td>
</tr>
</tbody>
</table>

*affordability was assessed by estimating the cost of the standard package of produce items in the USDA TFP

---

7 Average Produce Basket Cost- average cost of all fresh fruit and vegetables include in the USDA Thrifty Food Plan in the appropriate quantities
fruits and vegetables. The stores that met these criteria were one supermarket in South Berkeley and one supermarket and one outlet grocery store in West Berkeley. The outlet store started selling produce approximately five months ago.

<table>
<thead>
<tr>
<th>Neighborhood</th>
<th>Quality</th>
<th>Affordability</th>
<th>Variety</th>
<th>Quality, affordability, &amp; variety</th>
</tr>
</thead>
<tbody>
<tr>
<td>West (n=11)</td>
<td>7</td>
<td>3</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>South (n=7)</td>
<td>2</td>
<td>1</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Southwest (n=4)</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>9</td>
<td>4</td>
<td>11</td>
<td>3</td>
</tr>
</tbody>
</table>

| 1 Quality—receives an average score on both quality survey questions |
| 2 Variety—store had a moderate amount of both fruits and vegetables |
| 3 Affordability—estimated cost of the standard package of produce items included on the USDA TPP |

Other Findings

Many stores, 64% (14/22), carried staples such as milk, bread, beans, rice and pasta as well as canned fruits and vegetables. However, 55% (12/22) did not carry frozen fruit and vegetable. In general, refrigerators and freezers in all stores were filled with ice cream, ice, cheese, and lunchmeats. Of the stores that stocked any fresh produce, 56% (9/16) received it at least once a week. Fifty percent of stores (8/16) were not sure if their produce was from a local source. Two stores indicated their produce was from a produce distribution center in Oakland. Most store owners/managers stated that their produce selection did not vary much by season since most produce that they stocked can be obtained year around.

Qualitative Results

Surrounding Neighborhood Environment

In an effort to determine if surrounding neighborhood and internal store environment characteristics are associated with produce availability, we examined qualitative information gathered by the researcher (TG). The researcher indicated either yes or no to the descriptors safe, friendly or inviting. However, to reduce the subjective nature of such an evaluation, physical characteristics were also used to describe the surrounding neighborhood environment. These characteristics were the presence of trash/litter; window bars; graffiti and people loitering; and surrounding buildings/stores that were
abandoned, boarded–up or covered with graffiti (Appendix A). The environment was considered ‘safe/friendly/inviting’ when no more than one of these characteristics was present.

Table 1.6 shows that one third of the stores, 32%, were not in a “safe, friendly, inviting” environment during the day (7/22). This type of environment was termed “unsupportive”. Only 29% (2/7) of stores in unsupportive environments had any produce; further, both had an inadequate selection. An unsupportive environment was associated with stores that carried alcohol, cigarettes and junk food as the primary sale items.

<table>
<thead>
<tr>
<th>Neighborhood</th>
<th>‘Safe, friendly, inviting’ environment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Stock variety of produce</td>
</tr>
<tr>
<td></td>
<td>Inadequate variety</td>
</tr>
<tr>
<td>West (n=11)</td>
<td>3</td>
</tr>
<tr>
<td>South (n=7)</td>
<td>1</td>
</tr>
<tr>
<td>Southwest (n=4)</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>5</td>
</tr>
</tbody>
</table>

The unsupportive surrounding environment combined with customers’ purchasing habits work together to affects what a store sells. One storeowner said, “we tried to sell tomatoes, potatoes, carrots but they did not sell. It is probably our location, no one bought it. People come in and buy alcohol, cigarettes, and the kids buy candy and
snacks. It’s the neighborhood”. Regardless of the environment, it appeared that a busy intersection may influence the likelihood that a store would carry produce. Stores located on a major street, accessible by bus, and close to other stores tended to have both car and feet traffic and were more likely to carry produce than those that were not. This was demonstrated by a cluster of stores stocking produce close to the busy intersection of University at San Pablo as well as a corner market stocking an adequate variety of quality produce at the intersection of Dwight at San Pablo.

Internal Store Environment
Several store characteristics were examined in the survey to determine if they were associated with carrying fresh produce. Internal store environment factors examined in the survey were friendliness (or customer service), cleanliness, and convenience. “Unfriendly” stores had personnel who either did not acknowledge customers when they entered the store or did not respond positively to questions when asked. These stores tended to be in unsupportive environments or were stores that primarily sold alcohol and cigarettes. Cleanliness was based on general store appearance characteristics such as whether the counters, floor and produce section were clean and whether or not the store was well organized. Convenience was based on carrying a variety of basic food items as well as produce. These factors were reflected in the surveys.

A characteristic associated with produce availability was storeowner motivation. This was demonstrated by their commitment to stocking and caring for produce and their responses to survey questions. Stores that carried produce, especially quality produce, had storeowners who thought it was important to stock quality produce and were committed to stocking produce regularly. One store owner said, “It is like a baby. You always have to be watching and caring for it”. In addition, since delivery is expensive most small storeowners have to pickup their produce. This same storeowner said that getting produce delivered costs approximately $3-7 per case. He said, “if you sell produce you have to go pick it up yourself. If I had it delivered I would have to charge higher, non-competitive prices or stock and sell a lot more produce”. This store had good quality produce at competitive prices. He said that he felt it was important to the
neighborhood to carry fresh produce at prices at or below chain supermarket prices. Several other storeowners who carried produce had similar statements. The two storeowners who said they pick-up their produce from the Oakland distribution center stated that they get produce at least one or more times per week. In addition to being motivated to stock and care for produce, stores owners have to be able to effectively market their items. Storeowners emphasized that they are dependent on a supportive customer base in order to continue to sell produce.

Several stores (8/22) in West and South Berkeley were local markets and specialty stores that primarily focused on a specific market niche (e.g., ethnic foods, organic food items). Those stores surveyed in West Berkeley included seven stores that catered specifically to the Latino (3), Thai(2), Indian (1) and African American (1) communities. All these specialty stores carried some amount of produce. The stores catering to the Latino community were more likely to stock a variety of relatively affordable produce than other markets excluding supermarkets. Another market niche is alcohol, cigarettes, and junk/fast foods. Stores that sell primarily alcohol tended to be in unsupportive surrounding environments. Only one convenience/liquor store sold produce; however, the produce was of poor quality and limited in variety.

Discussion

This study shows that supermarkets and grocery stores are more concentrated in the high to middle income neighborhoods of North Berkeley and Claremont than in the low-income neighborhoods of West and South Berkeley. In addition, the data show that, in Berkeley, supermarkets and grocery stores are more likely than other types of stores to carry a wide variety of quality, affordable produce as well as other healthful foods than other stores. Conversely, convenience/liquor stores are more concentrated in the low-income neighborhoods. Others studies have found similar store type distribution and healthy food availability results in other cities (Andrews et al. 2001; Morland et al 2002; Cummins & Macintrye 2002). This study shows that when local markets and convenience stores carry fresh produce, it is typically, more expensive, less varied, and of poorer quality compared to the produce available in supermarkets. No local markets or
convenience/liquor stores surveyed had produce that met all three criteria of variety, quality and affordability measured in the survey. The store distribution and relative limited availability, higher cost and poorer quality of produce, when it is available, makes it difficult for families living in West and South Berkeley to purchase (and consume) a healthy quantity and variety of fresh fruits and vegetables. Based on the geographic availability of fresh, quality produce and the store type distribution, the results of this study suggest that residents of the lower income neighborhoods of West and South Berkeley, may be at risk of food insecurity due to poor access to food venues, especially those that stock fresh produce.

**Accessibility – Physical and Economic**

Supermarkets and grocery stores tend to set public standards for produce variety, quality, and cost. Small stores often cannot compete with the quantity, quality, and prices that the large, corporate stores offer. Customers who are able to easily transport purchased produce from stores to their homes, will choose large stores because of better variety, quality, and prices for produce (Glanzk et al 1998; FMI 2002). Customers may not spend precious dollars on fresh produce at the local market when the supermarket may have it for half the price. Yet, lack of convenient transportation may dissuade the same customers from frequent trips to supermarkets. Such infrequent trips are likely the result of both physical distance and lack of money (Hamiliton et al 1999; Clayton, K Adams, J 2000). A recent study by Morland, et al (2002) showed that fruit and vegetable intake in African Americans and White Americans was associated with the presence of one or more supermarkets, suggesting that accessibility may play an important role in determining dietary behavior.

**Physical access: Transportation**

Because there are fewer supermarkets and grocery stores in West and South Berkeley, affordable, quality produce is limited in these neighborhoods. Therefore, West and South Berkeley residents have to travel out of their immediate neighborhoods to access produce. In addition, 2000 Census data show that lower income residents are less likely to own cars than middle and upper income residents (Census Data 2000). Anecdotal evidence
based on bus line information indicates that traveling to and from the supermarkets or grocery stores that stock quality, affordable produce by bus is a time-consuming and cumbersome process for West and South Berkeley residents\(^8\). A recent study found that transportation and location are major factors influencing African Americans’ grocery shopping habits, with proximity of grocery stores playing an important role in store selection (FMI 2002). Thus, low-income residents in West and South Berkeley face real physical barriers to accessing affordable quality produce.

**Economic access: Poverty**

Economics, especially income, is another issue that may be affecting access to produce in West and South Berkeley. Because the majority of produce available in these neighborhoods is sold in smaller stores, regardless of quality, it is relatively more expensive to purchase produce in these neighborhoods than in other areas of the city. Thus, families living in West and South Berkeley not only have less money to spend on food but they have less produce purchasing power in their own neighborhoods compared to residents of more affluent neighborhoods. Lastly, the majority of the produce available in poorer neighborhoods is of lower quality than produce available in other neighborhoods. We suggest that limited physical and economic access to produce forces lower income residents to make conscious or unconscious decisions about consuming a healthy diet that includes adequate fruits and vegetables. Residents in these neighborhoods can spend more dollars on poor quality produce available in their neighborhood, spend more time and money traveling to the supermarket to access a wider variety of quality produce at lower prices, or not purchase produce at all.

**Neighborhood Environment - Perception of availability**

When local stores do sell produce, a store’s surrounding environment can affect the likelihood that people will enter the store and buy produce. A store’s internal and external environment may affect what customers will buy for the following reasons:

\(^8\) The Bay Area Transit Coalition is developing a GIS map of bus lines in Berkeley to estimate more exact travel distance for these residents to access fresh produce.
1) customers seeking produce may not enter a small store located in an environment that is perceived to be a threat to safety; 2) store characteristics may discourage a shopper from returning to the store; 3) based on a store’s location and appearance, potential customers may presume that the store does not carry fresh produce. One storeowner, who stocked a variety of quality produce, but whose store had bars on the windows, gave an example of regular customers who only purchase cigarettes until one day a customer “realizes” that the store has produce and they can “save time and money by shopping there”. A consumer survey found that 94% of African Americans surveyed rated quality and cleanliness of the store and its products as the most important factors in choosing a store. This survey also found that safety around the stores, and courteous and friendly employees further influences where African Americans choose to grocery shop. (FMI 2002).

**Mutual Buyer and Seller Relationship- Neighborhood Stores and Customers**

All stores, regardless of location, have to find a niche and develop produce-marketing strategies to be successful. Owning and managing a small business is difficult, especially when the store is located in a lower income neighborhood. If the market cannot sell enough to the local community, it needs to draw customers from the wider geographic area. If a store is not able to draw customers from outside the neighborhood, which may be true of stores located in neighborhoods that are perceived to be unsafe or uninviting, the storeowner has to alter the store’s supply to meet only local demand. *Therefore, less sales volume of fresh produce keeps prices high and quality low; high prices and low quality discourage residents from purchasing fresh produce at neighborhood stores.* These individual and neighborhood environment factors may create a vicious low supply and demand cycle in low-income neighborhoods, which result in poor accessibility to fresh produce (Figure 5). We propose that this cycle must be broken in order for intervention programs to be successful in increasing fruit and vegetable consumption among residents of low-income neighborhoods in Berkeley.

**Proposed Solutions**
The city can improve the availability and accessibility of fresh food for all residents without necessarily changing the distribution of stores. Changing some of the environmental and individual barriers experienced by both buyers and sellers of food may be sufficient. For example, on the seller’s side, small storeowners experience many barriers to selling produce, such as a limited number of affordable suppliers, expensive delivery, and the high cost of produce maintenance and waste management. The city can help improve the availability and accessibility of fresh produce by easing some of these barriers.

There must be a mutually supportive relationship between local storeowners and the surrounding community to create a healthy neighborhood environment where fresh foods can be purchased. Neighbors must patronize and support these stores that sell produce to keep the stores in their neighborhood and selling produce.

**Issue:** Stores have to be profitable. Market principles drive small storeowners to focus on selling goods that offer them a high return rate. Produce does not offer a high return rate, while alcohol does. Also, produce does not have a long shelf life, which makes it difficult for small stores to stock it, especially when demand is sporadic. Thus, alcohol, cigarettes and highly processed foods are an easy choice for most stores because the shelf life is long, the return is high and customers buy the products.
Solution: The city could promote and support stores that stock and sells produce in these neighborhoods by finding or providing resources to assist stores in promoting and marketing their produce. Knowledge based classes or technical assistance could be provided to assist storeowners in marketing, stocking and caring for produce including information and assistance with reducing and disposing of organic waste. The California Food Policy Advocates has used a similar strategy in working with a “ma and pop” store in the Fruitvale district in Oakland. They were able to improve produce availability and quality in this neighborhood by providing technical assistance and seed funds to renovate the store so as to accommodate produce (Hecht, K personal communication 2002).

The city could help decrease the cost of selling produce by creating a produce distribution center or another alternate method (such as Community Supported Agriculture program for small stores) that would reduce the cost of delivery and/or pick-up for small local storeowners. There needs to be involvement of the BFPC in creating solutions to assist stores in profitability of stocking and selling produce or in creating community based solutions such as the strategies used in the Farm Fresh Choice Project. Other strategies on the seller side are providing tax incentives to produce sellers and offering periodic financial assistance during periods when produce sales are low.

Issue: Customers must express their demand for fresh produce to neighborhood storeowners by asking for produce and routinely purchasing produce that is in stock.

Solution: The city should support and work with local community based programs to develop a social marketing campaign to promote healthy eating. There are currently several projects in Berkeley that are working to promote and support fresh fruit and vegetable consumption, which are supported by California Nutrition Network funds. The city should encourage and support existing nutrition and food security related projects to enhance their efforts and have a greater impact on the eating habits of low income

---

9 The BFPC is currently examine and developing some of these strategies as well as others during their monthly meetings.
Berkeley families.

**Issues:** Consumer demand for fresh produce is dependent on consumer knowledge. Consumer demand for fresh produce may increase when consumers know how to use fresh produce in their diets and understand the importance of fresh produce and a healthy diet (Nutrition Perspectives 2001). Increased demand for produce will help motivate storeowners to stock and sell produce.

**Solution:** The city may help increase consumer demand for produce by educating residents about the benefits of good nutrition and offering cooking and skill building classes in these neighborhoods. The authors of the Nutrition and Physical Activity Report gave several recommendations for improving the dietary behaviors of Berkeley residents, and the Health Department has begun to follow some of these recommendations (Clayton, K. Adams, J 2000).

Approaching the issue of limited availability and accessibility of fresh food in West and South by addressing both barriers to stores and residents will help ensure that all neighborhoods have equal access to fresh, healthy foods.

**Conclusion**

This study indicates that lower income households of West and South Berkeley experience many individual and environmental factors that limit accessibility to available fresh produce within and outside their neighborhood. These findings indicate that store types and the availability and accessibility of fresh fruits and vegetables do vary by neighborhood. As a result, West and South Berkeley residents must travel greater distances to purchase produce in supermarkets and grocery stores than residents living in other more affluent neighborhoods. If they cannot or choose not to travel to other areas of the city to shop for food, they pay more, get lower quality produce, and/or have to shop at more than one store to meet all their food needs. The food items available and accessible to West and South Berkeley residents’ limits their food choices. The local environment promotes and supports residents purchasing liquor and convenience foods
(e.g., junk food and fast food items), not a healthy diet. There are a few exceptions to this overall finding. Some small and individually owned stores in West and South Berkeley stock and sell produce. However it is difficult for owners of such stores to sell quality produce at competitive prices and still make a profit. Current socioeconomic factors do not support these stores and limit the ability of other smaller and/or individually owned stores to offer a variety of quality, affordable produce. The study results show that the limited availability and accessibility of fresh produce in West and South Berkeley may make obtaining a healthy diet in these neighborhoods more difficult than in other areas of the city.
References


Environmental Systems Research Institute, Incorporated, Arc View 3.2 Geographic Information System (GIS) software. ([www.esri.com](http://www.esri.com)).


Frances V. Ullrich H. Savage J. *Opportunities and Barriers to provide sustainably produced food to Alameda County Consumers A Survey of Practices and Attitudes of Retail Produce Buyers.* Sustainable Agriculture Research and Education Program, University of California, Davis. April 1995.


Food Venue Survey

Respond completely as possible to all questions. Record your impressions, thoughts, and feelings about the outside environment and inside of the store. Complete the first and third section of the survey outside the store. The second section of the survey should be completed inside the store. You may ask the store manager for permission to survey the store. Tell them that you are completing a survey on produce availability and prices in the neighborhood and the results will not reflect negatively or positively on their store in any way.

Section 1

Location: _______________  Type of store: (circle one) local small market, specialty store, convenience/liquor store, co-op, or supermarket, other _________________

Hours of operation: _______________

Section 2 Environment and placement of items:

Location of produce section in store (close to door, cashier, back/center or front of the store, etc.)

- Produce section clean?  
  Strongly disagree    Strongly agree
  1  2  3  4  5

- Is junk food placed close to the door and cashier?  Yes  No
- Is alcohol placed close to the door and cashier?  Yes  No
- Are cigarettes placed close to the door and cashier?  Yes  No

What other items are placed close to the door and cashier? ____________________________

Quality of produce:

- Do the fresh fruit and vegetable look appealing?  
  Strongly disagree    Strongly agree
  1  2  3  4  5

- Are the fruits and vegetables over-ripe or bruised?  
  Strongly disagree    Strongly agree
  1  2  3  4  5
**Variety:**
If we consider a store that stocks at least 5 different types of fresh fruit as having moderate variety, how would you rate fruit variety in this store?

Excellent  B) Good  C) Moderate  D) Fair  E) Poor

If we consider a store that stocks at least 5 different types of fresh vegetable as having moderate variety, how would you rate vegetable variety in this store?

Excellent  B) Good  C) Moderate  D) Fair  E) Poor

<table>
<thead>
<tr>
<th>Food type</th>
<th>Price per pound</th>
<th>Price per total TFP quantity</th>
<th>Quantity in stock</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>For Office Use Only. Italic items are TFP. Calculate using Excel.</td>
<td>(A=1-2, B=2-5, C=5-8, D=&gt;8)</td>
</tr>
<tr>
<td>Apples (1 lb 4 oz):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bananas (2 lbs 12 oz):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blueberries</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grapes (1 lb 8 oz):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kiwi</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Melon (1 lb):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nectarines</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oranges (4 lbs 12 oz):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peaches</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pears</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Raspberries</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strawberries</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Vegetables**

| Broccoli          |                 |                             |                   |
| Carrots (1 lb):   |                 |                             |                   |
| Celery (5 oz):    |                 |                             |                   |
| Cilantro          |                 |                             |                   |
| Collard greens    |                 |                             |                   |
| Corn              |                 |                             |                   |
| Cucumbers         |                 |                             |                   |
| Eggplant          |                 |                             |                   |
| Garlic            |                 |                             |                   |
| Green beans       |                 |                             |                   |
| Green cabbage     |                 |                             |                   |
| Green pepper (4 oz):|              |                             |                   |
| Jalapeno peepers  |                 |                             |                   |
| Kale              |                 |                             |                   |
| Lettuce leaf (9 oz):|              |                             |                   |
| Mustard greens:   |                 |                             |                   |
| Onions (1 lbs 4 oz):|              |                             |                   |
| Potatoes (10 lb 8 oz):|            |                             |                   |
| Radishes          |                 |                             |                   |
| Red cabbage       |                 |                             |                   |
| Romaine lettuce   |                 |                             |                   |
| Spinach           |                 |                             |                   |
| Squash            |                 |                             |                   |
| Sweet potatoes    |                 |                             |                   |
| Tomatoes (6 oz)   |                 |                             |                   |
| Zucchini          |                 |                             |                   |
| Other items:      |                 |                             |                   |
• To what extent does this store stock food items that are ethnic-specific?

A) A few fruits/vegetables
   (specify:___________________________________________________________
   ____)
B) Great variety of fruit and vegetables
   (name three or more:
   _________________________________________________________________)

• Are other essential grocery items available??
  Milk?        Yes           No
  Bread?       Yes           No
  Beans?       Yes           No
  Rice?        Yes           No
  Pasta?       Yes           No

  Comments:______________________________________________________________
  ______________________________________________________________________

• Carry all items on fruit and vegetable TFP?        Yes           No

  Frozen and/or canned fruits and vegetables on TFP:
  Frozen          Yes           No
  If yes, which ones?_______________________________________________________
  Canned          Yes           No
  If, which ones?

Section 3

Environment:
  Is the environment:
    safe?        Yes           No
    friendly?    Yes           No
    inviting?   Yes           No

  Are there people loitering around?        Yes           No

  How do you perceive the environment?
  ______________________________________________________________________
  ______________________________________________________________________

  When do you get your shipment of produce?_________________________________
  ______________________________________________________________________
Is your produce from a local source?

Does your produce quantity or selection vary by season?

Comments:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
Appendix C.

U.S.D.A Thrifty Food Plan- Fresh Fruits and Vegetables

Fruits
Apples (1 lb 4 oz):
Bananas (2 lbs 12 oz):
Grapes (1 lb 8 oz):
Melon (1 lb):
Oranges (4 lbs 12 oz):

VEGETABLES
Carrots (1 lb):
Celery (5 oz):
Green pepper (4 oz):
Lettuce leaf (9 oz):
Onions (1 lbs 4 oz):
Potatoes (10 lbs 8 oz):
Tomatoes (6 oz):
Berkeley Fresh Food Venues

- Green: Supermarket/large grocery
- Red: Local market
- Yellow: Convenience/liquor store
- Orange: Co-op
- Purple: Other
West and South Berkeley Food Venues Survey Results

violet-affordable, variety
blue-limited variety
gray- not surveyed
red- no produce
orange- quality
purple- quality, affordable
green- quality, affordable, variety
yellow- quality, variety
light blue- variety