

BERKELEY CITY COUNCILMEMBER  
**TERRY TAPLÍN**  
DISTRICT 2

CONSENT CALENDAR  
January 20th, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author), Councilmember Rashi Kesarwani (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor), Councilmember Blackaby (Co-Sponsor)

Subject: Entertainment Zone Ordinance

RECOMMENDATION

Refer for drafting to the City Attorney an ordinance enabling entertainment zones in Berkeley:

Refer to the City Manager for the initiation of a merchant stakeholder engagement process and develop entertainment zone management plans for potential zones in the vicinity of the following locations and organizational leads:

- Downtown Downtown Business Association
- Gilman Gilman District Merchants Association
- South Side Telegraph Business Improvement District
- San Pablo University Avenue Association
- Shattuck North Shattuck Association

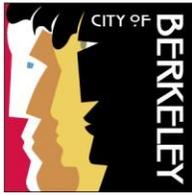
SUMMARY:

Establishing Entertainment Zones would increase foot traffic, stimulate local spending, and support community-building by enabling outdoor events and pedestrian-oriented commercial activity. Initial zones in Downtown, South Side/Telegraph, and Gilman would build on existing arts, food, and entertainment assets to help stimulate and invest in key commercial corridors.

FISCAL IMPACTS OF RECOMMENDATION

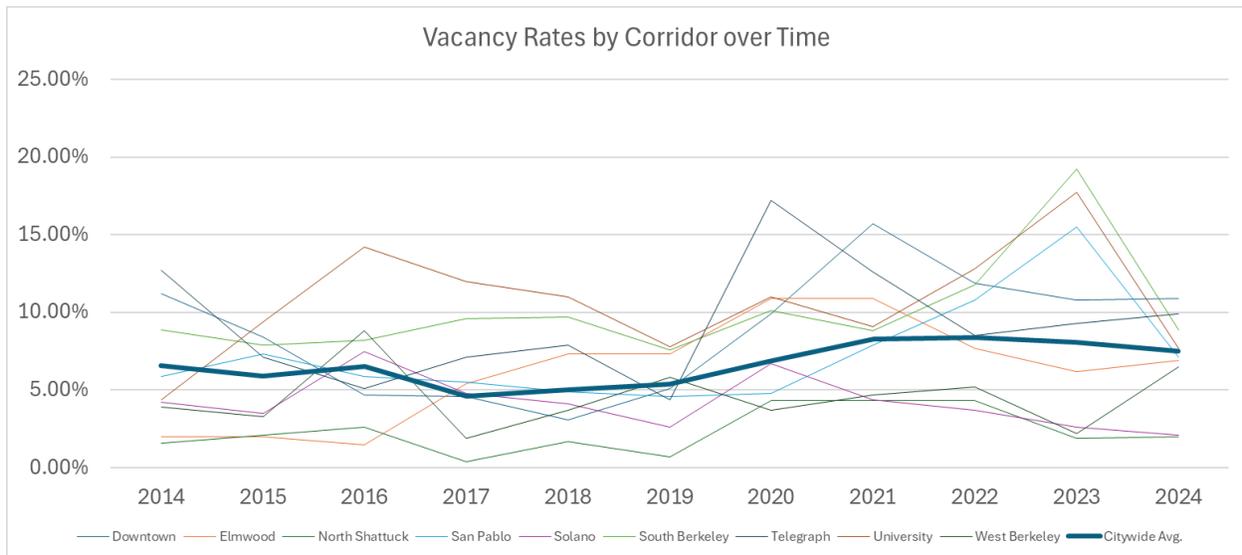
Ordinance Drafting and Management Plan development will require staff time over a multi month period. Drafting and development should leverage existing allocated resources. Continuing work alongside the entertainment zone leads would be covered by related fees for events and existing allocated resources. No additional funding is anticipated.

CURRENT SITUATION AND ITS EFFECTS



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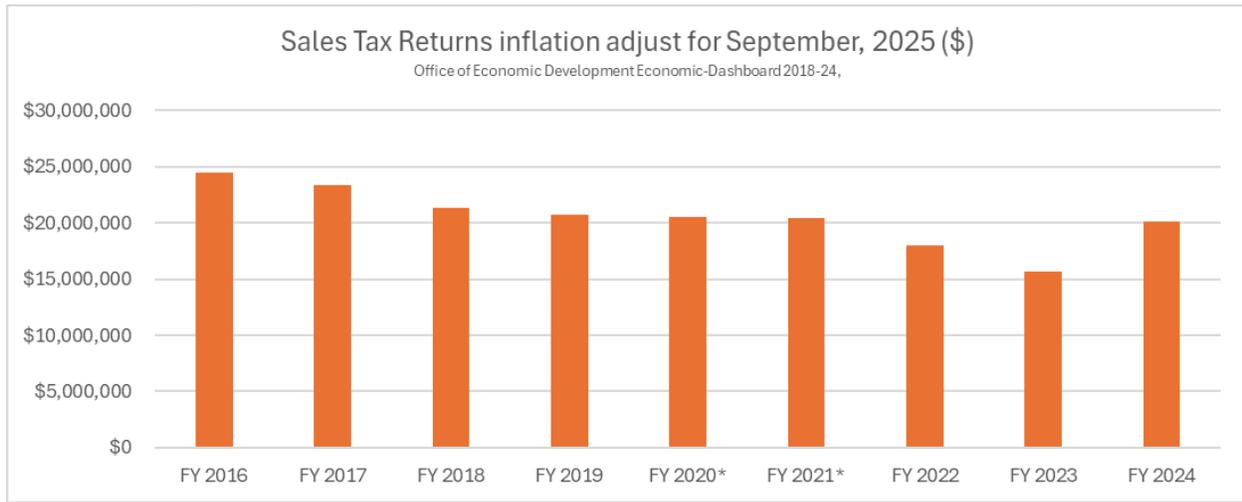
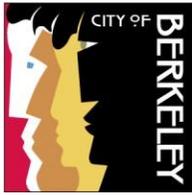
Since the 2020 pandemic we have seen far higher store front vacancies than in the years prior to the pandemic. While some corridors have seen improvements since pre-pandemic levels, the citywide average continues to lag behind even the highest of pre-pandemic levels.



The commercial vacancy crisis has hit the entire country, the transition to online work has led many office buildings to remain low. The San Francisco Bay Area has been particularly hard with office vacancies continuing to sit above 20%<sup>1</sup>. These trends lead to a lower overall economic activity. As workers are not moving through spaces as much, they physically pass less businesses, thus spending is down<sup>2</sup>. We can see this reflected in the city's real year over year sales tax returns. Despite an increase in July 2021, we still see waning returns particularly since the pandemic.

<sup>1</sup> <https://www.commercialcafe.com/blog/national-office-report/>

<sup>2</sup> Dinh, Emily, "Commercial Property Vacancies in American Cities" (2024). *University Honors Theses*. Paper 1505. <https://doi.org/10.15760/honors.1537>



Implementing Entertainment Zones will lead to an increase in pedestrian activity. Opening businesses to pedestrian pathways leads to an increase in economic activities in those areas<sup>3</sup>. On top of economic growth, there is an opportunity for community development. Street closures have shown to lead to getting to know neighbours better and walking on the street being more pleasant<sup>4</sup>.

Designated areas allow for infrastructure for street closures to exist. Support for these areas would allow for the city and event planners to create permanent installations to support street events. Such as lowering bollards, street narrowing, and other accommodations.

These are the areas we are proposing to start with entertainment zones:

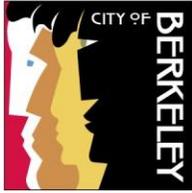
### **Downtown Entertainment Zone:**

Downtown Berkeley functions as the City's primary commercial hub. It is represented by the Downtown Business Association founded in 2012 from predecessors dating back to 1989. It represents 187 property owners on the corridor<sup>5</sup>. The district contains a high share of arts and entertainment uses, 15.3% of all ground-floor commercial space,

<sup>3</sup> Yoshimura, Yuji, et al. "Street pedestrianization in urban districts: Economic impacts in Spanish cities." *Cities*, vol. 120, 1 Jan. 2022, p. 103468, <https://doi.org/10.1016/j.cities.2021.103468>.

<sup>4</sup> Kingham, Simon, et al. "Streets for Transport and Health: The Opportunity of a temporary road closure for neighbourhood connection, activity and Wellbeing." *Journal of Transport & Health*, vol. 18, Sept. 2020, p. 100872, <https://doi.org/10.1016/j.jth.2020.100872>.

<sup>5</sup> <https://www.downtownberkeley.com/about/>



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compared with 4.8% citywide-strengthening its role as a regional destination. The Q4 2024 ground floor commercial vacancy rate was 10.91%, up slightly from 10.78% in 2023 and higher than the 9.9% recorded in 2020.<sup>6</sup>

**South Side Entertainment Zone:**

South Side focuses on Telegraph making up a large amount of the city's student population and businesses targeted towards the student demographic. The corridor has the city's highest percentage of food & Beverage at 32% of ground floor space. The corridor is represented by the Telegraph Businesses comprising property owners. Telegraph's ground floor inventory of retail accounts for 37.2% of the business mix, slightly more than the 31.3% observed citywide. The Q4 2024 ground floor commercial vacancy rate was 9.9%, slightly higher than 2023 (9.3% but much lower than the 17.20% recorded in 2020.<sup>6</sup>

**Gilman Entertainment Zone:**

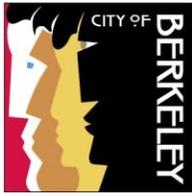
The Gilman District Entertainment Zone is focused around the series found south of Gilman along the low traffic Fourth and Fifth streets. The Gilman commercial district area is represented by the The Gilman District Merchants Association founded as a merchant's association in 2025. The area has the highest concentration of wineries in the City. Data is not currently available for the ground floor commercial vacancy rate of the neighborhood. However, with the growth of the Gilman District Street Fair and Hammerling First Fridays there is already lots of activity in street events to further invest in.<sup>6</sup>

**San Pablo Area Entertainment Zone:**

The San Pablo Area Entertainment Zone is on the road just south of University Avenue. The zone will be represented by the University Avenue Association founded in 1969. The San Pablo Area is reported as the entire street from the borders of the city, the area in question is mostly food and beverage businesses. The Q4 2024 ground commercial vacancy has seen a drop in 2024 from 15.55% in 2023 to 7.09% in 2024, this is still above the pre-pandemic level of 4.90% but a trend in the right direction. The retail sales tax has also increased in the last year, up 13% from 2023.<sup>6</sup>

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<sup>6</sup>[https://berkeleyca.gov/sites/default/files/documents/Attachment2\\_Commercial%20District%20Dashboards\\_2024\\_Q4.pdf](https://berkeleyca.gov/sites/default/files/documents/Attachment2_Commercial%20District%20Dashboards_2024_Q4.pdf)



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Each Entertainment Zone will require an individual Management Plan. The Management Plan will be written by the City Manager's office and will include legal drinking age enforcement system, days and hours of operation of the entertainment zone, types of alcoholic beverages allowed, and the approved cup types.

### BACKGROUND

In early American history, consumption of alcohol was common in all manner of places. Despite the perception of puritanism restricting alcohol availability, there were essentially no towns in which you could not find an establishment or home making a distributing alcohol. While early public consumption laws did exist, they were more targeted at public drunkenness not at public consumption.

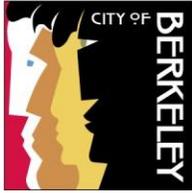
In the beginning of the 20th century, the temperance movement had started. States and counties across the country adopted stricter and stricter alcohol controls from banning sales on Sunday to allowing local municipalities to go fully dry.

The 18th amendment was ratified in 1933 and created a comprehensive national prohibition on alcohol. No sales or consumption of any alcoholic drinks were allowed in any public place. This created a nationwide ban on public alcohol consumption, the first of their kind. The 21st amendment would later repeal the 18th, allowing states to regulate their alcohol consumption laws locally. Many states or locals opted to maintain prohibition operating as dry or damp counties and continue to do so to this day.

Modern open container laws became widespread after World War II. Urban renewal pushed to regulate street behaviors and reduce perceived disorder, particularly that of lower class residents, leading to restrictions on public consumption. Vagrancy-laws failed to take hold and work arounds to target homeless people were written, such as public consumption. The rise of the automobile led to adoption of open-container-in-vehicle laws to discourage drunk driving.

California allowed its counties and municipalities to handle local open container laws while tackling age limitations at the state level. This was enforced with the California Department of Alcoholic Beverage Control (ABC) created by constitutional amendment in 1955. Major cities such as San Francisco, Los Angeles, and San Diego all enacted bans on public consumption.

In 2023 Senate Bill No. 76 was signed into law. This allowed the City and County of San Francisco to create "Entertainment Zones". These zones would be designated areas for



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businesses to sell alcohol for consumption off premises. Since the bill passed, San Francisco has implemented 15 entertainment zones throughout the city.

In 204 Senate Bill No. 969 was signed into law. This expanded the Entertainment Zone items state wide. Thus far only two additional cities have implemented them: Sacramento and Santa Monica with two and one respectively. Other cities in California have begun implementing their own Entertainment Zones such as Oakland, San Jose, Auburn and others.

Entertainment Zones allow for alcoholic beverages to be consumed off the presence of an establishment selling them. Cities must decide the bounds of the entertainment zone by ordinance. The city must have a process or procedure to ensure people consuming alcohol within the zone are of legal drinking age. The following must be established in procedure and shared with California Department of Alcoholic Beverage Control:

1. A copy of the ordinance establishing (or modifying) the entertainment zone.
2. Information to identify the boundaries of the entertainment zone.
3. The days and hours of operation of the entertainment zone.
4. The types of alcoholic beverages permitted within the entertainment zone.
5. The approved nonglass and nonmetal containers in which alcoholic beverages may be authorized.

The Zones must include at least one business licensed to sell alcohol.

Before enacting the ordinance to create an entertainment zone, the city must notify local law enforcement and request feedback on:

1. Potential health and safety impacts of the entertainment zone
2. The entertainment zone;s boundaries, days and hours of operation, types of alcoholic beverages permitted, and approved containers.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

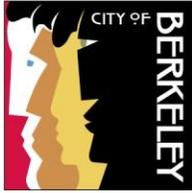
Concentration of events towards transit accessible locations could lower carbon output.

### RATIONALE FOR RECOMMENDATION

Activating public spaces in commercial districts will streamline special events, encourage arts and cultural programming, facilitate economic cross-pollination across nightlife industries, and attract commercial tenants<sup>7</sup>.

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<sup>7</sup> Behmanesh, Hossein, and Andre Brown. "Improving the design and management of temporary events in public spaces by applying urban design criteria." *Journal of Urban Management*, 5 July 2025, <https://doi.org/10.1016/j.jum.2025.06.010>.



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ALTERNATIVE ACTIONS CONSIDERED

**No Action**

The Council could elect not to establish Entertainment Zones and continue to rely on authorizing temporary street closures and special events on a case-by-case basis without creating permanent Entertainment Zones. This option allows flexible targeted activation and would avoid new implementation efforts and costs. However, it requires repeated staff review, provides limited predictability for businesses and residents, and does not support long-term infrastructure investments or sustained activation of public space.

**Alternative Economic Development Strategies**

The Council could pursue other economic development measures—such as business assistance programs, zoning adjustments, or corridor marketing efforts—without permitting off-premises alcohol consumption. While these strategies may contribute to commercial recovery, they do not directly address pedestrian activation, cultural programming, or nightlife-related economic cross-pollination at the scale enabled by Entertainment Zones.

CONTACT PERSON

Terry Taplin, Councilmember, District 2, (510) 981-7120

Attachments:

- 1: Draft Ordinance
- 2: Reference Map of Downtown Entertainment Zone
- 3: Reference Map of South Side Entertainment Zone
- 4: Reference Map of Gilman Entertainment Zone
- 5: Reference Map of San Pablo Entertainment Zone
- 6: San Francisco Entertainment Zone Ordinance
- 7: San Francisco Front Street Entertainment Zone Management Plan
- 8: Oakland Entertainment Zone Ordinance