



CONSENT CALENDAR

September 16, 2025

To: Honorable Members of the City Council

From: Councilmember Lunaparra (Author), Councilmember Humbert (Co-sponsor)

Subject: Zoning Ordinance Modification for Telegraph Avenue Commercial District

RECOMMENDATION

Refer to the City Manager and Planning Commission to amend BMC Chapter 23.204.020 to allow for Alcoholic Beverage Retail Sales in the Telegraph Avenue Commercial District.

CURRENT SITUATION AND ITS EFFECTS

The Telegraph Avenue Commercial District is the only Commercial District in the City of Berkeley where Alcoholic Beverage Retail Sales are not permitted. As a result, many grocery retailers, who would otherwise consider starting new businesses or expanding their existing businesses into new, larger spaces, do not consider the Telegraph Avenue Commercial District as a viable location for doing so. As Southside lacks a full-service grocery store, this prohibition contributes to a lack of healthy, affordable, accessible food options for many Southside residents and visitors.

BACKGROUND

In 1873, the first University of California campus was relocated from downtown Oakland to then-largely rural Berkeley, largely because members of the anti-alcohol temperance movement thought it was in “an unsavory part of Oakland because of bordellos and saloons,” according to Jef Findley, a librarian at the Berkeley Public Library’s History Room.<sup>1</sup> Establishments that served alcohol, with their prevalence in urban areas, were seen as “evil,” especially by those in elected office who held racist and classist views of cities. As a further measure, the sale of alcohol was banned within two miles of the UC Berkeley campus; this distance was reduced to one mile in 1876. This attitude pervaded for decades; before, during, and after prohibition, the City of Berkeley made repeated efforts to limit the availability of alcohol near campus.<sup>2</sup>

RATIONALE FOR RECOMMENDATION

This referral would align the City’s regulations on Alcoholic Beverage Retail Sales in the Telegraph Avenue Commercial District with those on every other Commercial District in

<sup>1</sup> [kqed.org/news/11959595/a-no-booze-zone-around-uc-berkeley-its-real-and-why-the-claremont-hotel-was-dry-for-decades](https://kqed.org/news/11959595/a-no-booze-zone-around-uc-berkeley-its-real-and-why-the-claremont-hotel-was-dry-for-decades)

<sup>2</sup> [sfgate.com/food/history/article/claremont-hotel-one-mile-dry-zone-berkeley-15206437.php](https://sfgate.com/food/history/article/claremont-hotel-one-mile-dry-zone-berkeley-15206437.php)

Berkeley, by allowing Alcoholic Beverage Retail Sales via a Use Permit process. This would give the City the ability to deny issuance of a permit if there are reasonable concerns about a particular location or operator that would lead the City to do so.

Creating a process for allowing Alcoholic Beverage Retail Sales in the Telegraph Commercial District would create the flexibility that some grocery retailers require to consider establishing new businesses or expanding their existing businesses in the District. This would help bolster existing efforts to fill empty storefronts and expand local grocery options in a neighborhood that needs more accessible, affordable, and healthy food options.

#### FISCAL IMPACTS OF RECOMMENDATION

Potential tax revenue from new and expanding businesses.

#### ENVIRONMENTAL SUSTAINABILITY

The impacts of amending the BMC to allow for more grocery retailers in Southside will reduce the amount of distance required for people to travel to get groceries, reducing transportation-related emissions.

#### CONTACT PERSON

Councilmember Cecilia Lunaparra, 510-981-7170  
Jonah Gottlieb, Chief of Staff

#### ATTACHMENTS

1. Amended BMC Chapter 23.204.020

## **23.204.020 Allowed Land Uses.**

A. *Allowed Land Use Table.* Table 23.204-1: Allowed Uses in the Commercial Districts identifies allowed land uses and required permits in the Commercial Districts. All land uses are defined in Chapter [23.502](#) (Glossary). Permit requirements are described in Chapter [23.406](#) (Specific Permit Requirements). Permits required for land uses shown in Table 23.204-1 apply to both:

1. The initial establishment of a land use in a new building; and
2. The change of use in an existing building or portion of a building.

### **Table 23.204-1. Allowed Uses in the Commercial Districts**

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see <a href="#">23.204.020(B)</a> [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
<b>Residential Uses</b>												
Accessory Dwelling Unit	See <a href="#">23.306</a> --Accessory Dwelling Units											
Dwellings												
Single-Family	UP(H)	UP(PH) *	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)*	UP(PH)	UP(PH)	UP(PH)	UP(PH)	<a href="#">23.204.060.B.3</a> ; <a href="#">23.302.070.H</a>
Two-Family	UP(PH)	UP(PH) *	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)*	UP(PH)	UP(PH)	UP(PH)	UP(PH)	<a href="#">23.204.060.B.3</a> ; <a href="#">23.302.070.H</a>
Multi-Family	UP(PH)	UP(PH) *	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)*	UP(PH)	UP(PH)	UP(PH)	UP(PH)	<a href="#">23.204.060.B.3</a> ; <a href="#">23.302.070.H</a>
Group Living Accommodation	UP(PH)	UP(PH) *	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)*	UP(PH)	UP(PH)	UP(PH)	UP(PH)	<a href="#">23.204.060.B.3</a> ; <a href="#">23.302.070.H</a>
Hotel, Residential	UP(PH)	UP(PH) *	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)*	UP(PH)	UP(PH)	UP(PH)	UP(PH)	<a href="#">23.204.060.B.3</a> ; <a href="#">23.302.070.H</a>

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
Mixed-Use Residential	UP(PH)	UP(PH) *	UP(PH)	UP(PH)	UP(PH)	UP(PH) *	UP(PH)*	UP(PH)	UP(PH)	See Table 23.204-41	UP(PH)	<a href="#">23.204.060.B.3</a> ; <a href="#">23.204.100.B.2</a> ; <a href="#">23.204.110.B.5</a> ; <a href="#">23.302.070.H</a>
Senior Congregate Housing	See <a href="#">23.302.070.I</a>											
<b>Public and Quasi-Public Uses</b>												
Child Care Center	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Cemetery/Crematory/Mausoleum	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Club/Lodge	UP(PH)	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	
Columbaria	See <a href="#">23.302.070.C</a>											
Community Care Facility	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	ZC	AUP
Community Center	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC		
Emergency Shelter, 25 beds or fewer	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	See <a href="#">23.308</a> --Emergency Shelters	
Emergency Shelter, 26 to 60 beds	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	ZC	UP(PH)		UP(PH)
Emergency Shelter, more than 60 beds	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)		UP(PH)
Hospital	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	NP							
Library	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Low Barrier Navigation Center	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Mortuaries and Crematories	UP(PH)	UP(PH)	NP	UP(PH)	NP								
Municipal Animal Shelter	--	--	--	--	--	--	--	--	--	--	--	--	
Nursing Home	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Park/Playground	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	AUP	ZC	

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC		
Public Safety and Emergency Service	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Public Utility Substation/Tank	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Religious Assembly	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	AUP	UP(PH)	
School	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
School, Vocational	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	UP(PH)	AUP	
Supportive Housing	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	<a href="#">23.302.070.</a> J--Supportive Housing
<b>Retail Uses</b>													
Alcoholic Beverage Retail Sale	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH)*N P	UP(PH) *	UP(PH) *	UP(PH)*	UP(PH) *	UP(PH) *	<a href="#">23.310</a>
Cannabis Retailer	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	<a href="#">23.320</a> ; <a href="#">12.21</a> ; and

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
												<a href="#">12.22</a>
Cannabis Retailer, Delivery Only	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	--	<a href="#">23.320</a> ; <a href="#">12.21</a> ; and <a href="#">12.22</a>
Firearm/Munitions Business	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH)*	UP(PH) *	NP	UP(PH)	UP(PH) *	<a href="#">23.302.070.D</a>
Industrial and Mining Products	--	--	--	--	--	--	--	--	--	--	--	
Pawn Shop/Auction House	UP(PH)	--	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	NP	
Pet Store	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	ZC	AUP	
Retail, General	ZC	ZC	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC	ZC	ZC*	<a href="#">23.204.040(C)</a> <a href="#">23.204.040(D)</a>
Smoke Shop	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH)*	UP(PH) *	NP	UP(PH)*	UP(PH) *	<a href="#">23.302.070.K</a>
<b>Personal and Household Service Uses</b>												

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
Personal and Household Services, General	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Kennels and Pet Boarding	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	NP	
Laundromats and Cleaners	AUP	AUP	UP(PH)	UP(PH)	UP(PH)	AUP	AUP	UP(PH)	UP(PH)	AUP	AUP	
Veterinary Clinic	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Video Tape/Disk Rental	ZC	ZC	ZC	AUP	ZC	-	ZC	ZC	ZC	ZC	NP	
<b>Office Uses</b>												
Business Support Services	ZC	ZC	ZC	ZC	ZC	ZC	ZC*	ZC	ZC	ZC	ZC	<a href="#">23.204.110(B)(4)</a>
Banks and Financial Services, Retail	AUP	AUP	UP(PH)	UP(PH)	UP(PH)	ZC	AUP*	UP(PH)	ZC*	AUP	ZC	<a href="#">23.204.110(B)(4)</a> ; <a href="#">23.204.130(B)(3)</a> ; <a href="#">23.204.130(D)(3)</a>
Insurance Agents, Title Companies, Real Estate Agents,	ZC	ZC	ZC*	ZC*	ZC*	ZC	ZC*	ZC*	ZC*	ZC	ZC	<a href="#">23.204.040(B)</a> ; <a href="#">23.204.110(B)(4)</a> ;

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
Travel Agents												<a href="#">23.204.130(D)(3)</a>
Medical Practitioners	ZC	ZC	AUP	NP	UP(PH)	ZC	AUP*	UP(PH)	ZC*	ZC	ZC	<a href="#">23.204.040(B)</a> ; <a href="#">23.204.110(B)(4)</a> ; <a href="#">23.204.130.D.3</a>
Non-Chartered Financial Institutions	UP(PH) *	UP(PH) *	NP	NP	NP	UP(PH) *	UP(PH)*	NP	NP	UP(PH)*	UP(PH)	<a href="#">23.302.070.F</a> <a href="#">23.204.110(B)(4)</a>
Office, Business and Professional	ZC	ZC	AUP*	AUP*	ZC*	ZC	ZC*	AUP*	ZC*	ZC	ZC	<a href="#">23.204.040(B)</a> ; <a href="#">23.204.110.(B)4</a> ; <a href="#">23.204.130(D)(3)</a>
<b>Food and Alcohol Service, Lodging, Entertainment, and Assembly Uses</b>												
Adult-oriented Business	UP(PH) *	UP(PH) *	NP	NP	NP	NP	NP	NP	UP(PH) *	UP(PH)*	NP	<a href="#">23.302.070.A</a>
Amusement Device Arcade	See <a href="#">23.204.040.A</a>											<a href="#">23.302.070.B</a>
Bar/Cocktail Lounge/Tavern/Tap	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	<a href="#">23.310</a>

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
Room/Wine Tasting												
Commercial Recreation Center	See <a href="#">23.204.040.A</a>											
Entertainment Establishment	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH)							
Food Service Establishment, under 3,000 sq. ft.	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	<a href="#">23.302.070(E)</a>
Food Service Establishment, 3,000 sq. ft. or larger	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	<a href="#">23.302.070(E)</a>
Group Instruction, Under 3,000 sq. ft.	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Group Instruction, 3,000 sq. ft. or larger	ZC	ZC	AUP	AUP	ZC	ZC	ZC	AUP	ZC	ZC	ZC	
Health and Fitness Facility, Under 7,500 sq. ft.	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
Health and Fitness Facility, 7,500 sq. ft. or larger	ZC	ZC	AUP	AUP	ZC	ZC	ZC	AUP	ZC	ZC	ZC	
Hotels, Tourist	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Motels, Tourist	UP(PH)	UP(PH)	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	NP	
Theater	UP(PH)	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	NP	AUP	UP(PH)	UP(PH)	
<b>Vehicle Service and Sales Uses</b>												
Alternative Fuel Station	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	NP*	UP(PH)	NP	AUP*	UP(PH)	<a href="#">23.204.110(B)(2)</a> ; <a href="#">23.204.110(B)(3)</a>
Gasoline Fuel Stations	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	NP*	UP(PH)	NP	UP(PH)*	UP(PH)	<a href="#">23.204.140.B.3</a>
Large Vehicle Sales and Rental	AUP	NP	NP	NP	NP	NP	NP	NP	NP	AUP* [1]	NP	<a href="#">23.204.110(B)(3)</a>
Small Vehicle Sales and Service	AUP	NP	NP	NP	NP	UP(PH) *	NP	NP	UP(PH)	UP(PH)*	NP	<a href="#">23.204.100(B)(3)</a> ; <a href="#">23.204.110(B)(3)</a>

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
Tire Sales and Service	UP(PH)	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)*	NP	<a href="#">23.204.140.B.3</a>
Vehicle Parts Store	ZC	NP	ZC	ZC	ZC	ZC	ZC	ZC	NP	AUP [1]	ZC	
Vehicle Rentals	AUP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	AUP* [1]	NP	<a href="#">23.204.140(B)(3)</a>
Vehicle Repair and Service	AUP	NP	NP	NP	NP	NP	NP	NP	NP	AUP* [1]	NP	
Vehicle Sales, New	AUP	NP	NP	NP	NP	UP(PH) *	NP	NP	UP(PH)	AUP* [1]	NP	<a href="#">23.204.140(B)(3)</a>
Vehicle Sales, Used	AUP	NP	NP	NP	NP	UP(PH) *	NP	NP	UP(PH)	UP(PH)*	NP	<a href="#">23.204.100(B)(3)</a> ; <a href="#">23.204.140(B)(3)</a> ; <a href="#">23.204.140(D)(4)</a>
Vehicle Wash	UP(PH)	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)*	NP	<a href="#">23.204.140.B.3</a>
Vehicle Wrecking	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
<b>Industrial and Heavy Commercial Uses</b>												

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
Bus/Cab/Truck/Public Utility Depot	--	--	--	--	--	--	--	--	--	--	--	
Commercial Excavation	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	--	NP	UP(PH)	
Contractors Yard	--	--	--	--	--	--	--	--	--	AUP	--	
Dry Cleaning and Laundry Plant	UP(PH)	UP(PH)	NP	--	UP(PH)	NP	NP	NP	UP(PH)	NP	NP	
Laboratory												
Research and Development Under 20,000 sq. ft.	ZC	ZC	--	--	ZC	--	ZC	--	ZC	ZC	--	<a href="#">23.204.040(E)</a>
Research and Development, 20,000 sq. ft. or larger	AUP	AUP	--	--	AUP	--	AUP	--	AUP	AUP	--	<a href="#">23.204.040(E)</a>
Commercial, Physical or Biological Testing	AUP	AUP	NP	NP	NP	NP	NP	NP	AUP	NP	NP	<a href="#">23.204.040(E)</a>
Cannabis Testing	AUP	AUP	NP	NP	NP	NP	NP	NP	AUP	AUP [1]	NP	

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC		
Manufacturing													
Construction Products	--	--	--	--	--	--	--	--	--	UP(PH)	--		
Light Manufacturing	--	--	--	--	--	--	--	--	--	AUP [1]	--		
Pesticides/Herbicides/Fertilizers	--	--	--	--	--	--	--	--	--	UP(PH)	--		
Petroleum Refining and Products	--	--	--	--	--	--	--	--	--	UP(PH)	--		
Pharmaceuticals	--	--	--	--	--	--	--	--	--	UP(PH)	--		
Primary Production Manufacturing	--	--	--	--	NP	--	--	--	--	UP(PH)	--		
Semiconductors	--	--	--	--	NP	--	--	--	--	UP(PH)	--		
Material Recovery Enterprise	--	--	--	--	--	--	--	--	--	--	--		
Media Production	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH) *	AUP	UP(PH)	<a href="#">23.204.130.B.4</a>

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see <a href="#">23.204.020(B)</a> [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
Mini-storage	UP(PH)	NP	NP	NP	NP	NP	NP	--	UP(PH)	NP	NP	
Recycled Materials Processing	--	--	--	--	--	--	--	--	--	--	--	
Recycling Redemption Center	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	
Repair Service, Non-Vehicle	--	--	--	--	--	--	--	--	--	AUP	--	
Research and Development	--	--	--	--	--	--	--	--	--	--	--	
Services to Buildings and Dwellings	--	--	--	--	--	--	--	--	--	AUP	--	
Warehouse	UP(PH)	NP	NP	NP	NP	NP	NP	--	UP(PH)	NP	NP	
Warehouse-Based Non-Store Retailer	--	--	--	--	--	--	--	--	--	--	--	
Wholesale Trade	--	--	--	--	--	--	--	--	--	AUP [1]	--	
<b>Incidental Uses</b>												

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
Amusement Devices	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	UP(PH)	<a href="#">23.302.070.B</a>
Alcoholic Beverage Service	See <a href="#">23.310</a>											
Cafeteria, On-Site	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	AUP	UP(PH)	
Columbaria	See <a href="#">23.302.070.C</a>											
Food and Beverage for Immediate Consumption	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Food Service Establishment, under 3,000 sq. ft.	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	<a href="#">23.310.030</a>
Food Service Establishment, 3,000 sq. ft. or larger	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	<a href="#">23.310.030</a>
Live Entertainment, Unamplified	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Live Entertainment, Amplified	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see <a href="#">23.204.020(B)</a> [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
Manufacturing	AUP	AUP	UP(PH)	UP(PH)	NP	UP(PH)	AUP	AUP	AUP	AUP	AUP	
Retail Sale of Goods Manufactured On-Site	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Storage of Goods (>25% gross floor area)	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP	<a href="#">23.302.020.C</a>
Wholesale Activities	AUP*	AUP*	UP(PH) *	UP(PH) *	NP	AUP*	AUP*	AUP*	AUP*	AUP	AUP	<a href="#">23.204.080.B.3</a>
<b>Other Miscellaneous Uses</b>												
Art/Craft Studio	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
ATM, Exterior and Attached to Bank	AUP	AUP	AUP	UP(PH)	AUP	AUP	AUP	AUP*	AUP	AUP	AUP	<a href="#">23.204.120.B.2</a>
ATM, Interior or Exterior and Not With Bank	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH) *	AUP	UP(PH)	<a href="#">23.204.130.B.2</a>

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see <a href="#">23.204.020(B)</a> [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
Circus/Carnival	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Drive-in Uses	UP(PH)	NP	NP	NP	UP(PH)	UP(PH)	NP	UP(PH)	NP	NP	UP(PH)	
Home Occupations	See <a href="#">23.302.040</a>											
Live/Work	See <a href="#">23.312</a>											
Parking Lot/Structure	See <a href="#">23.302.070.G</a>											
Public Market, Open Air	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	UP(PH)	AUP	
Public Market, Enclosed	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP [2]	AUP	
Short-Term Rental	See <a href="#">23.314</a>		NP	NP	See <a href="#">23.314</a>			NP	See <a href="#">23.314</a>		NP	
Urban Agriculture, Low-Impact	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC	ZC	<a href="#">23.318</a>
Urban Agriculture, High-Impact	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP	AUP	<a href="#">23.318</a>

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see <a href="#">23.204.020(B)</a> [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	<b>COMMERCIAL DISTRICTS</b>										<b>USE-SPECIFIC REGULATIONS</b>
	<b>C-C</b>	<b>C-U</b>	<b>C-N</b>	<b>C-E</b>	<b>C-NS</b>	<b>C-SA</b>	<b>C-T</b>	<b>C-SO</b>	<b>C-DMU</b>	<b>C-W</b>	
Wireless Telecommunication Facility	See <a href="#">23.332</a> --Wireless Communication Facilities										

**Notes:**

[1] Require a Use Permit if either 5,000 sq. ft. or more of floor area or 10,000 square feet or more of lot area.

[2] Requires a Use Permit if more than 10,000 sq. ft.

B. *Unlisted Land Uses.* Any use not listed in Table 23.204-1: Allowed Uses in the Commercial Districts is permitted with an AUP. To approve the AUP, the Zoning Officer must find that the use is compatible with the purposes of the district where it is located. Any use found to be incompatible with the purposes of the district is not permitted.

C. *Use-Specific Regulations.* Uses subject to supplemental regulations are shown in Table 23.204-1: Allowed Uses in the Commercial Districts with an asterisk (\*) following the permit requirement (e.g., ZC\*). The Use-Specific Regulations column in Table 23.204-1 identifies the location of these regulations in the Zoning Ordinance. (Ord. 7955-NS § 4, 2025; Ord. 7945-NS § 1, 2024; Ord. 7898-NS § 3, 2024; Ord. 7890-NS § 14, 2023; Ord. 7882-NS § 3, 2023; Ord. 7850-NS § 13, 2023; Ord. 7838-NS § 2, 2022; Ord. 7830-NS § 2, 2022; Ord. 7810-NS § 2, 2022; Ord. 7787-NS § 2 (Exh. A), 2021)

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**The Berkeley Municipal Code is current through Ordinance 7957-NS, passed April 15, 2025.**

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.berkeleyca.gov](http://www.berkeleyca.gov)

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