Planning and Development Department
Land Use Planning Division

STAFF REPORT

DATE: November 5, 2025

TO: Members of the Planning Commission

FROM: Faye Messner, Assistant Planner

SUBJECT: Amendments to Title 23 to Allow the Retail Sale of Alcohol in the Telegraph Avenue Commercial (C-T) Zoning District

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RECOMMENDATION

Conduct a public hearing, receive public comment, and upon conclusion make a recommendation to City Council to adopt the proposed amendment to Title 23 to allow the retail sale of alcohol in the Telegraph Avenue Commercial (C-T) zoning district.

BACKGROUND

When the University of California relocated to Berkeley in 1873, the sale of alcohol in the areas surrounding campus was prohibited. For decades following the establishment of the Berkeley Campus, during Prohibition and after, the availability of alcohol near campus (including the C-T) has been limited.

On September 16, 2025, Council referred the City Manager and the Planning Commission to amend BMC Chapter 23.204.020 to allow alcoholic beverage retail sale in the C-T zoning district.

CURRENT SITUATION AND ITS EFFECTS

Today, the C-T zoning district is the only commercial district in Berkeley where the retail sale of alcohol is not permitted. As a result, the Southside has been unable to attract a full-service grocery store. The prohibition of retail alcohol sales in the C-T and resulting absence of full-service grocers in the Southside contributes to a lack of healthy, affordable and accessible food options for residents and visitors.

The proposed Zoning Ordinance amendment would align the City's regulation of Alcoholic Beverage Retail Sales in the C-T zoning district with those in every other commercial zoning district by allowing Alcoholic Beverage Retail Sales via a Use Permit process. A Use Permit requires a public hearing before the Zoning Adjustments Board (ZAB), and the ZAB's decision is appealable to the City Council.

DISCUSSION

The proposed amendment is contained in BMC Chapter 23.204.020 *Allowed Land Uses*. The amendment to the Allowed Land Uses Table (Table 23.204-1) would change the regulation of the Retail Sale of Alcohol in the Telegraph Avenue Commercial District from not permitted (NP) to permitted through the Use Permit process (UPPH).

Table 1: Changes to BMC Section 23.204.020 Table 23.204-1

	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
Alcoholic Beverage Retail Sale	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	~~NP~~ UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	23.310

ENVIRONMENTAL REVIEW

The proposed Zoning Ordinance amendment does not include any allowances for additional development capacity or other new physical changes to the environment that are not already permitted and previously evaluated under CEQA. Adoption of the proposed amendment would in no way have a significant effect on the environment, and therefore is not subject to CEQA (CEQA Guidelines Section 15061(b)(3), Common Sense Exemption).

NEXT STEPS

Upon a recommendation from the Planning Commission, the City Council will conduct a public hearing on the proposed ordinance.

CONTACT PERSON

Faye Messner, Assistant Planner, Planning and Development Department, 510-981-7484

ATTACHMENTS

1. Draft Planning Commission Resolution
   Exhbit A. Zoning Ordinance Amendments
2. City Council Referral
3. Public Hearing Notice

PLANNING COMMISSION
RESOLUTION NO. 2025-11

A RESOLUTION OF THE CITY OF BERKELEY PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT THE PROPOSED ZONING ORDINANCE AMENDMENTS TO ALLOW THE RETAIL SALE OF ALCOHOL IN THE TELEGRAPH AVENUE COMMERCIAL DISTRICT (C-T).

WHEREAS, the City of Berkeley regulates land uses on private land through the Berkeley Municipal Code, including Title 23 (Zoning); and

WHEREAS, Berkeley Municipal Code (BMC) Chapter 23.204.020 (Allowed Land Uses) regulates where retail sale of alcohol is permitted in commercial zoning districts, including the Telegraph Avenue Commercial (C-T) zoning district; and

WHEREAS, existing zoning regulations prohibit the retail sale of alcohol in the C-T resulting in undesirable conditions for the development of a full-service grocery store; and

WHEREAS, one of the purposes of the C-T is to "encourage the availability of a variety of goods and services which serve residents in the district and the University population but do not generate a high volume of vehicular traffic;" and

WHEREAS, Policy LU-E2 of the Southside Plan aims to "encourage development of neighborhood serving commercial uses, such as cafes, small grocery and convenience stores, laundromats, shoe repairs, and dry cleaners"; and

WHEREAS, on November 5, 2025, the Planning Commission held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request; and

WHEREAS, a public hearing notice was published in the Berkeley Voice and posted in three public places pursuant to California Government Code Section 65090 on October 10, 2025 for the public hearing held on November 5, 2025; and

WHEREAS, all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 1947 Center Street, Berkeley, California; and

WHEREAS, the proposed amendments would have no adverse effect on the environment, and are thereby exempt from CEQA under CEQA Guidelines Section 15061(b)(3).

NOW, THEREFORE, IT BE RESOLVED that the Planning Commission does hereby recommend to the City Council of the City of Berkeley to adopt the amendments to Table 23.204-1 in BMC Section 23.204.020 contained in Exhibit A, attached hereto and hereby incorporated by reference;

Pursuant to Berkeley Municipal Code Section 23.412.060, the Planning Commission makes the following findings to support its recommendation for the zoning ordinance amendments:

(1) **The proposed amendment is consistent with the General Plan and any applicable specific plan or area plan.** The amendments further General Plan policies including Policy LU-27-E which aims to "maintain and encourage a wide range of community and commercial services, including basic goods and services" in Avenue Commercial Areas including Telegraph Avenue. The amendments also further Southside Plan policy LU-E2 which aim to "encourage development of neighborhood serving commercial uses, such as cafes, small grocery and convenience stores, laundromats, shoe repairs, and dry cleaners."
(2) **The proposed amendment is consistent with state law.** The proposed amendments would have no adverse effect on the environment and are thereby exempt from CEQA under CEQA Guidelines Section 15061(b)(3).
(3) **The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare**. The zoning ordinance amendments serve the public interest by encouraging the availability of a variety of goods and services which serve residents in the district and the University population but do not generate a high volume of vehicular traffic. The amendments also further the goals of the Southside Plan by encouraging neighborhood serving uses.
(4) **The proposed amendment is internally consistent with other applicable provisions of the Zoning Ordinance**. The proposed zoning ordinance amendments align the C-T zoning district's regulation of retail alcohol sales with all other commercial districts outlined in BMC Chapter 23.204.020.

I HEREBY CERTIFY the foregoing resolution was passed and adopted by the Planning Commission of the City of Berkeley, at a regular meeting thereof, held on the 5th day of November 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

Justin Horner, Principal Planner
SECRETARY TO THE PLANNING COMMISSION

EXHIBIT A
DRAFT

ORDINANCE NO. -N.S.

AMENDMENTS TO THE COMMERCIAL DISTRICT CHAPTER (BMC 23.204) TO ALLOW THE RETAIL SALE OF ALCOHOL IN THE TELEGRAPH AVENUE COMMERCIAL DISTRICT

BE IT ORDAINED by the Council of the City of Berkeley as follows:
Section 1. That the line named "Alcoholic Beverage Retail Sale" in Table 23.204-1 in BMC Section 23.204.020 is amended to read as follows:

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = 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**	
Alcoholic Beverage Retail Sale	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	~~NP~~ UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	23.310

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

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Cecilia Lunaparra
Councilmember Berkeley District 7

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.[1] 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.[2]

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

[1] kqed.org/news/11959595/a-no-booze-zone-around-uc-berkeley-its-real-and-why-the-claremont-hotel-was-dry-for-decades
[2] 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

PLANNING COMMISSION

Notice of Public Hearing

Wednesday, November 5, 2025

Adoption of Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code to Allow the Retail Sale of Alcohol in the C-T (Telegraph Avenue Commercial District)

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23.412.040, on **Wednesday, November 5, 2025 at 6:00 p.m**. at the **North Berkeley Senior Center**, 1901 Hearst Ave, Berkeley (wheelchair accessible). Planning Commission meetings will be held in person and online via by zoom. The link to join the zoom meeting will be shared with the meeting agenda. The agenda will be posted on the Planning Commission website (https://berkeleyca.gov/your-government/boards-commissions/planning-commission) no later than 5:00 p.m. on Wednesday, October 29, 2025.

PROJECT DESCRIPTION

In response to a City Council referral, the proposed amendments to the City's Zoning Ordinance (Title 23) would permit alcoholic beverage retail sales in the C-T (Telegraph Avenue Commercial District) zoning district with a Use Permit. The proposed change would apply to BMC Section 23.402.020 (Allowed Land Uses).

LOCATION: The proposed Zoning Code amendment would apply to all parcels currently zoned C-T. https://berkeley.maps.arcgis.com/apps/webappviewer/index.html?id=2c7dfafbb1f64e159f4fdf28a52f51c6&showLayers=Berkeley%20Parcels;Planning%20and%20Building

ENVIRONMENTAL REVIEW STATUS

The proposed zoning ordinance amendments do not include any allowances for additional development capacity or other new physical changes to the environment that are not already permitted and previously evaluated under CEQA. Adoption of the proposed amendments would in no way have a significant effect on the environment and therefore is not subject to CEQA (CEQA Guidelines Section 15061(b)(3), Common Sense Exemption).

PUBLIC COMMENT & FURTHER INFORMATION

All persons are welcome to attend the hearing and will be given an opportunity to address the Commission. Comments may be made verbally at the public hearing and/or in writing before the hearing. Written comments must be directed to:

Faye Messner
Planning Commission Clerk
Email: PlanningPC@berkeleyca.gov

City of Berkeley, Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Correspondence received by **12pm on Wednesday, October 29, 2025**, will be included as a Communication in the agenda packet. Correspondence received after this deadline will be conveyed to the Commission and the public in the following manner:

- Correspondence received by **12pm on Monday, November 3, 2025** will be included in a Supplemental Packet, which will be posted to the online agenda as a Late Communication one day before the public hearing.
- Correspondence received by **12pm on Tuesday, November 4, 2025** will be included in a second Supplemental Packet, which will be posted to the online agenda as a Late Communication by 5pm on the day of the public hearing.
- Correspondence received **after 12pm on Tuesday, November 4, 2025** will be saved as part of the public record.

Members of the public may submit written comments just before or at the beginning of the meeting by providing 12 printed copies of the correspondence to the Planning Commission Secretary.

COMMUNICATION ACCESS

To request a meeting agenda in large print, Braille, or on audiocassette, or to request a sign language interpreter for the meeting, call (510) 981-7410 (voice) or 981-6903 (TDD). Notice of at least five (5) business days will ensure availability. All materials will be made available via the Planning Commission agenda page online at https://berkeleyca.gov/your-government/boards-commissions/planning-commission.

FURTHER INFORMATION

Questions should be directed to Faye Messner, at (510) 981-7484 or fmessner@berkeleyca.gov. Current and past agendas are available on the City of Berkeley website at: https://berkeleyca.gov/your-government/boards-commissions/planning-commission.