



Office of the City Manager

PUBLIC HEARING
December 2, 2025

To: Honorable Mayor and Members of the City Council
 From: Paul Buddenhagen, City Manager
 Submitted by: Jordan Klein, Director, Planning and Development Department
 Subject: Amendments to Title 23 (Zoning) to Allow the Retail Sale of Alcohol in the Telegraph Avenue Commercial (C-T) Zoning District

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt the first reading of an ordinance amending the BMC Title 23 Section 23.204.020 to allow the retail sale of alcohol in the Telegraph Avenue Commercial (C-T) zoning district.

FISCAL IMPACTS OF RECOMMENDATION

New and expanding businesses established pursuant to the proposed ordinance amendments may result in increased tax revenue. The proposed changes would result in limited impacts on staff time for permitting and project review, which will be recouped through project permit fees.

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. This has impeded efforts to attract a full-service grocery store to the Southside. 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.

The proposed amendment is contained in BMC Chapter 23.204.020 *Allowed Land Uses*. The amendments 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

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, City Council adopted a referral to the City Manager and the Planning Commission to amend BMC Chapter 23.204.020 to allow alcoholic beverage retail sales in the C-T zoning district.

On November 5, 2025, staff presented the proposed Zoning Ordinance amendment to the Planning Commission at a duly-noticed public hearing (**Attachment 2**). The Planning Commission unanimously adopted a resolution recommending the proposed amendments included in **Attachment 1** for adoption by City Council.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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).

RATIONALE FOR RECOMMENDATION

The proposed Zoning Ordinance amendment would align the regulation of retail alcohol sales in the Telegraph Avenue Commercial (C-T) zoning district with all other commercial zoning districts in Berkeley through the Use Permit Process. The proposed ordinance is also consistent with the Southside Plan, specifically Policy LU-E2 which aims to “encourage development of neighborhood serving commercial uses, such as cafes, small grocery and convenience stores, laundromats, shoe repairs, and dry cleaners.” A Use Permit requires a public hearing and gives the City discretion on the issuance of a permit.

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

PUBLIC HEARING
December 2, 2025

ALTERNATIVE ACTIONS CONSIDERED

The Council could consider taking no action on the recommendation. In this scenario, Title 23 would remain unchanged, and would continue to prohibit the retail sale of alcohol in the Telegraph Avenue Commercial (C-T) zoning district.

CONTACT PERSON

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

Attachments:

- 1: Draft Ordinance
- 2: PC Staff Report 11-05-25
- 3: Public Hearing Notice

ORDINANCE NO. -N.S.

AMENDMENTS TO THE COMMERCIAL DISTRICT CHAPTER (BMC CHAPTER 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.



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

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)	23.310
	* -	* -	* -	* -	* -	* -	UP(PH) *	* -	* -	* -	* -	

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
Exhibit A. Zoning Ordinance Amendments
2. City Council Referral
3. Public Hearing Notice

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
AMENDMENTS TO BMC TITLE 23 ZONING**

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, December 2, 2025 at 6:00 P.M.** a public hearing will be conducted to consider the Planning and Development Department proposal to amend BMC Title 23 (Zoning) Section 23.204.020 to allow the retail sale of alcohol in the Telegraph Avenue Commercial (C-T) zoning district.

The hearing will be held on December 2, 2025 at 6:00 p.m. in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Faye Messner, Assistant Planner at (510) 981-7484.

A copy of the agenda material for this hearing will be available on the City’s website at <https://berkeleyca.gov/> as of November 20, 2025. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or clerk@berkeleyca.gov for further information.

Published: November 21, 2025 – The Berkeley Voice

Public Hearing required by BMC 23.412.050 and Govt Code 65853; notice provided according to Govt Code 65090 and BMC 23.404.040.

~~~~~

I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek

Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on November 20, 2025.

---

Mark Numainville, City Clerk