



## Zoning Adjustments Board Staff Report

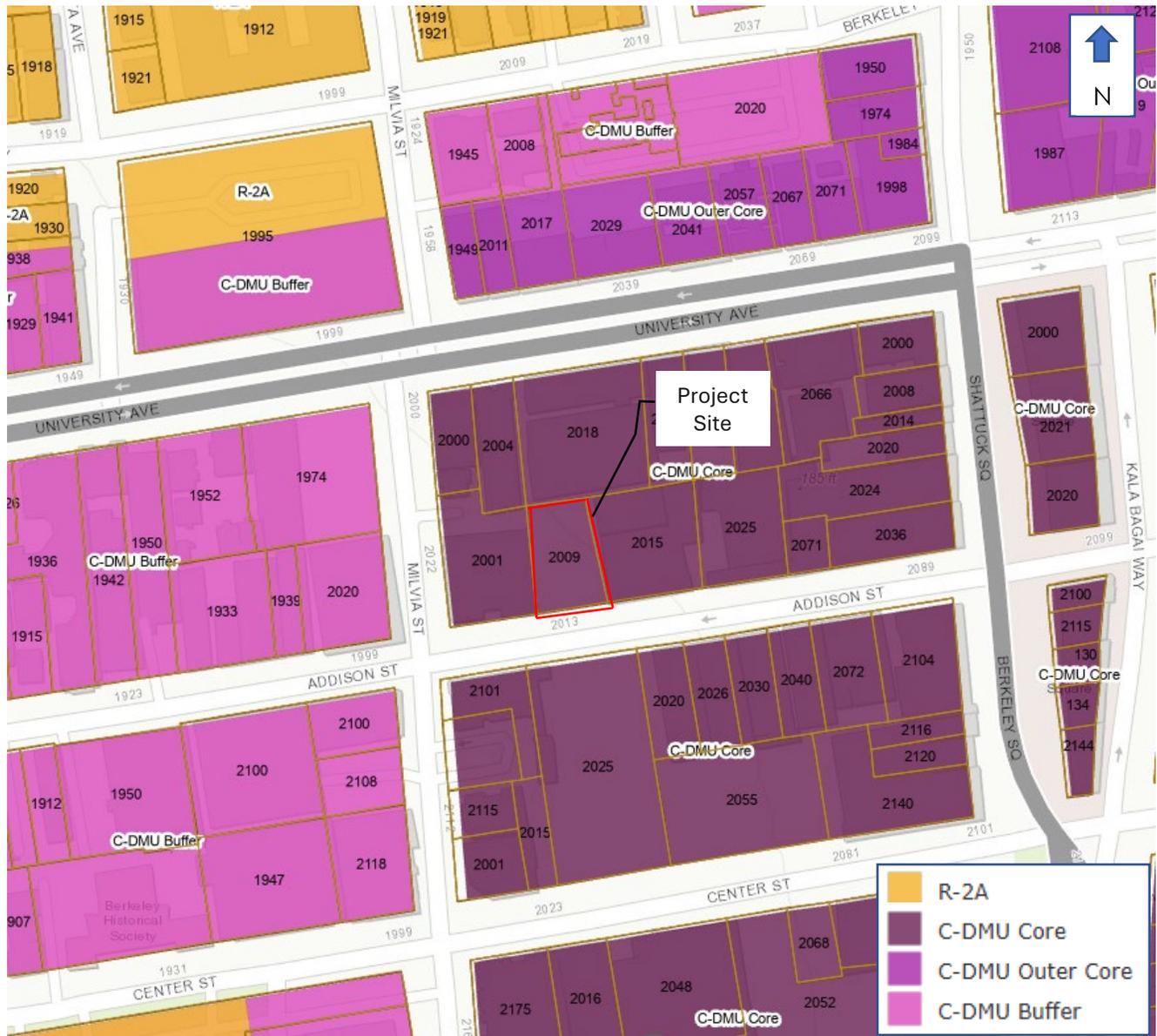
**APP # ZP2024-0111**  
**Use Permit: 2009 Addison Street**  
**Berkeley Repertory Theater**

**February 24, 2026**

Quick Facts	Project Description:
<p><b>Applicant:</b> Berkeley Repertory Theatre</p> <p><b>Project Address:</b> 2009 Addison Street</p> <p><b>Site Size:</b> 10,421 sq. ft.</p> <p><b>GP Land Use:</b> Downtown</p>	<p>The applicant is seeking approval to modify Use Permits ZP2018-0235 and ZP2017-0004 to allow a tourist hotel use in no more than nine existing apartment units, allow amplified live entertainment and group instruction in the ground floor studio space, and establish a new administrative use permit for on-site sales of alcoholic beverages as part of the public assembly use.</p>
<p><b>Zoning:</b> Downtown Mixed Use (Core) / Arts District Overlay</p>	<p><b>Zoning Permits Requested:</b></p>
<p><b>CEQA:</b> Categorically Exempt – Existing Facilities (Section 15301)</p>	<p>A Use Permit Public Hearing is required for the following permits:</p>
<p><b>Date Submitted:</b> 8/7/24</p>	<ol style="list-style-type: none"> <li>1. Use Permit pursuant to BMC Section 23.204.020 (A) <b>“Allowed Land Uses”</b> to establish a tourist hotel use.</li> </ol>
<p><b>Date Deemed Complete:</b> 9/16/24</p>	<ol style="list-style-type: none"> <li>2. Use Permit pursuant to BMC Section 23.204.020 (A) <b>“Allowed Land Uses”</b> to allow the creation of an entertainment establishment.</li> </ol>
<p><b>Project Planner:</b> Russell Roe</p>	<ol style="list-style-type: none"> <li>3. Administrative Use Permit pursuant to BMC Section 23.310.020 <b>“General Requirements Excluding When Incidental to Food Service”</b> to permit the on-site service of alcoholic beverages. (not subject to Zoning Adjustments Board approval)</li> </ol>
	<p><b>Staff Recommendation:</b></p>
	<p>Staff recommends that ZAB determine the project is exempt from CEQA pursuant to Section 15301 “Existing Facilities” of the CEQA Guidelines and approve ZP2024-0111 pursuant to Section 23.406.040 (E) <b>“Findings for Approval”</b> and subject to the attached Findings and Conditions of Approval.</p>

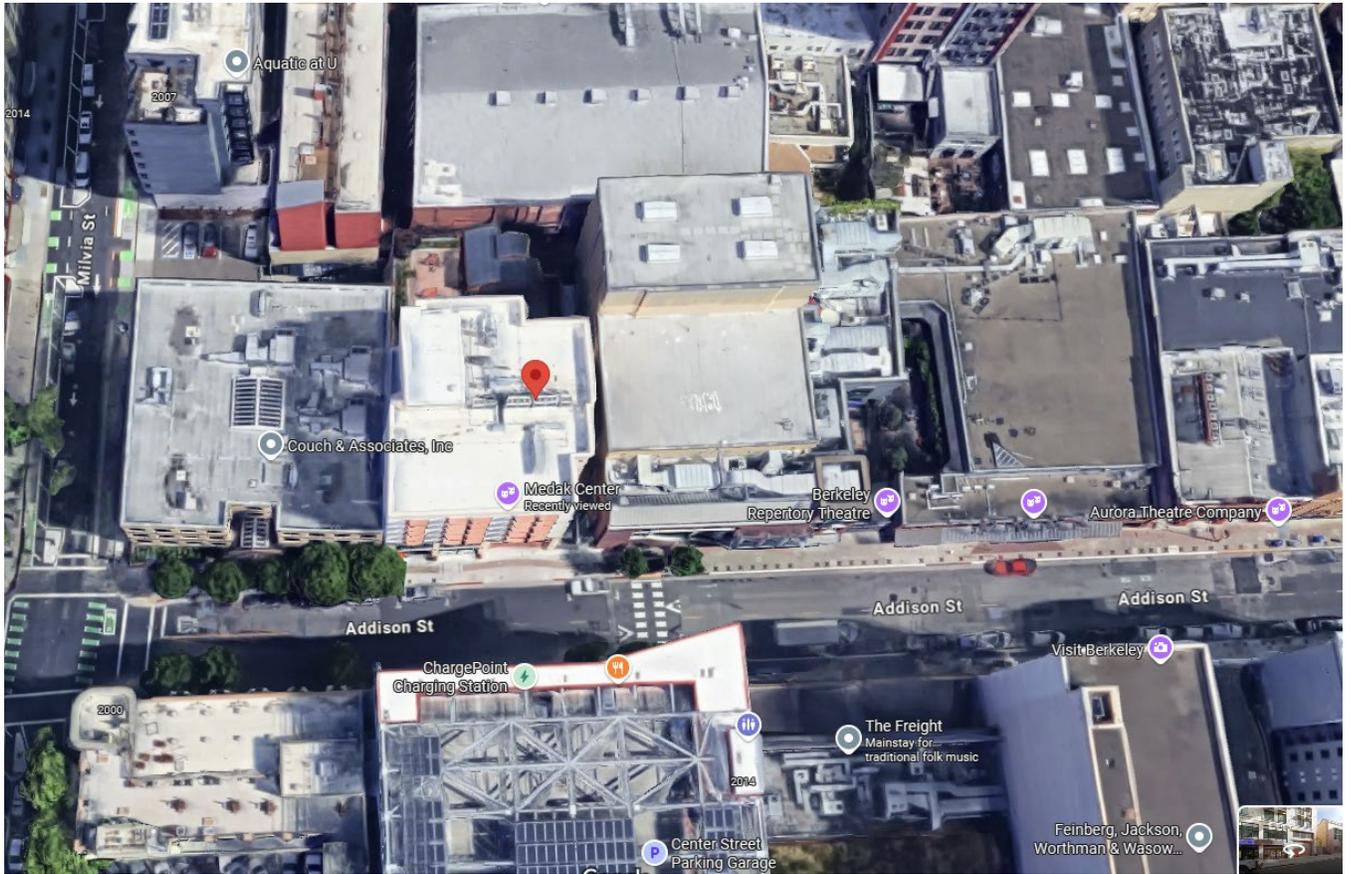
**ZONING MAP**

**Figure 1: Vicinity and Zoning Districts**



Comparison of Adjacent Properties			
Vicinity	GP Land Use	Zoning	Current Use
North	Downtown	C-DMU (core)	Mixed commercial
South			Public Parking Garage
East			Theater
West			Offices

**AERIAL**



**STREET ELEVATION**



**BACKGROUND**

**Subject Site**

The subject site is a 10,421 square-foot lot fully developed with a 7-story mixed-use building built in 2020 and owned by the Berkeley Repertory Theatre (Berkeley Rep). The first two floors include a mix of storage, loading, office, rehearsal space, and set production facilities. The upper five floors enclose 45 residential units that are currently designated for exclusive rental by travelling theater personnel and other non-profit organizations. It is located within the Downtown Mixed-Use (C-DMU) zoning district and the Downtown Arts District, immediately west of Berkeley Rep’s primary theaters at 2015 and 2025 Addison Street.

## Site History

In 2018 an application was approved to demolish the single-story building that formerly occupied the site and was used by Berkeley Rep for storage, and replaced it with the current 7-story mixed-use structure (ZP2017-0004). The 45 dwelling units were designated as rent-free and to be occupied exclusively by Berkeley Repertory Theatre artists, fellows, and theater professionals for varying lengths of time based on the needs of current productions. Berkeley Rep agreed to pay an in-lieu parking fee instead of providing 22 off-street parking spaces. They were also granted a waiver of the Affordable Housing Mitigation Fees under BMC 22.20.070, as all of the units were intended to be offered rent-free and would not, therefore, generate any new market-rate housing. A Condition of Approval was added to the permit that required Berkeley Rep to record a Notice of Limitation with the Alameda County Clerk/Recorder stating that all housing was to be offered rent free to theater professionals only.

In 2019 Berkeley Rep applied for, and the Zoning Adjustments Board (ZAB) approved, a modification of permit ZP2017-0004 to allow vacant dwelling units to be rented to other non-profit organizations (ZP2018-0235). The rationale was that there was a demand for this type of housing and that offering it would not create demand for new affordable housing in the City. The Affordable Housing Mitigation Fees remained waived.

## ANALYSIS

### Project Scope

The proposed project consists of three components:

- Modification of Condition #13 of Use Permit ZP2018-0235 to convert 9 units to a transient hotel use
- Creation of an entertainment establishment on the first floor
- Allowing on-site sales of alcoholic beverages as part of the public assembly use (not subject to ZAB approval)

### Condition Modification

Condition 13 of Berkeley Rep's current use permit (ZP2018-0235) states the following:

*"Notice of Limitation. The property owner shall record a Notice of Limitation on the subject property with the Alameda County Clerk/Recorder. The Notice of Limitation shall state that the approved housing shall be occupied exclusively by Berkeley Repertory Theatre's (BRT's) visiting artists, fellowship program participants and/or theatre professionals who are entitled to rent-free housing in connection with their contractual or scholastic association with BRT; and/or by visiting artists, fellowship program participants, faculty, visiting scholars and/or theatre or academic professional who are entitled to rent-free housing and/or whose housing costs are paid for in*

*connection with their contractual or scholastic association with another non-profit organization; and this Notice shall not be removed unless approved by the City of Berkeley.”*

Berkeley Rep has found that very few non-profit organizations are providing rent-free employee housing, and their own housing needs vary greatly depending on the production and other factors. The resulting occupancy ranges from 10% to 100% for the 45 units. Therefore, they propose to alter the Notice of Limitation Condition of Approval so that up to 9 of the units (the specific units would remain flexible as long as no more than 9 are rented at the same time) are permitted to be offered as standard hotel-type rentals. The new Notice of Limitation language (See Condition I.B.1) would read as follows:

*“Amended Notice of Limitation: The dwelling units in the Project shall be operated by Berkeley Repertory Theatre (BRT) and occupied primarily by Berkeley Repertory Theatre’s (BRT’s) visiting artists, fellowship program participants and/or theatre professionals who are entitled to rent-free housing in connection with or as a condition of their contractual or scholastic association with BRT; and any units which are not occupied may be occupied by others in accordance with the following priority:*

*1) Visiting artists, fellowship program participants, faculty, visiting scholars and/or theatre or academic professionals who are entitled to rent-free housing and/or whose housing costs are paid for in connection with their contractual or scholastic association with another non-profit or arts organization,*

*2) Tourist Hotel use for no more than nine (9) dwelling units (occupying 5,400 square feet of building floor area).*

### **Affordable Housing Mitigation Fees**

Use Permit ZP2017-0004 was approved by the ZAB with a finding that, due to the housing units being strictly rent-free and not market rate, the standard Affordable Housing Mitigation Fee was waived. Since the proposed project would allow nine units to be rented at market rates, Berkeley Rep has agreed to pay the appropriate impact fees for those nine units.

Affordable Housing Mitigation Fees for the portion of the building permitted to be used for market-rate occupancy will be calculated crediting the 5,000 square foot commercial building previously located on the parcel and demolished in connection with the 2009 Addison Street project. (See Condition II.1)

### **Entertainment Establishment**

The first floor of the subject building contains an unfinished space, which is approximately 1,586 square feet and has a 21-foot ceiling, and which is used primarily for storage and rehearsals. Berkeley Rep proposes to convert this area into an entertainment establishment which would have lighting, a sound system, and a flexible seating system (not fixed seats).

In addition to its continued use for rehearsals, it would also be used for a variety of amplified public performances which might include theatrical productions, dance performances, live music, group instruction, and the like.

### **Alcoholic Beverage Service**

Berkeley Rep currently holds a Type 64 alcoholic beverage license at its adjacent 2015-2025 Addison location. This license allows non-profit theater companies to sell and serve alcoholic beverages to ticketholders only during, and two hours prior to and one hour after, a bona fide theater performance of the company. They propose to extend this license to include the new entertainment establishment at 2009 Addison. This aspect of the project scope is approvable as an AUP so it is not subject to ZAB approval.

### **Findings**

Draft findings for approval can be found in Attachment 2 to the staff report.

### **Environmental Review**

Staff has determined that the project meets the criteria for a **Categorical Exemption**, pursuant to CEQA Guidelines Section 15301 “Existing Facilities”. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

## **POLICY CONSISTENCY**

### **General Plan Consistency**

The 2002 General Plan contains several policies applicable to the project, including the following:

1. Policy LU-1 Community Character. Maintain the character of Berkeley as a special, diverse, unique place to live and work.
2. Policy LU-16 Downtown Area Plan. Take actions to attain goals and policies in the Downtown Area Plan, which is an element of the General Plan. These policies include diversifying, revitalizing, and promoting the Downtown economy.
3. Policy LU-28 Impact Fees. Ensure that new development adequately mitigates impacts on transportation facilities and services, housing availability and affordability, child-care availability and affordability, or open space resources and facilities.

**Staff Analysis:** The Berkeley Repertory Theatre is in the center of Berkeley’s Downtown Arts District which is a regional destination for performing arts. This project will contribute to the theater’s ability to remain operationally viable and continue to contribute to the vibrancy and quality of life in the downtown area. Furthermore, the project will result in Berkeley Rep’s payment of affordable housing mitigation fees that would have otherwise remained waived under the original use permit.

### **Downtown Area Plan Consistency**

The 2012 Downtown Area Plan contains the following policy that is applicable to the project:

1. Policy LU-1. Encourage a thriving livable downtown that is a focal point for the city and a major destination for the region, with a unique concentration of housing, jobs and cultural destination near transit, shops and amenities.

**Staff Analysis:** The new entertainment facility that this project proposes will create another destination option for area residents and visitors and will, in turn, contribute to a thriving downtown.

### **Attachments**

1. Table 1-3: Project Chronology, Special Characteristics, Development Standards
2. Draft Findings and Conditions of Approval
3. Project Plans, September 10, 2024
4. Notice of Public Hearing

**Attachment 1**

Table 1-3: Project Chronology, Special Characteristics, Development Standards

**Table 1: Project Chronology**

Date	Action
8/7/24	Modification application submitted
8/19/24	Application deemed incomplete
9/16/24	Application deemed complete
10/16/24	Corrections letter issued
5/19/25	Resubmittal – significantly revised project plan
7/7/25	Status Update letter sent along with invoice; application processing
2/11/2026	Public hearing notices mailed/posted
2/26/26	ZAB hearing

**Table 2: Special Characteristics**

Characteristic	Applicability	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	These fees apply to net newly constructed nonresidential gross floor area over 7,500 square feet. The project includes less than 7,500 square feet of net new commercial space. Therefore, the project is not subject to these fees.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	Yes	These fees, which were applicable at the time of the original permit, were waived at that time because none of the housing units would be rentals. Under this new permit, because nine of the units will now be rentals, Berkeley Rep has agreed to pay this fee for those nine units. (See Project Scope above)
Affordable / Inclusionary Housing Requirements (BMC Chapter 23.328)	No	This project proposes the creation of rental housing and, therefore, the City’s inclusionary housing ordinance for for-sale housing will not apply.
Alcohol Sales/Service	Yes	The project proposes on-site alcoholic beverage service during performances.
Density Bonus	No	The project would not create below-market rate units.
Hard Hats (BMC Chapter 13.107)	No	This project does not involve new construction or expansion of 50,000 sq. ft. Therefore, these provisions do not apply.
Historic Resources	No	The building is less than 40 years old and does not meet the age threshold for a historic resource.

Characteristic	Applicability	Explanation
Rent Controlled Units	No	The project would not involve the demolition of non-residential structures; no rent-controlled units would be demolished
Residential Preferred Parking (RPP) BMC Section 14.72.080(C)(1)	No	The site is not located in an RPP zone.
Transit	Yes	The project site is served by multiple AC Transit bus lines (local and Transbay) that operate within ¼ mile of the site, and is approximately 0.1 miles west from the Downtown Berkeley Bay Area Rapid Transit (BART) Station.
Notes:		



## Zoning Adjustments Board Findings

App # ZP2024-0111  
 2009 Addison Street

February 26, 2026

Project Facts	Project Description:
<p><b>Applicant:</b> Berkeley Repertory Theater</p> <p><b>Property Owner:</b> Berkeley Repertory Theater</p> <p><b>Project Address:</b> 2009 Addison Street</p>	<p>The applicant is seeking approval to modify Use Permits ZP2018-0235 and ZP2017-0004 to allow a tourist hotel use in no more than nine existing apartment units, allow amplified live entertainment and group instruction in the ground floor studio space, and establish a new administrative use permit for on-site sales of alcoholic beverages as part of the public assembly use.</p>
<p><b>GP Land Use:</b> Downtown</p>	<p style="text-align: center;"><b>Permits Requested:</b></p>
<p><b>Zoning:</b> Downtown Mixed Use (Core)/ Arts District Overlay</p>	<p>1. Use Permit pursuant to BMC Section 23.204.020 (A) <b>“Allowed Land Uses”</b> to establish a tourist hotel use. *</p>
<p><b>CEQA:</b> Categorically Exempt Existing Facilities (Section 15301)</p>	<p>2. Use Permit pursuant to BMC Section 23.204.020 (A) <b>“Allowed Land Uses”</b> to allow the creation of an entertainment establishment. *</p>
<p><b>Submittal Date:</b> 8/7/24</p>	<p>3. Administrative Use Permit pursuant to BMC Section 23.310.020 <b>“General Requirements Excluding When Incidental to Food Service”</b> to permit the on-site service of alcoholic beverages. (not subject to Zoning Adjustments Board approval)</p>
<p><b>Date Deemed Complete:</b> 9/16/24</p>	<p>*Denotes required findings.</p>
<p><b>Project Planner:</b> Russell Roe</p>	<p style="text-align: center;"><b>Staff Recommendation</b></p>
	<p>Staff recommends that ZAB determine the project is exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”) and approve ZP2024-0111 pursuant to Section 23.406.040 (E) <b>“Findings for Approval”</b> and subject to the attached Findings and Conditions of Approval.</p>

## CEQA

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### Categorical Exemption

The project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301 “Existing Facilities”. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

Evidence: The current project does not alter the building envelope and future construction is limited to interior tenant improvements.

### **FINDINGS FOR APPROVAL**

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As required by BMC Section 23.406.040 (E) (1-4) “Findings for Approval,” the following findings shall be made:

1. To approve a Use Permit, the ZAB shall find that the proposed project or use:
  - (a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use; and

Evidence:

#### **Hotel Use**

The project will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area or neighborhood, of the proposed use because residential uses are already established at the subject site. The change in use for 9 of the 45 existing units to be rented for short-term stays does not change the occupancy or intensity of use.

#### **Alcohol Service**

The theater operators have successfully run the adjacent theaters with alcoholic beverage service without any impact to the surrounding neighborhood.

- (b) Will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.

Evidence: The project will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because the theater operators have been operating the adjacent theaters for a number of years without detrimental impacts or

complaints. The changes proposed by this project will enable Berkeley Repertory Theater to remain in operation, therefore benefitting the City by being a centerpiece of the Downtown Arts District.

2. To approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project.

BMC Section 23.204.130 (l) (1-2) "Permit Findings" C-DMU Downtown Mixed-Use District

1. Is compatible with the purposes of the district; and

Evidence: The project complies with the purposes of the District because it implements the vision and goals of the Downtown Area Plan. These include the following: Environmental Sustainability, Land Use, Access, Historic Preservation and Urban Design, Streets and Open Space, Housing and Community Health and Services, and Economic Development.

Because the building already exists, the proposed project will not affect most of these areas. However, the project will have a positive impact on economic development because:

- It is an arts and entertainment organization that is located in the Downtown Arts Overlay Zone, which has the purpose of supporting cultural activities and supportive commercial uses.
- Adding the new entertainment venue and allowing the limited tourist hotel use will support the organization's long-term economic viability.
- The Downtown Arts District brings people to the downtown area, where they spend money at the venues and at other downtown businesses.
- The transient hotel use will provide housing impact fees that the City would not otherwise have collected;

2. Is compatible with the surrounding uses and buildings.

Evidence: The project is compatible with the surrounding uses and buildings because the new proposed uses do not involve exterior changes. Aesthetic impacts are not expected. The uses are arts-related, which is the intended purpose of the Downtown Arts District in which this project is located.

3. When taking action on a Use Permit, the ZAB shall consider in its findings:
  - (a) The proposed land use; and

Evidence: The proposed land use is consistent because it doesn't significantly differ from the uses already in operation at this site and the theater's adjacent sites.

(b) The structure or addition that accommodates the use.

Evidence: The proposed land use is accommodated because no changes to the external structure are proposed.

4. Required findings shall be made based on the circumstances existing at the time a decision is made on the application.

Evidence: The required findings are satisfied because the project has been determined to be fully compliant with all applicable regulations based on the project plans submitted on August 7, 2024 and evaluated based on the existing conditions of the subject site and surrounding neighborhood at the time of decision.



**Site Address:** 2009 Addison Street (Berkeley Repertory Theater)  
**Application Number:** ZP2024-0111

**Project Description:** Use Permit #ZP2024-0111 to modify use permits ZP2018-0235 and ZP2017-0004 to allow a tourist hotel use in no more than nine existing apartments, allow amplified live entertainment and group instruction in the ground floor studio space, and establish a new administrative use permit for on-site sales of alcoholic beverages as part of the public assembly use.

### **STANDARD CONDITIONS OF APPROVAL APPLICABILITY**

Development projects approved through the City of Berkeley are subject to Standard Conditions of Approval (Standard COAs). The City of Berkeley has established Standard COAs that identify requirements for the construction and operation of the approved project. This includes general administrative conditions, permitting requirements, project construction and the regulation of on-going, and on-site uses. Compliance requirements with the Berkeley Municipal Code, building permit review and issuance process, construction, final inspection requirements, certificate of occupancy, and on-going operations of the approved use are included in this document.

The Standard COAs may vary based on site size, location, environmental settings, topography, historic alteration or approved uses. Variations in the application of the Standard COAs may occur based on the project scope and site-specific characteristics including but not limited to parcel size, location, topography, and use.

Conditions which have specified thresholds due to size, uses, and other characteristics are identified.

#### **Part I. Administrative Conditions**

- A. General Project Conditions
- B. Project Specific Conditions
- C. On-Going Operational Conditions

#### **Part II. Fees**

#### **Part III. During Demolition/Construction**

#### **Part IV. Alcoholic Beverage Conditions (on-site)**



**CONDITIONS OF APPROVAL**

**Site Address:** 2009 Addison  
**Application Number:** ZP2024-0111

<b>I. Administrative Conditions A. General Project Conditions</b>		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>
1.	<b>Project Approval.</b> This Project approval is for 2009 Addison, as substantially shown and described on the Project plans dated received September 10, 2024, except as required to be modified by Conditions of Approval herein and plans as presented to the Zoning Adjustments Board on February 26, 2026 (“Approval Date.”). For any Condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the Project applicant shall submit final plan(s) in substantial conformance with the conceptual plan and incorporate any required modifications.	City of Berkeley	On-Going	Land Use Planning
2.	<b>Approval Limited to Proposed Project and Replacement of Existing Uses.</b> This Use Permit authorizes only the Proposed Project described in the application. This project approval does not authorize other uses, structures or activities not included in the Project Description.  When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant shall obtain all permits required by the Zoning Ordinance for the use. (BMC Sections 23.404.060.B.1 and 2)	City of Berkeley <a href="#">BMC Section 23.404.060</a>	On-Going	Land Use Planning
3.	<b>Compliance Required.</b> All land uses and structures in the City of Berkeley shall comply with the Zoning Ordinance and all applicable City ordinances and regulations.	City of Berkeley <a href="#">BMC Section 23.102.050(B)</a>	On-Going	Land Use Planning
4.	<b>Other Regulations.</b> Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.	City of Berkeley <a href="#">BMC Section 23.102.050 (E)</a>	On-Going	Land Use Planning



**CONDITIONS OF APPROVAL**

**Site Address:** 2009 Addison  
**Application Number:** ZP2024-0111

<b>I. Administrative Conditions A. General Project Conditions</b>		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>
5.	<b>Conformance with Approved Plans.</b> All work performed under an approved Use Permit shall follow the approved plans as presented to ZAB on February 26, 2026 and any Conditions of Approval.	City of Berkeley <a href="#">BMC Section 23.404.060 (B)(4)</a>	On-Going	Land Use Planning
6.	<b>Permit Modifications.</b> No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Zoning Adjustments Board. The Zoning Officer may approve changes to plans approved by the Board which reduce the size of the Project, consistent with the Board’s policy adopted on May 24, 1978.	City of Berkeley <a href="#">BMC Section 23.404.070</a>	On-Going	Land Use Planning
7.	<b>Permit Revocation.</b> The City may revoke or modify a discretionary permit for completed projects due to: 1. Violations of permit requirements; 2. Changes to the approved project; and/or 3. Vacancy for one year or more.  No lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board, or City Council referral.	City of Berkeley <a href="#">BMC Section 23.404.080</a>	On-Going	Land Use Planning
8.	<b>Permit Remains Effective for Vacant Property.</b> Once a permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard COA #5 above.	City of Berkeley <a href="#">BMC Section 23.404.060</a>	On-Going	Land Use Planning



**CONDITIONS OF APPROVAL**

**Site Address:** 2009 Addison  
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<b>I. Administrative Conditions</b>		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>
<b>A. General Project Conditions</b>				
9.	<p><b>Exercise and Expiration of Permits</b> A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.</p> <p>A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.</p> <p>B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.</p> <p>C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the Zoning Adjustments Board in accordance with Chapter 23.410 (Appeals and Certification).</p> <p>D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant shall apply for and receive City approval of a new permit.</p>	<p>City of Berkeley  <a href="#">BMC Section 23.404.060 (C)</a></p>	On-Going	Land Use Planning



**CONDITIONS OF APPROVAL**

**Site Address:** 2009 Addison  
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<b>I. Administrative Conditions A. General Project Conditions</b>		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>
10.	<p><b>Hold Harmless.</b> The permittee agrees as a Condition of Approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney’s fees and disbursements (collectively, “Claims”) arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee’s duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.</p>	City of Berkeley	On-Going	Land Use Planning
11.	<p><b>Compliance with Conditions of Approval.</b> The Building Permit application is subject to verification of compliance of these Conditions of Approval. The applicant shall be responsible for demonstrating compliance with all Conditions of Approval per the timeline set forth by this Permit.</p>	City of Berkeley	On-Going	Land Use Planning



**CONDITIONS OF APPROVAL**

**Property Address:** 2009 Addison  
**Application Number:** ZP2024-0111

I. Administrative Conditions B. Project Specific Conditions		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	<p>Pursuant to BMC 23.404.050(H), the Zoning Adjustments Board attaches the following additional Conditions of Approval to this Permit:</p> <p><b>“Amended Limitation:”</b> The dwelling units in the Project shall be operated by Berkeley Repertory Theatre (BRT) and occupied <u>primarily</u> by Berkeley Repertory Theatre’s (BRT’s) visiting artists, fellowship program participants and/or theatre professionals who are entitled to rent-free housing in connection with <u>or</u> as a condition of their contractual or scholastic association with BRT; <u>and any units which are not occupied may be occupied by others in accordance with the following priority:</u></p> <p>1) Visiting artists, fellowship program participants, faculty, visiting scholars and/or theatre or academic professionals who are entitled to rent-free housing and/or whose housing costs are paid for in connection with their contractual or scholastic association with another non-profit <u>or arts</u> organization.</p> <p>2) Tourist Hotel use for no more than nine (9) dwelling units (occupying 5,400 square feet of building floor area).</p>	<p>City of Berkeley  <a href="#">BMC Section 23.040.050</a></p>	<p>On-Going</p>	<p>On-Going</p>
2.	<p><b>Transit Occupancy Tax Collection – Operator Requirements.</b>            The Transit Occupancy Tax shall be collected to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided.</p>	<p>City of Berkeley  <a href="#">BMC Section 7.36.050</a></p>	<p>On-Going</p>	<p>Finance Department</p>



**CONDITIONS OF APPROVAL**

**Property Address:** 2009 Addison  
**Application Number:** ZP2024-0111

<p>3.</p>	<p><b>Hotel Registration and Certificate required.</b>          Within 30 days after commencing business, the operator of the hotel renting occupancy to transients shall register said hotel with the tax administrator and obtain from them a "transient occupancy registration certificate" to be at all times posted in a conspicuous place on the premises. Said certificate shall, among other things, state the following:          A. The name of the operator;          B. The address of the hotel;          C. The date upon which the certificate was issued;          D. "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax Ordinance by registering with the Tax Administrator for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the Tax Administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this City. This certificate does not constitute a permit."</p>	<p>City of Berkeley  <a href="#">BMC Section 7.36.060</a></p>	<p>On-Going</p>	<p>Finance Department</p>
<p>4.</p>	<p><b>Reporting and Remitting of Amounts Collected.</b> The operator shall, on or before the last day of the month or at the close of any shorter reporting period which may be established by the tax administrator, make a return on the tax administrator, on forms provided by them of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the tax administrator. The tax administrator may establish shorter reporting periods for any certificate holder if they deem it necessary in order to insure collection of the tax and they may require further information in the return. Returns and payments are due immediately upon cessation of business or any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the City until payment thereof is made to the tax administrator.</p>	<p>City of Berkeley  <a href="#">BMC Section 7.36.070</a></p>	<p>On-Going</p>	<p>Finance Department</p>



**CONDITIONS OF APPROVAL**

**Property Address:** 2009 Addison  
**Application Number:** ZP2024-0111

5.	<p><b>Delinquent or fraudulent payment--Penalties and interest charged.</b></p> <p>A. Original delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of 10% of the amount of the tax in addition to the amount of the tax.</p> <p>B. Continued delinquency. Any operator who fails to remit any delinquent remittance on or before a period of 30 days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of 10% of the amount of the tax in addition to the amount of the tax and the 10% penalty first imposed.</p> <p>C. Fraud. If the tax administrator determines that the nonpayment of any remittance due under this ordinance is due to fraud, a penalty of 25% of the amount of the tax shall be added thereto in addition to the penalties stated in subsections A and B of this section.</p> <p>D. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of 1% per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.</p> <p>E. Penalties merged with tax. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid.</p>	<p>City of Berkeley  <a href="#">BMC Section 7.36.080</a></p>	<p>On-Going</p>	<p>Finance Department</p>
6.	<p><b>Failure to collect or report--Tax administrator determination authority--Notice and hearing.</b> If any operator shall fail or refuse to collect said tax and to make, within the time provided in this chapter, any report and remittance of said tax or any portion thereof required by this chapter, the tax administrator shall proceed in such manner as they may deem best to obtain facts and information on which to base their estimate of the tax due. As soon as the tax administrator shall procure such facts and information as they are able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, they shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the tax administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed</p>	<p>City of Berkeley  <a href="#">BMC Section 7.36.090</a></p>	<p>On-Going</p>	<p>Finance Department</p>



**CONDITIONS OF APPROVAL**

**Property Address:** 2009 Addison  
**Application Number:** ZP2024-0111

	to the operator so assessed at their last known place of address. Such operator may within ten days after the serving or mailing of such notice, make application in writing to the tax administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the tax administrator shall become final and conclusive and immediately due and payable. If such application is made, the tax administrator shall give not less than five days' written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in said notice why said amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the tax administrator shall determine their proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties, the amount determined to be due shall be payable after 15 days unless an appeal is taken as provided in Section <a href="#">7.36.095</a> .			
7.	<b>Record Keeping Required.</b> The operator is liable for the collection and payment of the Transient Occupancy Tax to the City to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such tax as they may have been liable for the collection of and payment to the City, which records the tax administrator shall have the right to inspect at all reasonable times.	City of Berkeley <a href="#">BMC Section 7.36.110</a>	On-Going	Finance Department

<b>I. Administrative Conditions</b>		<b>Regulation Source</b>	<b>Timing/Implementation</b>	<b>Enforcement/Monitoring</b>
<b>C. On-Going Operational Conditions</b>				
1.	<b>Ground Floor Studio Space.</b> The ground floor studio space and use shall operate pursuant to the applicant statement submitted with the application dated August 7, 2024. The Studio shall not have fixed seats and	City of Berkeley	On-Going	Land Use Planning



**CONDITIONS OF APPROVAL**

**Property Address:** 2009 Addison  
**Application Number:** ZP2024-0111

	shall not be considered a “theater”.			
2.	<b>Ground Floor Studio Space: Noise Ordinance.</b> The ground floor studio space is subject to compliance with the provisions of the City’s Noise Ordinance and shall comply with the requirements at all time.	City of Berkeley <a href="#">BMC 13.40</a>	On-Going	Land Use Planning and Environmental Health



**CONDITIONS OF APPROVAL**

**Property Address:** 2009 Addison  
**Application Number:** ZP2024-0111

<b>II. Fees</b>		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>
1.	<b>Payment of Affordable Housing In-Lieu Fee.</b> The Affordable Housing In-Lieu Fee shall be paid as required by BMC Section 23.328.030(B) and Resolution 70,698 N.S. The fee is calculated based on the dollar amount that is current as of the time the building permit is issued. Any adjustments to the fee will be determined prior to building permit issuance as part of the Affordable Housing Compliance Plan approval. The In-Lieu Fee shall be paid prior to the issuance of the first Certificate of Occupancy, or if no Certificate of Occupancy is required, prior to the final inspection of the Project.	City of Berkeley <a href="#">BMC Section 23.328.030 (B)</a>	Prior to Certificate of Occupancy	Health, Housing and Community Services

<b>III. During Demolition/Construction</b> <b>A. Building &amp; Safety</b>		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>
1.	<b>Construction Hours.</b> Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal holiday.	City of Berkeley <a href="#">BMC 13.40.070 (B) (7)</a>	During Demolition/ Construction	Building & Safety



**CONDITIONS OF APPROVAL**

**Property Address:** 2009 Addison

**Application Number:** ZP2024-0111

2.	<p><b>Construction Hours Exceptions.</b> Prior to initiating any activity that might require a longer period, the applicant shall notify the Zoning Officer in writing and request an exception for a specific period of time.</p> <p>If an exception is approved, then the applicant shall notify businesses and residents within 500 feet of the Project site describing the expanded construction hours two weeks prior to the expanded schedule start. The Project shall only be allowed 15 extended working days.</p>	City of Berkeley	During Demolition/ Construction	Environmental Health & Land Use Planning
3.	<p><b>Project Construction Website.</b> The applicant shall establish a project construction website with the following information clearly accessible and updated monthly or more frequently as changes warrant:</p> <ul style="list-style-type: none"> <li>• Contact information (i.e. “hotline” phone number, and email address) for the Project construction manager</li> <li>• Calendar and schedule of daily/weekly/monthly construction activities</li> <li>• The final Conditions of Approval, Mitigation Monitoring and Reporting Program, Transportation Construction Plan, Construction Noise Reduction Program, and any other reports or programs related to construction noise, air quality, and traffic.</li> </ul>	City of Berkeley	During Demolition/ Construction	Building & Safety
4.	<p><b>Construction / No Parking Permits.</b> If “Construction/No Parking Permits” are required, the applicant shall contact the Permit Service Center for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). The Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health or safety of the surrounding neighborhood.</p>	City of Berkeley	During Demolition/ Construction	Building & Safety



**CONDITIONS OF APPROVAL**

**Property Address:** 2009 Addison

**Application Number:** ZP2024-0111

IV. ALCOHOLIC BEVERAGE SERVICE CONDITIONS (on-site)		Regulation Source	Timing/ Implementation	Enforcement/ Monitoring
1.	<b>Authority &amp; Revocation.</b> This Use Permit for alcoholic beverage service is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.	City of Berkeley <a href="#">BMC Section 23.404.080</a>	On-Going	Land Use Planning Code/ Enforcement Officer
2.	<b>Department of Alcoholic Beverage Control Authority.</b> The establishment shall comply with all applicable regulations of the California Department of Alcoholic Beverage Control (ABC) for Type 64 license regulations.	Department of Alcoholic Beverage Control	On-Going	Department of Alcoholic Beverage Control
3.	<b>Service Duration.</b> The service of alcoholic beverages shall be limited to ticketholders only during, and two hours prior to and one hour after, a bona fide theater performance of the company (per California Department of Alcoholic Beverage Control regulations for Type 64 licenses).	Department of Alcoholic Beverage Control	On-Going	Department of Alcoholic Beverage Control
4.	<b>CPTED.</b> A Berkeley Police Department Crime Prevention Through Environmental Design (CPTED) survey shall be completed prior to commencing alcohol service.	City of Berkeley	On-Going	Land Use Planning Code/ Enforcement Officer
5.	<b>Employee Training.</b> All employees selling and/or serving alcohol, or directly supervising such sales and/or service, shall complete the Licensee Education on Alcohol and Drugs (LEAD) program, or another equivalent program offered or certified by the California Department of Alcoholic Beverage Control within 6 months of employment at the establishment. Employees who have completed the course within the last five (5) years shall be exempt from this requirement.	City of Berkeley	On-Going	Land Use Planning Code/ Enforcement Officer
6.	<b>Serving Limitations.</b> Employees shall not serve alcohol to patrons who appear to be inebriated or otherwise	Department of Alcoholic	On-Going	Land Use Planning



**CONDITIONS OF APPROVAL**

**Property Address:** 2009 Addison

**Application Number:** ZP2024-0111

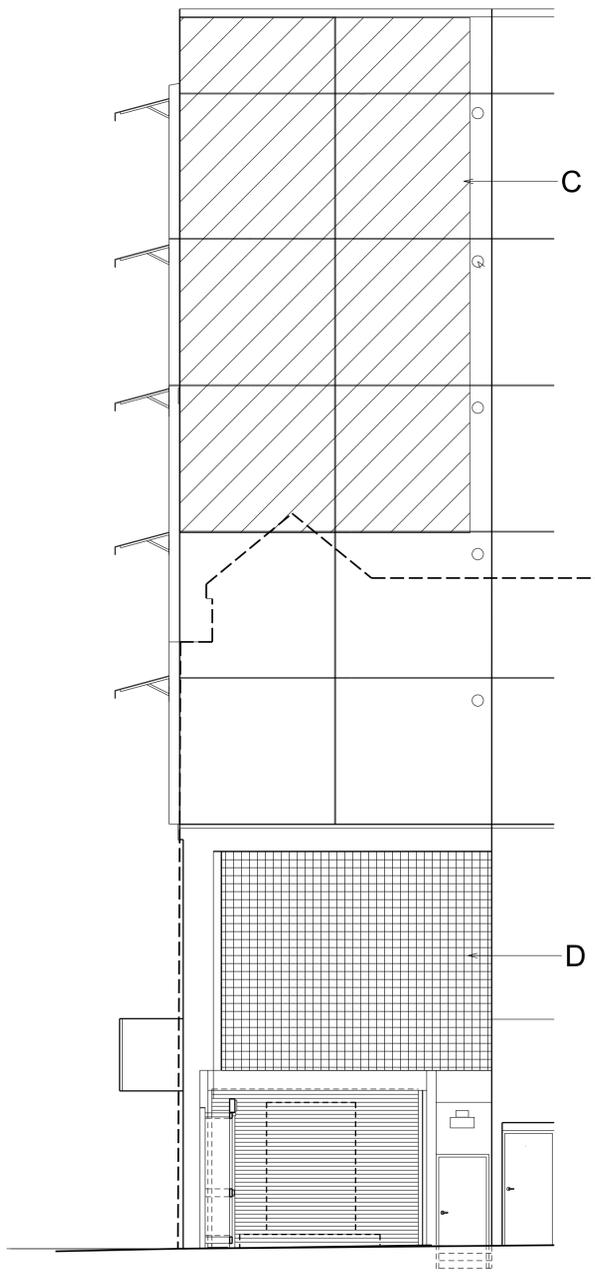
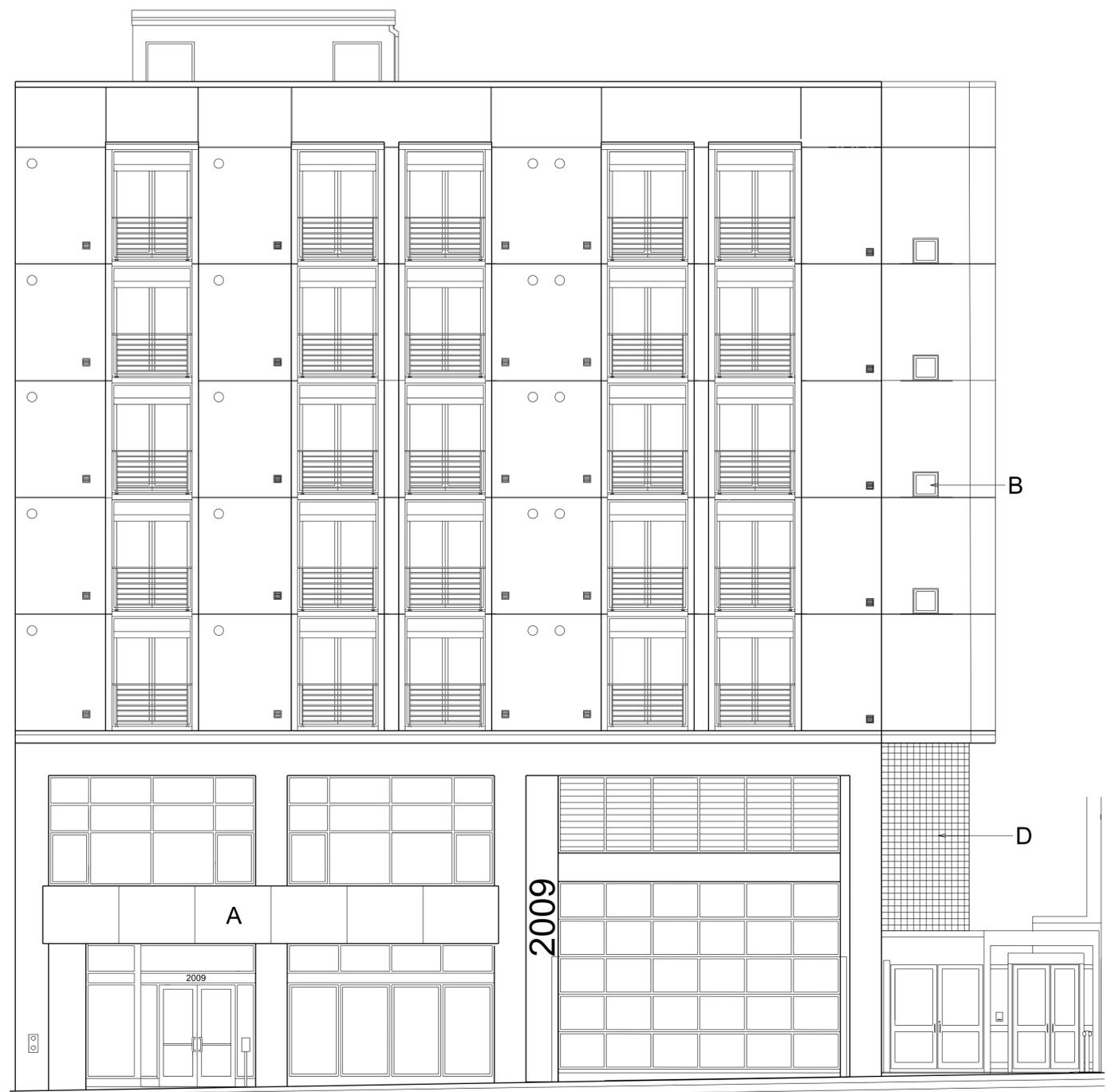
	unable to behave in an orderly manner upon consuming alcohol.	Beverage Control		Code/ Enforcement Officer
7.	<b>Prior Complaints.</b> Any operator of the licensed establishment shall not have had a prior licensed establishment that was the subject of verified complaints or violations regarding alcohol, public safety or nuisance statutes or regulations to be confirmed by the Zoning Officer prior to issuance or transfer of a business license at this location.	City of Berkeley	On-Going	Land Use Planning Code Enforcement Officer
8.	<p><b>Prohibited Uses.</b></p> <p><b>A. Off-Site Consumption Prohibited.</b> The sale of alcoholic beverages for consumption off the premises is prohibited.</p> <p><b>B. Prohibition of Fortified Alcohol Products.</b> Fortified alcohol products (e.g., malt liquor), shall not be sold on the premises.</p> <p><b>C. Prohibition of Third-Party Promoter.</b> At no time shall the operator rent the space to a third-party promoter.</p> <p><b>D. Advertising Prohibited.</b> <a href="#">BMC Section 20.67.030</a> There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Neither alcohol-dispensing facilities nor sign(s) advertising alcoholic beverages shall be visible from the public right-of-way. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.</p> <p><b>E. Lounge Prohibited.</b> There shall be no bar or lounge area upon the licensed premises maintained for the sole purpose of sales, service or consumption of alcoholic beverages directly to patrons for consumption.</p>	City of Berkeley	On-Going	Land Use Planning Code Enforcement Officer



21 TAMAL VISTA BLVD.-SUITE 192  
 CORTE MADERA, CA 94925  
 (415) 758-7153

PROJECT:

BRT MIXED-USE PROJECT AT 2009 ADDISON STREET  
 BERKELEY, CALIFORNIA



- A. MARQUEE WITH VIDEO PANELS
- B. WINDOWS AT STAIR #2
- C. WALL AREA TO BE USED FOR DECORATIVE DISPLAY
- D. VINES ON METAL MESH

PROPOSED REVISIONS OF ADDISON STREET ELEVATION

3/16"=1'-0"



SHEET TITLE  
 PROPOSED REVISIONS  
 OF ADDISON STREET  
 ELEVATION

DATE 05.11.20 SCALE 3/16"=1'-0"

SHEET  
**DR-3**







21 TAMAL VISTA BLVD-SUITE 187  
CORTE MADERA, CA 94925  
(415) 758-7153

PROJECT:

BRT MIXED-USE PROJECT AT 2009 ADDISON STREET  
BERKELEY, CALIFORNIA

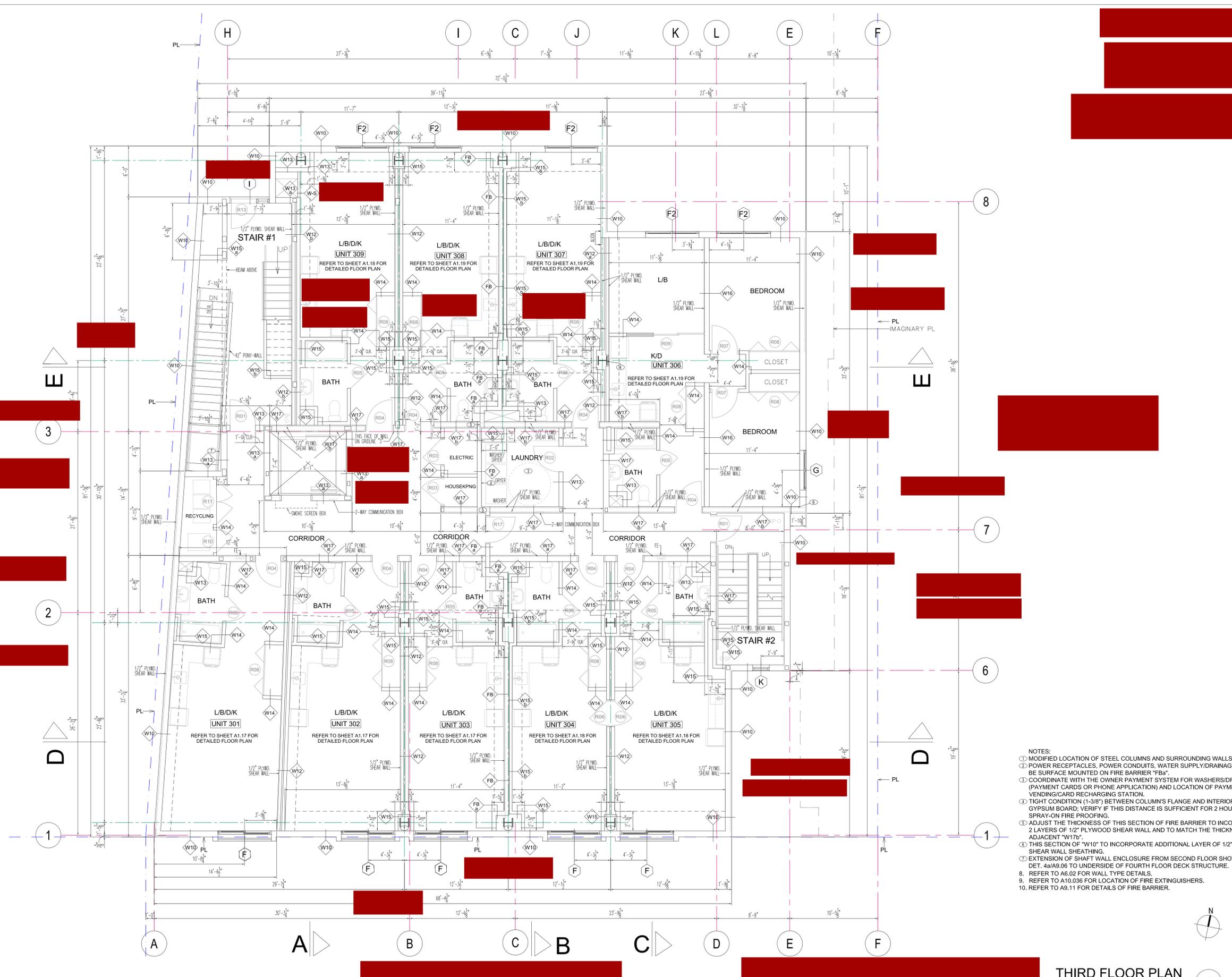
DATE	ISSUE
07/30/2021	BULLETIN #9



SHEET TITLE  
THIRD FLOOR PLAN

DATE	SCALE
07.30.2021	3/16" = 1'-0"

SHEET  
**A1.03**



- NOTES:
- MODIFIED LOCATION OF STEEL COLUMNS AND SURROUNDING WALLS.
  - POWER RECEPTACLES, POWER CONDUITS, WATER SUPPLY/DRAINAGE LINES TO BE SURFACE MOUNTED ON FIRE BARRIER "FBa".
  - COORDINATE WITH THE OWNER PAYMENT SYSTEM FOR WASHERS/DRYERS (PAYMENT CARDS OR PHONE APPLICATION) AND LOCATION OF PAYMENT CARD VENDING/CARD RECHARGING STATION.
  - TIGHT CONDITION (1-3/8") BETWEEN COLUMN'S FLANGE AND INTERIOR SIDE OF GYPSUM BOARD; VERIFY IF THIS DISTANCE IS SUFFICIENT FOR 2 HOUR RATED SPRAY-ON FIRE PROOFING.
  - ADJUST THE THICKNESS OF THIS SECTION OF FIRE BARRIER TO INCORPORATE 2 LAYERS OF 1/2" PLYWOOD SHEAR WALL AND TO MATCH THE THICKNESS OF ADJACENT "W17S".
  - THIS SECTION OF "W10" TO INCORPORATE ADDITIONAL LAYER OF 1/2" PLYWOOD SHEAR WALL SHEATHING.
  - EXTENSION OF SHAFT WALL ENCLOSURE FROM SECOND FLOOR SHOWN ON DET. 4a/A9.06 TO UNDERSIDE OF FOURTH FLOOR DECK STRUCTURE.
  - REFER TO A6.02 FOR WALL TYPE DETAILS.
  - REFER TO A10.036 FOR LOCATION OF FIRE EXTINGUISHERS.
  - REFER TO A9.11 FOR DETAILS OF FIRE BARRIER.

THIRD FLOOR PLAN

3/16" = 1'-0"

1



21 TAMAL VISTA BLVD.-SUITE 187  
CORTE MADERA, CA 94925  
(415) 758-7153

PROJECT:

BRT MIXED-USE PROJECT AT 2009 ADDISON STREET  
BERKELEY, CALIFORNIA

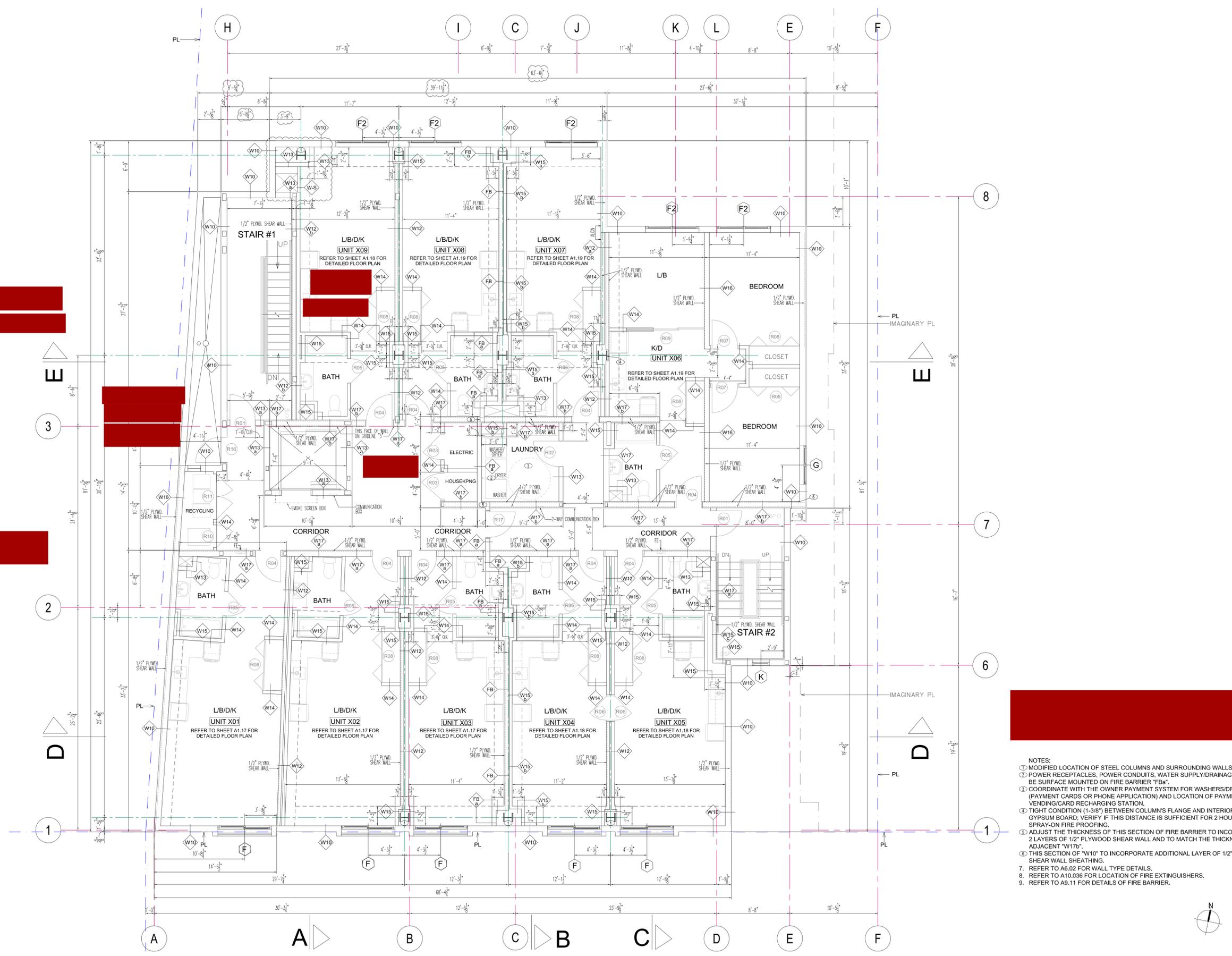
DATE	ISSUE
07/30/2021	BULLETIN #9



SHEET TITLE  
FOURTH FLOOR PLAN

DATE	SCALE
07/30/2021	3/16" = 1'-0"

SHEET  
**A1.04**



- NOTES:
1. MODIFIED LOCATION OF STEEL COLUMNS AND SURROUNDING WALLS.
  2. POWER RECEPTACLES, POWER CONDUITS, WATER SUPPLY/DRAINAGE LINES TO BE SURFACE MOUNTED ON FIRE BARRIER "FBA".
  3. COORDINATE WITH THE OWNER PAYMENT SYSTEM FOR WASHERS/DRYERS (PAYMENT CARDS OR PHONE APPLICATION) AND LOCATION OF PAYMENT CARD VENDING/CARD RECHARGING STATION.
  4. TIGHT CONDITION (1-3/8") BETWEEN COLUMN'S FLANGE AND INTERIOR SIDE OF GYPSUM BOARD; VERIFY IF THIS DISTANCE IS SUFFICIENT FOR 2 HOUR RATED SPRAY-ON FIRE PROOFING.
  5. ADJUST THE THICKNESS OF THIS SECTION OF FIRE BARRIER TO INCORPORATE 2 LAYERS OF 1/2" PLYWOOD SHEAR WALL AND TO MATCH THE THICKNESS OF ADJACENT "W17b".
  6. THIS SECTION OF "W10" TO INCORPORATE ADDITIONAL LAYER OF 1/2" PLYWOOD SHEAR WALL SHEATHING.
  7. REFER TO A6.02 FOR WALL TYPE DETAILS.
  8. REFER TO A10.036 FOR LOCATION OF FIRE EXTINGUISHERS.
  9. REFER TO A9.11 FOR DETAILS OF FIRE BARRIER.

FOURTH FLOOR PLAN

3/16" = 1'-0"



1



21 TAMAL VISTA BLVD.-SUITE 187  
 CORTE MADERA, CA 94925  
 (415) 758-7153

PROJECT:

BRT MIXED-USE PROJECT AT 2009 ADDISON STREET  
 BERKELEY, CALIFORNIA

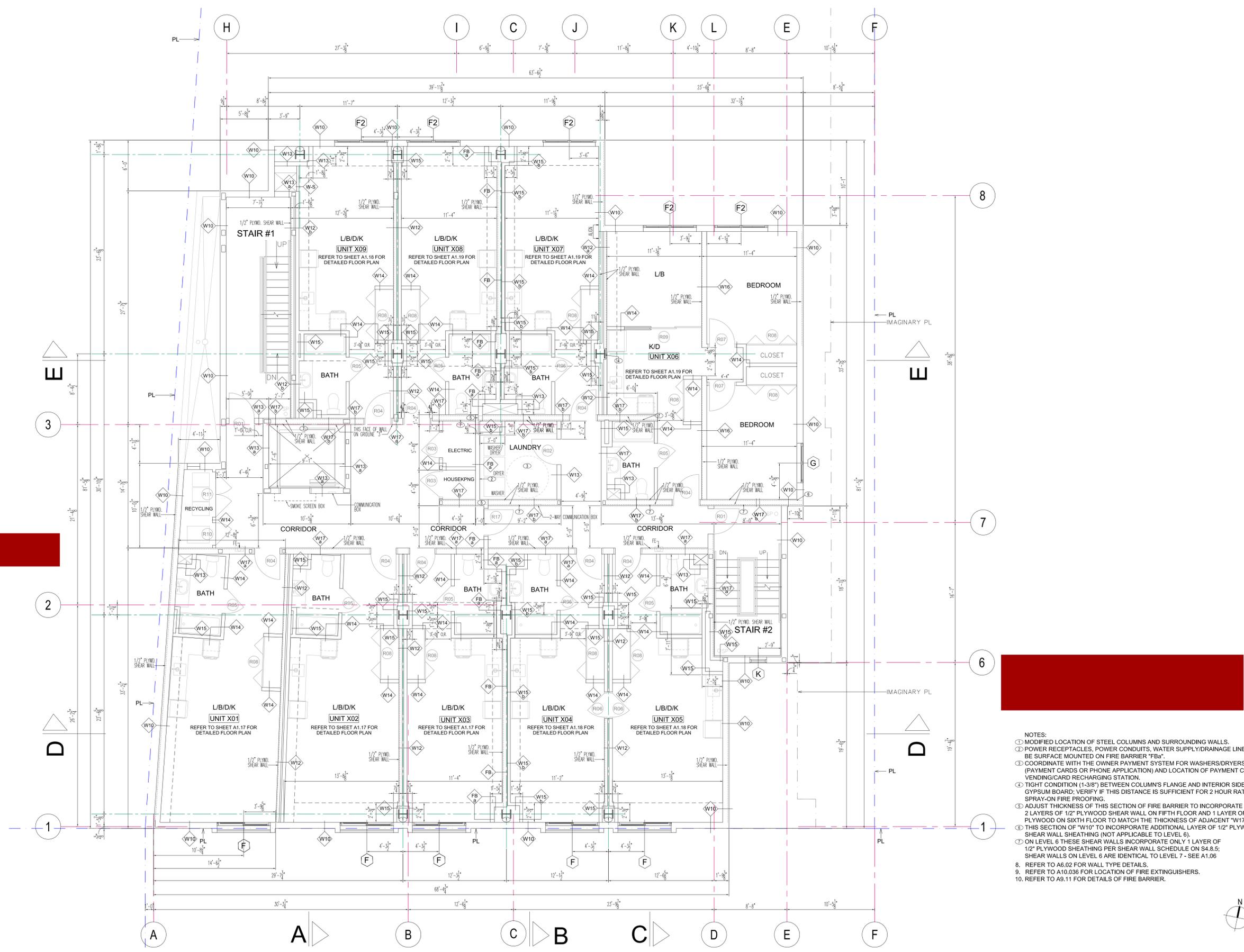
DATE	ISSUE
07/30/2021	BULLETIN #9



SHEET TITLE  
 FIFTH AND SIXTH FLOOR PLAN

DATE	SCALE
07.30.2021	3/16" = 1'-0"

SHEET  
**A1.05**



- NOTES:
- MODIFIED LOCATION OF STEEL COLUMNS AND SURROUNDING WALLS.
  - POWER RECEPTACLES, POWER CONDUITS, WATER SUPPLY/DRAINAGE LINES TO BE SURFACE MOUNTED ON FIRE BARRIER "Fba".
  - COORDINATE WITH THE OWNER PAYMENT SYSTEM FOR WASHERS/DRYERS (PAYMENT CARDS OR PHONE APPLICATION) AND LOCATION OF PAYMENT CARD VENDING/CARD RECHARGING STATION.
  - TIGHT CONDITION (1-3/8") BETWEEN COLUMN'S FLANGE AND INTERIOR SIDE OF GYPSUM BOARD; VERIFY IF THIS DISTANCE IS SUFFICIENT FOR 2 HOUR RATED SPRAY-ON FIRE PROOFING.
  - ADJUST THICKNESS OF THIS SECTION OF FIRE BARRIER TO INCORPORATE 2 LAYERS OF 1/2" PLYWOOD SHEAR WALL ON FIFTH FLOOR AND 1 LAYER OF 1/2" PLYWOOD ON SIXTH FLOOR TO MATCH THE THICKNESS OF ADJACENT "W17b".
  - THIS SECTION OF "W10" TO INCORPORATE ADDITIONAL LAYER OF 1/2" PLYWOOD SHEAR WALL SHEATHING (NOT APPLICABLE TO LEVEL 6).
  - ON LEVEL 6 THESE SHEAR WALLS INCORPORATE ONLY 1 LAYER OF 1/2" PLYWOOD SHEATHING PER SHEAR WALL SCHEDULE ON S4.8.5; SHEAR WALLS ON LEVEL 6 ARE IDENTICAL TO LEVEL 7 - SEE A1.06
  - REFER TO A6.02 FOR WALL TYPE DETAILS.
  - REFER TO A10.036 FOR LOCATION OF FIRE EXTINGUISHERS.
  - REFER TO A9.11 FOR DETAILS OF FIRE BARRIER.

FIFTH AND SIXTH FLOOR PLAN

3/16" = 1'-0"

1







21 TAMAL VISTA BLVD.-SUITE 187  
 CORTE MADERA, CA 94925  
 (415) 758-7153

PROJECT:  
 BRT MIXED-USE PROJECT AT 2009 ADDISON STREET  
 BERKELEY, CALIFORNIA

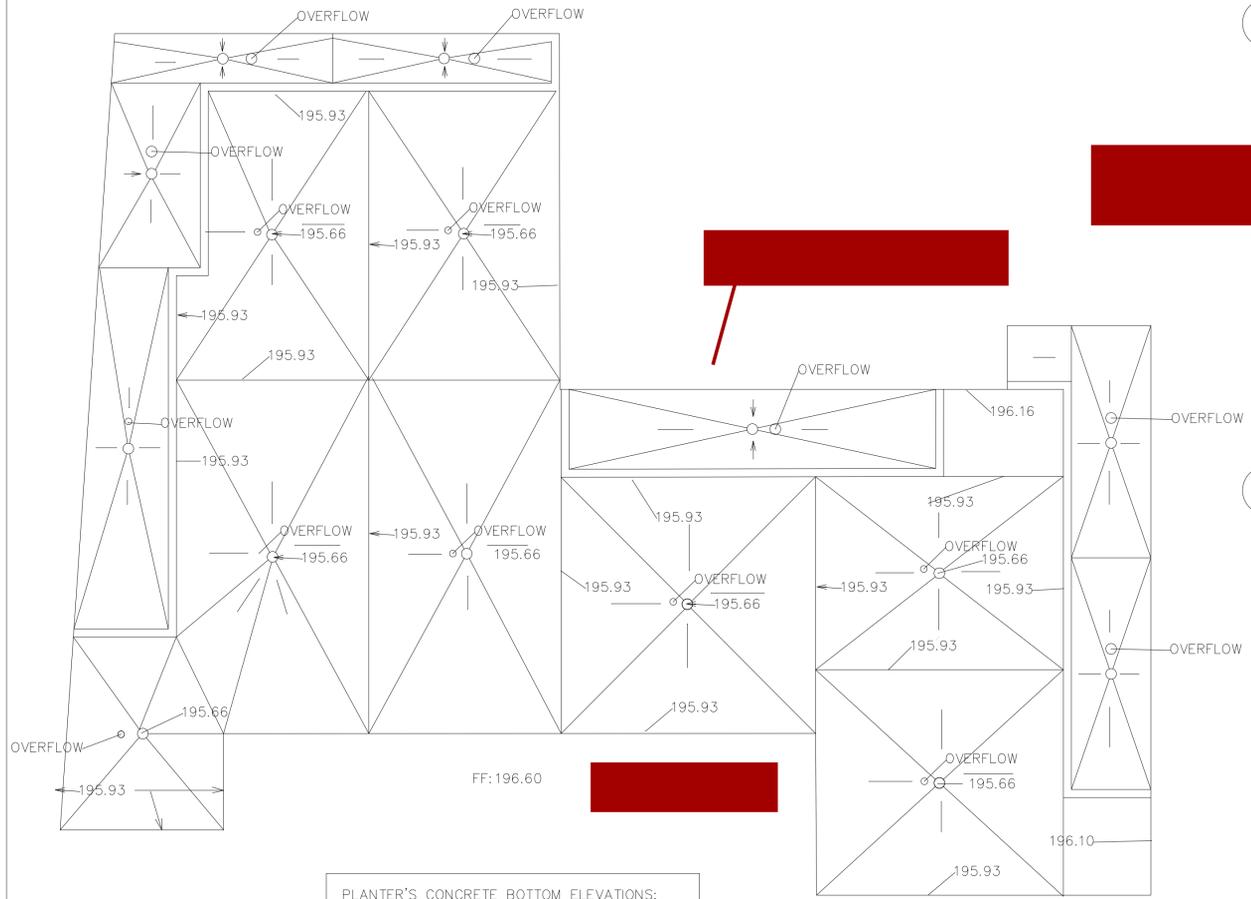
DATE	ISSUE
06/30/2021	RFI 93



SHEET TITLE  
 THIRD FLOOR TERRACE AND DRAINAGE PLANS

DATE	SCALE
06.30.2021	3/16" = 1'-0"

SHEET  
**A1.13**

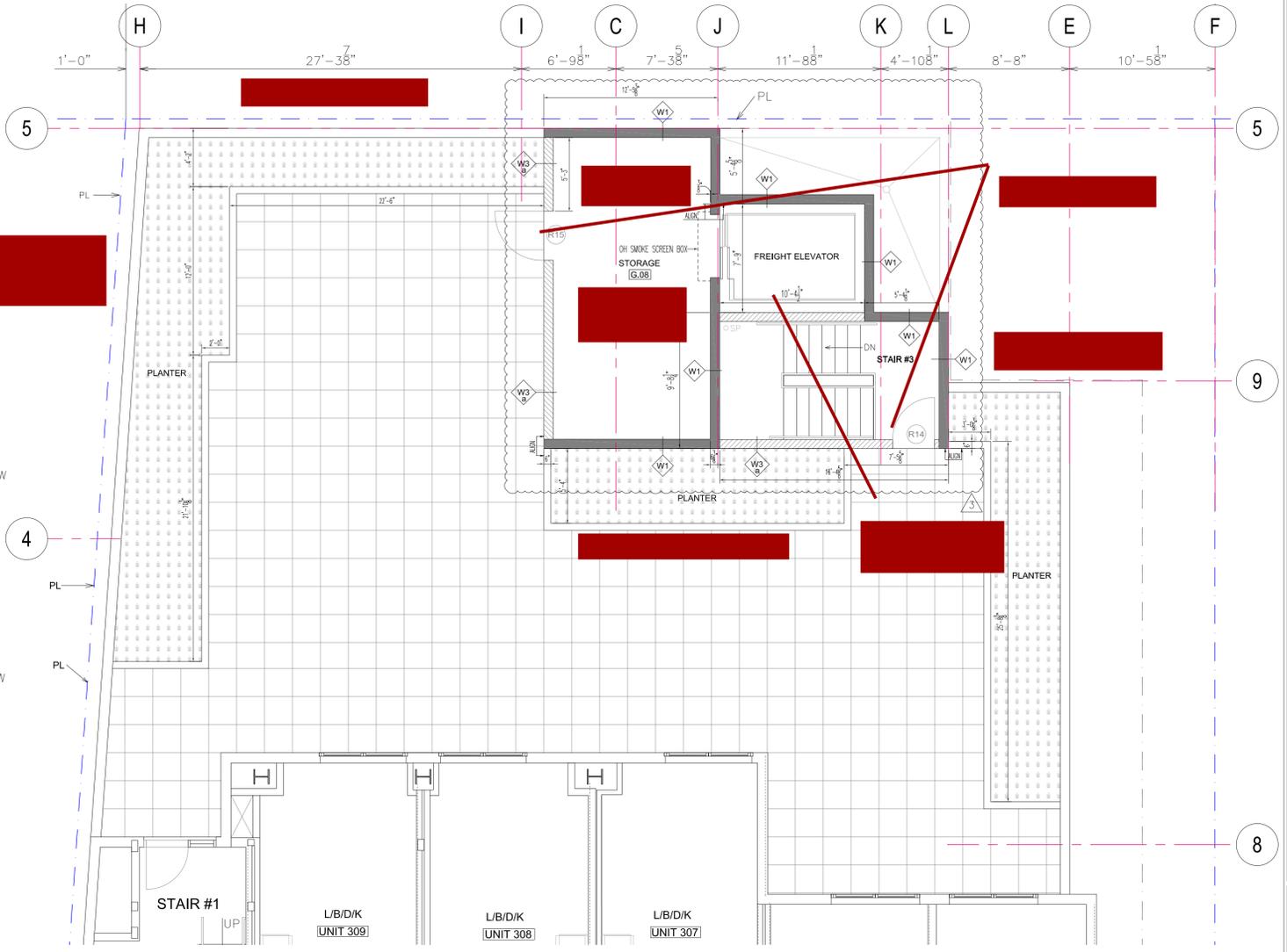


PLANTER'S CONCRETE BOTTOM ELEVATIONS:  
 AT DRAINS: 195.66  
 AT RIDGES AND PERIMETER: 195.93

THIRD FLOOR TERRACE DRAINAGE PLAN

3/16" = 1'-0"

2

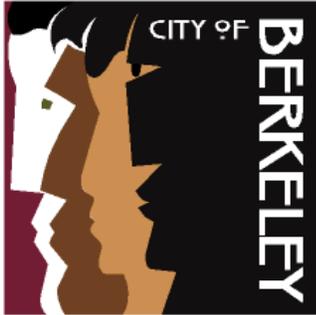


THIRD FLOOR TERRACE PLAN

3/16" = 1'-0"

1





Z O N I N G  
A D J U S T M E N T S  
B O A R D  
NOTICE OF PUBLIC HEARING

## 2009 Addison Street

Use Permit ZP2024-0111 to modify use permits ZP2018-0235 and ZP2017-0004 to allow a tourist hotel use in no more than nine existing apartment units, allow amplified live entertainment and group instruction in the ground floor studio space, and establish a new administrative use permit for on-site sales of alcoholic beverages as part of the public assembly use.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance, Section [23.404.050 \(Public Hearings and Decisions\)](#)

**When:** Thursday, February 26, 2026, 7:00 pm

**Where:** Berkeley Unified School District meeting room, 1231 Addison Street, (wheelchair accessible) with remote/hybrid option (via Zoom).

Please visit: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board> and click on the hearing date to access the most up-to-date meeting information, or call the Land Use Planning division (510) 981-7410.

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION AVAILABLE FOR MEMBERS OF THE PUBLIC.**

*For in-person attendees, face coverings or masks that cover both the nose and mouth are encouraged. If you're feeling sick, please do not attend the meeting in-person as a public health precaution.*

*Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Commission meeting. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons that need to distance for personal health reasons.*

**A. Land Use Designations:**

- General Plan: General Plan: DT – Downtown; Downtown Area Plan
- Zoning: C-DMU (Corridor) – Downtown Mixed-Use Commercial District (Core) / Arts District Overlay

**B. Zoning Permits Required:**

- Use Permit under BMC Section 23.204.020(A) “**Allowed Land Uses**” to establish a tourist hotel use
- Use Permit under BMC Section 23.204.020(A) “**Allowed Land Uses**” to allow the creation of an entertainment establishment
- Administrative Use Permit under BMC Section 23.310.020 “**General Requirements Excluding When Incidental to Food Service**” to permit the on-site service of alcoholic beverages

**C. CEQA Recommendation:** Categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).

**D. Project Recommendation:** Approve Use Permit #ZP2024-0111 pursuant to BMC Section 23.406.040(D)

**E. Parties Involved:**

- Applicant: Berkeley Repertory Theater, Berkeley, CA
- Property Owner: Berkeley Repertory Theater, Berkeley, CA

**Further Information:**

All application materials are available online at:  
<https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>.

The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>.

Questions about the project should be directed to the project planner, Russell Roe, at (510) 981-7548 or [rroe@berkeleyca.gov](mailto:rroe@berkeleyca.gov).

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at [zab@berkeleyca.gov](mailto:zab@berkeleyca.gov).

**Communication Disclaimer:**

Communications to Berkeley boards, commissions or committees 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 a City board, commission or committee, 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 secretary of the relevant board, commission or committee. 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 secretary to the relevant board, commission or committee for further information.

**Written Comments, Communications, and Reports:**

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: [zab@berkeleyca.gov](mailto:zab@berkeleyca.gov). All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>

All persons are welcome to attend the hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.

**Correspondence received by 5:00 PM, eight days before this public hearing, will be provided with the agenda materials provided to the Board.** Note that if you submit a hard copy document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by 5:00 PM, two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #1, which is released around noon one day before the public hearing.
- **Correspondence received by 12:00 PM, the day of** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #2, which is released around noon the day of the public hearing.
- **Correspondence received after 12:00 PM, the day of** this public hearing will be saved in the project administrative record.



**Accessibility Information / ADA Disclaimer:**

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date.

**SB 343 Disclaimer:**

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@berkeleyca.gov) to request hard-copies or electronic copies.

**Notice Concerning Your Legal Rights:**

If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
  2. You must appeal to the City Council within 14 days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
  3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than 90 days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that 90-day period will be barred.
  4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
  5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
    - a. That this belief is a basis of your appeal.
    - b. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
    - c. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above. If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.
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