



Planning & Development
Land Use Planning Division

MEMORANDUM

To: Zoning Adjustments Board

From: Russell Roe, Associate Planner

Subject: Use Permit #ZP2024-0111 2009 Addison Street

Date: February 26, 2026

Supplemental Communication

Staff prepared corrections to Attachments 1 and 2 for the project at 2009 Addison Street. Staff request that ZAB accept these changes in the record and approve the project with the revised Conditions of Approval. Changes are noted in red font in both attachments.

Special Characteristics Table

The correction to Attachment 1 includes a revision to Table 2 and clarifies the requirements for Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.) and Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.).

Conditions of Approval

Conditions of Approval Section "II. Fees" has been updated to include conditions requiring compliance with payment of the Affordable Child Care fee for qualifying non-residential projects and the Affordable Housing fee for qualifying non-residential projects.

Attachments:

1. Tables 1-2 Project Chronology, Special Characteristics, Development Standards
2. Conditions of Approval



Zoning Adjustments Board Staff Report

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.)	Yes	These fees apply to net newly constructed nonresidential gross floor area over 7,500 square feet. The use of nine existing dwelling units as tourist hotel rentals constitutes an addition of commercial space, so these fees apply.
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)	No	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 available to the public. Under this new permit, because nine of the units will now be for a combination of the original use and a commercial hotel use, these fees still do not apply.
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.

Characteristic	Applicability	Explanation
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.
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:		



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

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	Project Approval. 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.	Approval Limited to Proposed Project and Replacement of Existing Uses. 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 BMC Section 23.404.060	On-Going	Land Use Planning
3.	Compliance Required. 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 BMC Section 23.102.050(B)	On-Going	Land Use Planning
4.	Other Regulations. 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 BMC Section 23.102.050 (E)	On-Going	Land Use Planning



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I. Administrative Conditions A. General Project Conditions		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>
5.	Conformance with Approved Plans. 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 BMC Section 23.404.060 (B)(4)	On-Going	Land Use Planning
6.	Permit Modifications. 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 BMC Section 23.404.070	On-Going	Land Use Planning
7.	Permit Revocation. 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 BMC Section 23.404.080	On-Going	Land Use Planning
8.	Permit Remains Effective for Vacant Property. 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 BMC Section 23.404.060	On-Going	Land Use Planning



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I. Administrative Conditions		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>
A. General Project Conditions				
9.	<p>Exercise and Expiration of Permits 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 BMC Section 23.404.060 (C)</p>	On-Going	Land Use Planning



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I. Administrative Conditions A. General Project Conditions		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>
10.	<p>Hold Harmless. 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>Compliance with Conditions of Approval. 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



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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>“Amended Limitation:” 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 BMC Section 23.040.050</p>	On-Going	On-Going
2.	<p>Transit Occupancy Tax Collection – Operator Requirements. 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 BMC Section 7.36.050</p>	On-Going	Finance Department



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3.	<p>Hotel Registration and Certificate required. 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:</p> <ul style="list-style-type: none"> 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." 	City of Berkeley BMC Section 7.36.060	On-Going	Finance Department
4.	<p>Reporting and Remitting of Amounts Collected. 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>	City of Berkeley BMC Section 7.36.070	On-Going	Finance Department
5.	<p>Delinquent or fraudulent payment--Penalties and interest charged. A. Original delinquency. Any operator who fails to remit any tax imposed by this chapter within the time</p>	City of Berkeley BMC Section	On-Going	Finance Department



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	<p>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>7.36.080</p>		
<p>6.</p>	<p>Failure to collect or report--Tax administrator determination authority--Notice and hearing. 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 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,</p>	<p>City of Berkeley BMC Section 7.36.090</p>	<p>On-Going</p>	<p>Finance Department</p>



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	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 7.36.095 .			
7.	Record Keeping Required. 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 BMC Section 7.36.110	On-Going	Finance Department

I. Administrative Conditions		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>
C. On-Going Operational Conditions				
1.	Ground Floor Studio Space. 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 shall not be considered a “theater”.	City of Berkeley	On-Going	Land Use Planning
2.	Ground Floor Studio Space: Noise Ordinance. 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 times.	City of Berkeley BMC 13.40	On-Going	Land Use Planning and Environmental Health



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II. Fees		Regulation Source	Timing/ Implementation	Enforcement/ Monitoring
1.	<p>Nonresidential Projects – Affordable Housing. The applicant of any development project, for which an entitlement of any kind is required by the City, as a condition of such permit, shall provide and pay to the City those mitigation fees necessary to eliminate, mitigate and/or reduce to an acceptable level those impacts and/or increased demand for affordable housing, which are anticipated to be generated by and/or attributable to such development project as established by resolution of the City Council. The applicant shall pay the non-residential affordable housing fee for a “hotel/lodging use” pursuant to Resolution No. 66,617-N.S. Fees are calculated per the Consumer Price Index, All Urban Consumers, San Francisco Bay Area.</p>	<p>City of Berkeley BMC 22.20.060 (A)</p>	Prior to Initiating a Hotel Use	Planning & Development Department
2.	<p>Nonresidential Projects – Child Care. The applicant of any development project, for which an entitlement of any kind is required by the City, as a condition of such permit, shall provide and pay to the City those mitigation fees necessary to eliminate, mitigate and/or reduce to an acceptable level those impacts and/or increased demand child care which are anticipated to be generated by and/or attributable to such development project as established by resolution of the City Council. The applicant shall pay the non-residential child care fee for a “hotel/Lodging use” pursuant to Resolution No. 66,618-N.S. Fees are calculated per the Consumer Price Index, All Urban Consumers, San Francisco Bay Area.</p>	<p>City of Berkeley BMC 22.20.060 (A)</p>	Prior to Initiating a Hotel Use	Planning & Development Department

III. During Demolition/Construction		Regulation Source	Timing/ Implementation	Enforcement/ Monitoring
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A. Building & Safety				
1.	<p>Construction Hours. 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.</p>	<p>City of Berkeley BMC 13.40.070 (B) (7)</p>	<p>During Demolition/ Construction</p>	<p>Building & Safety</p>
2.	<p>Construction Hours Exceptions. 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>	<p>City of Berkeley</p>	<p>During Demolition/ Construction</p>	<p>Environmental Health & Land Use Planning</p>
3.	<p>Project Construction Website. 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"> • Contact information (i.e. “hotline” phone number, and email address) for the Project construction manager • Calendar and schedule of daily/weekly/monthly construction activities • 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. 	<p>City of Berkeley</p>	<p>During Demolition/ Construction</p>	<p>Building & Safety</p>
4.	<p>Construction / No Parking Permits. 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>	<p>City of Berkeley</p>	<p>During Demolition/ Construction</p>	<p>Building & Safety</p>



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IV. ALCOHOLIC BEVERAGE SERVICE CONDITIONS (on-site)		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>
1.	Authority & Revocation. 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 BMC Section 23.404.080	On-Going	Land Use Planning Code/ Enforcement Officer
2.	Department of Alcoholic Beverage Control Authority. 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.	Service Duration. 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.	CPTED. 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.	Employee Training. 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	City of Berkeley	On-Going	Land Use Planning Code/ Enforcement Officer



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	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.			
6.	Serving Limitations. Employees shall not serve alcohol to patrons who appear to be inebriated or otherwise unable to behave in an orderly manner upon consuming alcohol.	Department of Alcoholic Beverage Control	On-Going	Land Use Planning Code/ Enforcement Officer
7.	Prior Complaints. 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>Prohibited Uses.</p> <p>A. Off-Site Consumption Prohibited. The sale of alcoholic beverages for consumption off the premises is prohibited.</p> <p>B. Prohibition of Fortified Alcohol Products. Fortified alcohol products (e.g., malt liquor), shall not be sold on the premises.</p> <p>C. Prohibition of Third-Party Promoter. At no time shall the operator rent the space to a third-party promoter.</p> <p>D. Advertising Prohibited. BMC Section 20.67.030 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>	City of Berkeley	On-Going	Land Use Planning Code Enforcement Officer



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	E. Lounge Prohibited. 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.			
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