

POLICY FORMAT: Conditional Use Permit

RESTRICTION TYPE: Alcohol Type

SUMMARY: Requires a new retailer to obtain an off-premises liquor license from the state Alcohol Beverage Control Board that includes a restriction prohibiting the sale of malt liquor and fortified wine. This sample language is based on a list of conditions included in Use Permit #08-10000061 in Berkeley, California.

SAMPLE POLICY LANGUAGE

CONDITIONS

Pursuant to Berkeley Municipal Code Section 23B.32.040D, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Section 1. At All Times:

- (a) The applicant shall request that the state Alcohol Beverage Control Board (ABC) include the following conditions in the ABC license. The Use Permit to sell or serve alcoholic beverages (wine and beer) at this establishment will be operative only when the Permittee obtains an ABC license that includes the following restrictions. If the subject ABC license does not include these restrictions, then this Use Permit will not take effect and will be inoperative. These restrictions may only be changed with a Use Permit Modification approved by the Zoning Adjustments Board:
 - (1) No sales of fortified wine or malt liquor shall be allowed.
 - (2) The sale of wine or beer for off-site consumption shall not begin before 10:00 a.m. or extend beyond 12 midnight.
- (b) This permit 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.