

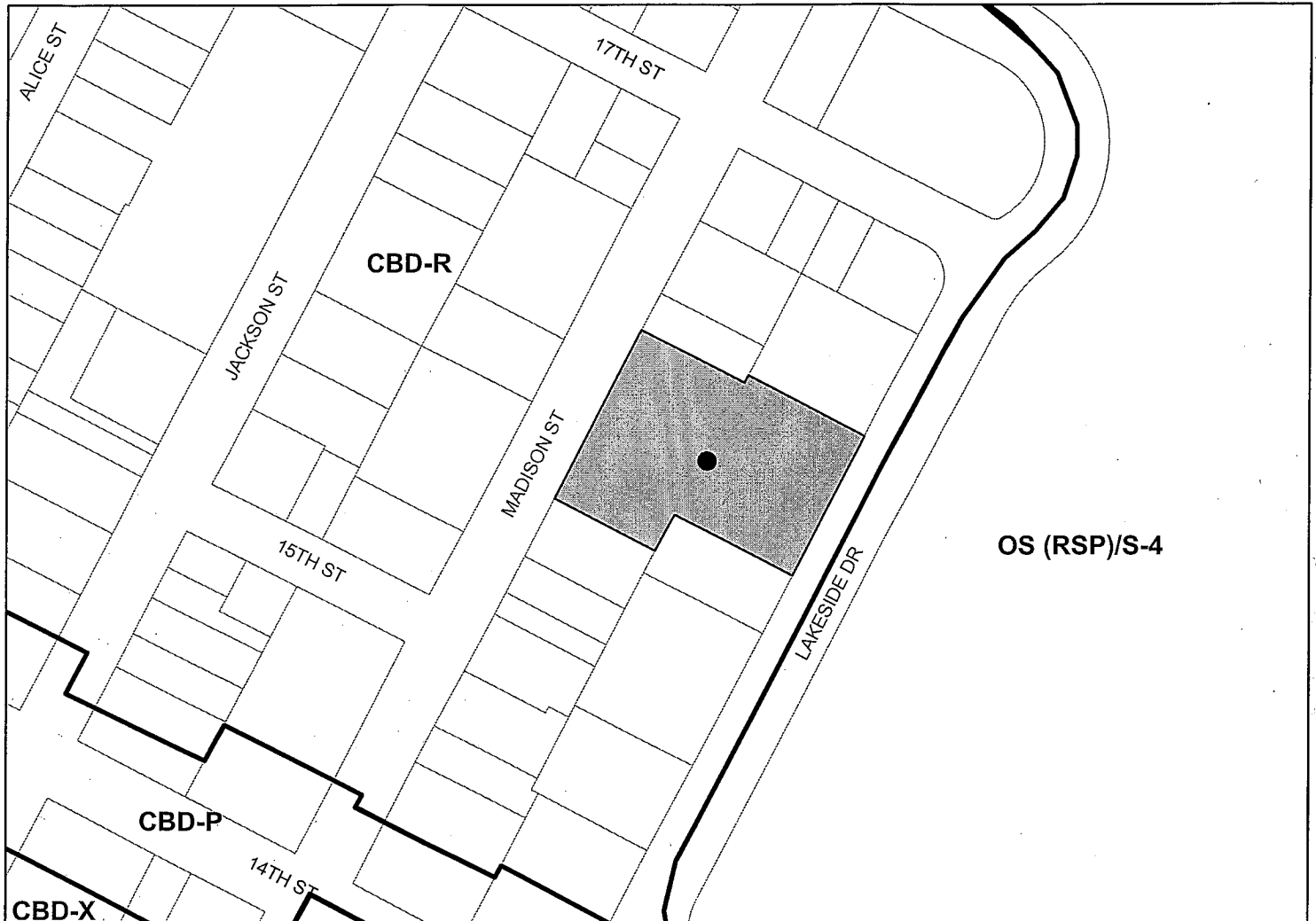
<b>Location:</b>	<b>1547 Lakeside Drive (Scottish Rite Temple)</b> (see map on reverse)
<b>Assessor's Parcel Number:</b>	<b>008 -0630-008-0</b>
<b>Proposal:</b>	To establish a member's only bar with a 12:00 am closing time in an existing 1,850 square-foot upper floor lounge. (requires ABC license type 51 / Club)
<b>Applicant/</b>	<b>Don Parker/Oakland Scottish Rite Temple</b>
<b>Phone Number:</b>	<b>(925) 389-6600</b>
<b>Owner:</b>	<b>Oakland Scottish Rite Temple Association</b>
<b>Case File Number:</b>	<b>CM11020</b>
<b>Planning Permits Required:</b>	Major Conditional Use Permit to allow an Alcoholic Beverage Sale Commercial Activity (OMC 17.58.040; 17.134.020(A)(2)(a)(viii)); Additional criteria (2 sets) for 1) sale of alcoholic beverages and 2) for findings of Public Convenience or Necessity for an over-concentrated area (OMC Sec. 17.102.210(B)(3))
<b>General Plan:</b>	Central Business District
<b>Zoning:</b>	CBD-R Central Business District Residential Zone
<b>Environmental Determination:</b>	Exempt, Section 15301 of the State CEQA Guidelines: Operation of existing private facilities; Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan, or Zoning
<b>Historic Status:</b>	DHP (Designated Historic Property); Survey rating: A1+ (API contributor, highest importance; Historic District: Lake Merritt)
<b>Service Delivery District:</b>	Metro
<b>City Council District:</b>	III – Nadel
<b>Date Filed:</b>	February 9, 2011
<b>Action to be Taken:</b>	Approve with conditions
<b>Finality of Decision:</b>	<i>Appealable to City Council within 10 days</i>
<b>For Further Information:</b>	Contact case planner <b>Aubrey Rose, Planner II</b> at (510) 238-2071 or <a href="mailto:arose@oaklandnet.com">arose@oaklandnet.com</a>

**SUMMARY**

The applicant Mr. Don Parker on behalf of the property owner Oakland Scottish Rite Temple Association requests Planning Commission approval of a Major Conditional Use Permit with additional findings for alcohol sales and Public Convenience or Necessity to establish a member's only bar with a 12:00 am closing time in an existing 1,850 square-foot upper floor lounge. The project requires an ABC license type 51 for a Club.

Staff recommends approval of the requested permits, subject to the attached Findings for and Conditions of Approval.

# CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: CM11-020  
Applicant: Don Parker/Oakland Scottish Rite Temple  
Address: 1547 Lakeside Drive  
Zone: CBD-R

## **PROPERTY DESCRIPTION**

The property is a through lot fronting Lakeside Drive and Madison Street, measuring approximately 1.5 acres in area. The lot contains the multi-story Scottish Rite Temple facing Lake Merritt and a large surface parking lot along Madison Street. The center is used for private club events, a small clinic, a tutorial center, and is leased for private non-club events. These include weddings, seminars, and other assemblies. To the east is Lake Merritt; the Lake Chalet restaurant located there serves alcohol. To the west is the Gold Coast neighborhood consisting of apartments and beyond is Downtown. The neighborhood consists of a few small markets selling alcohol as well as a few bars on the edge of Downtown along 14<sup>th</sup> Street.

## **PROJECT DESCRIPTION**

The proposal is to establish a member's only bar (on-sale, only) with a 12:00am closing time in an existing 1,850 square-foot upper floor lounge. The project requires an ABC license type 51 for a Club. Following is the ABC's definition for a 51 license type:

*Club – Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guests only, for consumption off the licenses premises. Food service is not required. Minors are allowed on the premises.*

No construction is proposed. The club would allow members of the Scottish Rite Temple admittance and ability to purchase alcoholic beverages. The club would allow non-member guests only when accompanied by members. Guests would not be able to purchase alcoholic beverages at the cash bar but could have drinks purchased for them by members. Days and hours of operations would vary depending on member events but would end by 12:00 am. Parking would be accommodated in the center's rear lot at Madison Street.

## **GENERAL PLAN ANALYSIS**

The property is located in the Central Business District area of the General Plan's Land Use & Transportation Element (LUTE). The intent of the area is: *"To encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California."* The proposal to enhance private civic activities located in the Downtown conforms to this intent and to the following Objectives and Policy of the LUTE:

### **CULTURAL, ARTS, EDUCATION, AND ENTERTAINMENT**

#### **Objective D12**

Make downtown Oakland a regional destination for innovative learning programs, cultural resources, art, and entertainment.

### **CIVIC AND INSTITUTIONAL USES**

#### **Objective N2**

Encourage adequate civic, institutional, and educational facilities located within Oakland, appropriately designed and sited to serve the community.

Policy N2.1 Designing and Maintain Institutions.

As Institutional uses are among the most visible activities in the City and can be sources of community pride, high-quality design and upkeep / maintenance should be encouraged. The facilities should be designed and operated in a manner that is sensitive to surrounding residential and other uses.

The proposal would enhance a civic institutional/cultural resource located Downtown. Staff finds the proposal in conformance with the General Plan.

## **ZONING ANALYSIS**

The project is located in the CBD-R Central Business District Residential Zone. The intent of the CBD-R Zone is: *"to create, maintain, and enhance areas of the Central Business District appropriate for residential development with small-scaled compatible ground-level commercial uses."* A Major Conditional Use Permit is required to allow an Alcoholic Beverage Sales Commercial Activity with additional findings for sale of alcoholic beverages and locating in an over-concentrated area. A 1,000-foot distance separation between alcohol establishments does not apply to establishments located within the Central Business District. Based on OPD statistics, over-concentration in Oakland is in excess of 968.4 reported crimes for a police beat where Police Beat 4X had 1,819 reported crimes in 2009. Based on ABC statistics, over-concentration in Alameda County is in excess of six liquor licenses in a Census Tract where Census Tract 4034 currently possesses six. The area is over-concentrated and additional findings are required to approve the project. The review must consider whether the proposal would meet a need and not constitute a nuisance and/or a proliferation of an undesirable use. OPD statistics indicate forty-three crimes within 1,000-feet in a ninety-day period; however, only four of these crimes occurred within 500-feet in a thirty-day period and none involved alcohol or are known to be related to the center (Attachment E). The center predates most or all of the residences in the neighborhood and the proposed activity would be located well within the large building at a great distance from any dwelling unit, having a buffering effect. The parking lot is located adjacent to residences. Recommended conditions of approval (Attachment B) would mitigate potential nuisances as discussed in the KEY ISSUES AND IMPACTS section of this report.

## **ENVIRONMENTAL DETERMINATION**

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15301 of the State CEQA Guidelines exempts project involving *"operation of existing private...facilities."* The proposal to convert a member's only lounge into a member's only bar meets this description: the project would constitute operation of an existing private facility only. The project is therefore exempt from further Environmental Review.

## **KEY ISSUES AND IMPACTS**

The project site is located in an over-concentrated area and the Major Conditional Use Permit review must consider whether the proposal would meet a community need and not constitute a nuisance and/or a proliferation of an undesirable use. The proposal involves a special ABC license type at an historic structure. No construction is proposed and there is therefore no need to analyze modifications to the historic resource. Regarding ABC 'Club' establishments, there currently are three active license type 51 establishments located within the City of Oakland per ABC records:

- 925 30<sup>th</sup> Street (Cooperative Hall Association)
- 3115 Butters Drive (Nature Friends Inc.) / Zoning no. VM00048 (approved 2000)
- 6716-22 San Pablo Avenue (Silver Shelter Elks Lodge)

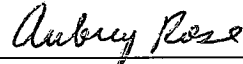
These establishments are not known to staff to be problematic. Based on the large property and building, project location well within the building, responsible management history, staff does not expect the proposed operation to become a nuisance to the surrounding neighborhood. Nevertheless, staff recommends specific conditions of approval stipulating that the establishment be operated as a private club, that the site be maintained litter free, and that members and guests do not generate excessive noise upon leaving the club late evenings as the parking lot is located adjacent to several residences.

With recommended conditions of approval, staff recommends approval of the request.

**RECOMMENDATIONS:**

1. Affirm staff's environmental determination.
2. Approve the Major Conditional Use Permit subject to the attached findings and conditions.

Prepared by:



AUBREY ROSE  
Planner II

Approved by:



SCOTT MILLER  
Zoning Manager

Approved for forwarding to the  
City Planning Commission:



ERIC ANGSTADT  
Deputy Director  
Community and Economic Development Agency

**ATTACHMENTS:**

- A. Findings for Approval
- B. Conditions of Approval
- C. Plans
- D. Site/area photographs
- E. OPD Area Crime Statistics (Map & Table)

## Attachment A: Findings for Approval

This proposal meets the required findings under General Use Permit Criteria (OMC Sec. 17.134.050), Use Permit Criteria for Establishments Selling Alcoholic Beverages (OMC Sec. 17.102.210(A)), and Findings for Public Convenience Or Necessity (OMC Sec. 17.102.210(B)(3)), as set forth below. Required findings are shown in bold type; explanations as to why these findings can be made are in normal type.

### **SECTION 17.134.050 – GENERAL USE PERMIT CRITERIA:**

- A. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.**

The proposal is to establish a member's only bar in an existing upper floor lounge of the Scottish Rite Temple. No construction is proposed. The club will allow members of the Scottish Rite Temple admittance and ability to purchase alcoholic beverages. The club will allow non-member guests only when accompanied by members. Guests will not be able to purchase alcoholic beverages at the cash bar but could have drinks purchased for them by members. Days and hours of operations will vary depending on member events but will end by 12:00 am. Parking will be accommodated in the center's large parking lot located to the rear off of Madison Street. The project is located in the CBD-R Central Business District Residential Zone. The intent of the CBD-R Zone is: *"to create, maintain, and enhance areas of the Central Business District appropriate for residential development with small-scaled compatible ground-level commercial uses."* A Major Conditional Use Permit is required to allow an Alcoholic Beverage Sales Activity. The center predates most or all of the residences in the neighborhood and the proposed activity will be located well within the large building at a great distance from any dwelling unit, having a buffering effect.

- B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.**

The proposal involves an existing civic center that is not problematic and is an upstanding community center. The parking lot is adjacent to residences. Therefore, conditions of approval will mitigate potential nuisances. The proposal would enhance a civic institutional/cultural resource located Downtown.

- C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.**

The proposal will enhance a civic institution/cultural resource and may attract new members which are essential for continuity. The lounge overlooks Lake Merritt and the proposal will enhance members' enjoyment of the space.

- D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070.**

This finding is not applicable; the proposal is not subject to Design Review.

*Findings for Approval*

- E. That the proposal conforms in all significant respects with the Oakland Comprehensive Plan and with any other applicable plan or development control map which has been adopted by the City Council.**

The property is located in the Central Business District area of the General Plan's Land Use & Transportation Element (LUTE). The intent of the area is: *"To encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California."* The proposal to enhance private civic activities located in the Downtown conforms to this intent and to the following Objectives and Policies of the LUTE:

**CULTURAL, ARTS, EDUCATION, AND ENTERTAINMENT**

**Objective D12**

Make downtown Oakland a regional destination for innovative learning programs, cultural resources, art, and entertainment.

**Policy D12.4 Locating Smaller Scale Entertainment Activities**

Small scale entertainment uses, such as small clubs, should be allowed to locate in the Jack London Waterfront area and to be dispersed throughout downtown districts, provided that the City works with area residents and businesses to manage the impacts of such uses.

**CIVIC AND INSTITUTIONAL USES**

**Objective N2**

Encourage adequate civic, institutional, and educational facilities located within Oakland, appropriately designed and sited to serve the community.

**Policy N2.1 Designing and Maintain Institutions.**

As Institutional uses are among the most visible activities in the City and can be sources of community pride, high-quality design and upkeep / maintenance should be encouraged. The facilities should be designed and operated in a manner that is sensitive to surrounding residential and other uses.

The proposal will enhance a civic institutional/cultural resource located Downtown.

**SECTION 17.102.210(A) – USE PERMIT CRITERIA FOR ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES:**

- 1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable, with consideration to be given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;**

The proposal involves a special ABC license type at an historic structure located in an over-concentrated area. No construction is proposed and there is therefore no need to analyze modifications to the historic resource. Regarding ABC 'Club' establishments, there currently are three active license type 51 establishments located within the City of Oakland per ABC records:

- 925 30<sup>th</sup> Street (Cooperative Hall Association)
- 3115 Butters Drive (Nature Friends Inc.) / Zoning no. VM00048 (approved 2000)

***Findings for Approval***

- 6716-22 San Pablo Avenue (Silver Shelter Elks Lodge)

These establishments are not known to staff to be problematic. Based on the large property and building, project location well within the building and responsible management history, nuisances to the surrounding neighborhood are not expected. Nevertheless, conditions of approval stipulate in particular that the establishment be operated as a club, that the site be maintained litter free, and that members and guests do not generate excessive noise upon leaving the club late evenings as the parking lot is located adjacent to several residences.

2. **That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds;**

No places of worship or schools are located adjacent to the Scottish Rite Temple. The center is located adjacent to Lake Merritt. Based on the large property and building, project location well within the building and responsible management history, nuisances to the surrounding neighborhood are not expected.

3. **That the proposal will not interfere with the movement of people along an important pedestrian street;**

There will be no impacts to pedestrian movement as a result of the project. No construction is proposed.

4. **That the proposed development will be of an architectural and visual quality and character which harmonizes with, or where appropriate enhances, the surrounding area;**

No construction is proposed.

5. **That the design will avoid unduly large or obtrusive signs, bleak unlandscaped parking areas, and an overall garish impression;**

No construction is proposed.

6. **That adequate litter receptacles will be provided where appropriate;**

Users will be members, only. Conditions of approval stipulate Scottish Rite Temple staff remove litter on and around the site.

7. **That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of ten p.m. and seven a.m. The same criteria shall apply to all conditional use permits required by subsection B of this section for sale of alcoholic beverages at full-service restaurants.**

The site is adjacent to residences but the project space is heavily buffered from them.

8. **That proposals for new Fast-Food Restaurants must substantially comply with the provisions of the Oakland City Planning Commission "Fast-Food Restaurant--Guidelines for Development and Evaluation" (OCPD 100-18).**



This finding is inapplicable; the proposal does not involve a Fast-Food Restaurant.

**FINDINGS OF PUBLIC CONVENIENCE OR NECESSITY (OMC SEC. 17.102.210(B)(3))**

**a. That a community need for the project is clearly demonstrated. To demonstrate community need, the applicant shall document in writing, specifically how the project would serve an unmet or underserved need or population within the overall Oakland community or the community in which the project is located, and how the proposed project would enhance physical accessibility to needed goods or services that the project would provide, including, but not limited to alcohol; and**

The Scottish Rite Temple is a longstanding civic institution maintained by members. To enhance the members' club with sale of alcoholic beverages requires a City conditional use permit and ABC 'Club' license. There are very few 'Club' licenses in Oakland and those that are active are not known to be problematic. Relocation of the club is not viable and the proposal poses no threat to the surrounding neighborhood.

**b. That the overall project will have a positive influence on the quality of life for the community in which it is located, providing economic benefits that outweigh anticipated negative impacts, and that will not result in a significant increase in calls for police service; and**

The project will enhance member use of the center with no negative impact to the surrounding neighborhood.

**c. That alcohol sales are typically a part of this type of business in the City of Oakland (for example and not by way of limitation, alcohol sales in a laundromat would not meet this criteria).**

Sales of alcoholic beverages are a typical component of a member's only club.

## **Attachment B: Conditions of Approval**

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### **1. Approved Use**

#### ***Ongoing***

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report, and the plans submitted on **February 9, 2011** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.
- b) This action by the **City Planning Commission** ("this Approval") includes the approvals set forth below. This Approval includes:
  - i) *1 Major Conditional Use Permit with two sets of additional findings to establish a member's only bar with a 12:00 am closing time in an existing 1,850 square-foot upper floor lounge.*

### **2. Effective Date, Expiration, Extensions and Extinguishment**

#### ***Ongoing***

Unless a different termination date is prescribed, this Approval shall expire **two calendar years** from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

### **3. Scope of This Approval; Major and Minor Changes**

#### ***Ongoing***

The project is approved pursuant to the **Planning Code** only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

### **4. Conformance with other Requirements**

#### ***Prior to issuance of a demolition, grading, P-job, or other construction related permit***

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval 3.
- b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

### **5. Conformance to Approved Plans; Modification of Conditions or Revocation**

#### ***Ongoing***

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, Conditions or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

**6. Signed Copy of the Conditions**

***With submittal of a demolition, grading, and building permit***

A copy of the approval letter and **Conditions** shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

**7. Indemnification**

***Ongoing***

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

**8. Compliance with Conditions of Approval**

***Ongoing***

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

**9. Severability**

***Ongoing***

Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified conditions, and if one or more of such conditions is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions consistent with achieving the same purpose and intent of such Approval.

**10. Job Site Plans**

***Ongoing throughout demolition, grading, and/or construction***

At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval, shall be available for review at the job site at all times.

**SPECIFIC CONDITIONS**

**11. State Department of Alcoholic Beverage Control license and additional approvals**

***Prior to commencement of activity***

The applicant shall obtain a license type 51 (Club) from the ABC and any other approvals necessary for example but not limited to a permit from the Alameda County Environmental Health Department.

**12. Admittance**

***Ongoing***

Club admittance is restricted to members of the Scottish Rite Temple and guests accompanied by members.

**13. Sale of Alcoholic Beverages**

***Ongoing***

**a. Location and manner of alcohol consumption**

Alcohol sale is on-sale to members only, for on-site consumption only by members or guests accompanied by members.

**b. Types of Alcohol Permitted**

Any type of alcoholic beverage may be sold.

**c. Hours of Alcohol Sale**

The proprietor voluntarily agrees to limit hours of alcohol sales to no later than 12:00am.

**d. Nuisances**

Crime, litter, noise, or disorderliness conduct associated with alcohol sales at the establishment will result in a revocation of the Major Conditional Use Permit or a review to revoke.

**14. Inclusion of conditions in State Department of Alcoholic Beverage Control license**

***Prior to signing of State Department of Alcoholic Beverage Control zoning affidavit***

The applicant shall submit a letter to staff signed by the applicant addressed to the State Department of Alcoholic Beverage Control stipulating that they wish to include conditions of their ABC license to conform to all of the conditions and requirements in this approval. The letter shall request the ABC restrict

***Conditions of Approval***

its license to only those uses allowed under City permits. The Oakland Planning Commission may, after notice and hearing, revoke this Conditional Use Permit if the Applicant fails to include the above conditions in the ABC license.

**15. Conformance with State Department of Alcoholic Beverage Control regulations**

***Ongoing***

This use shall conform to all provisions of the State ABC license. The State license and State conditions shall be posted along with these Conditional Use Permit conditions in a place visible to the public. This use shall also conform to all State Retail Operating Standards, Section 25612.5 of the Business and Professions Code and local Performance Standards, Section 15210, where applicable including any future changes in the above regulations. The intent of these standards is to reduce nuisance, litter, loitering, and crime associated with alcohol outlets. The City Conditions of Approval shall be forwarded to the Department of Alcoholic Beverage Control.

**16. Compliance with City of Oakland special regulations for Alcoholic Beverage Sales Commercial**

**Activities**

***Ongoing***

The applicant and proprietor voluntarily agree to conform to the Oakland Planning Code Deemed Approved Alcoholic Beverage Sale Regulations (OMC Sec. 17.156).

**17. Trash and litter**

***Ongoing***

**a) Off-site**

The licensees/property owners shall clear the gutter and sidewalks along Lakeside Drive and Madison Street plus twenty feet beyond the property lines along this street of litter twice daily or as needed to control litter. In addition to the requirements of B&P Section 25612.5, (sweep or mechanically clean weekly) the licensee shall clean the sidewalk with steam or equivalent measures once per month.

**b) On-site**

***Ongoing***

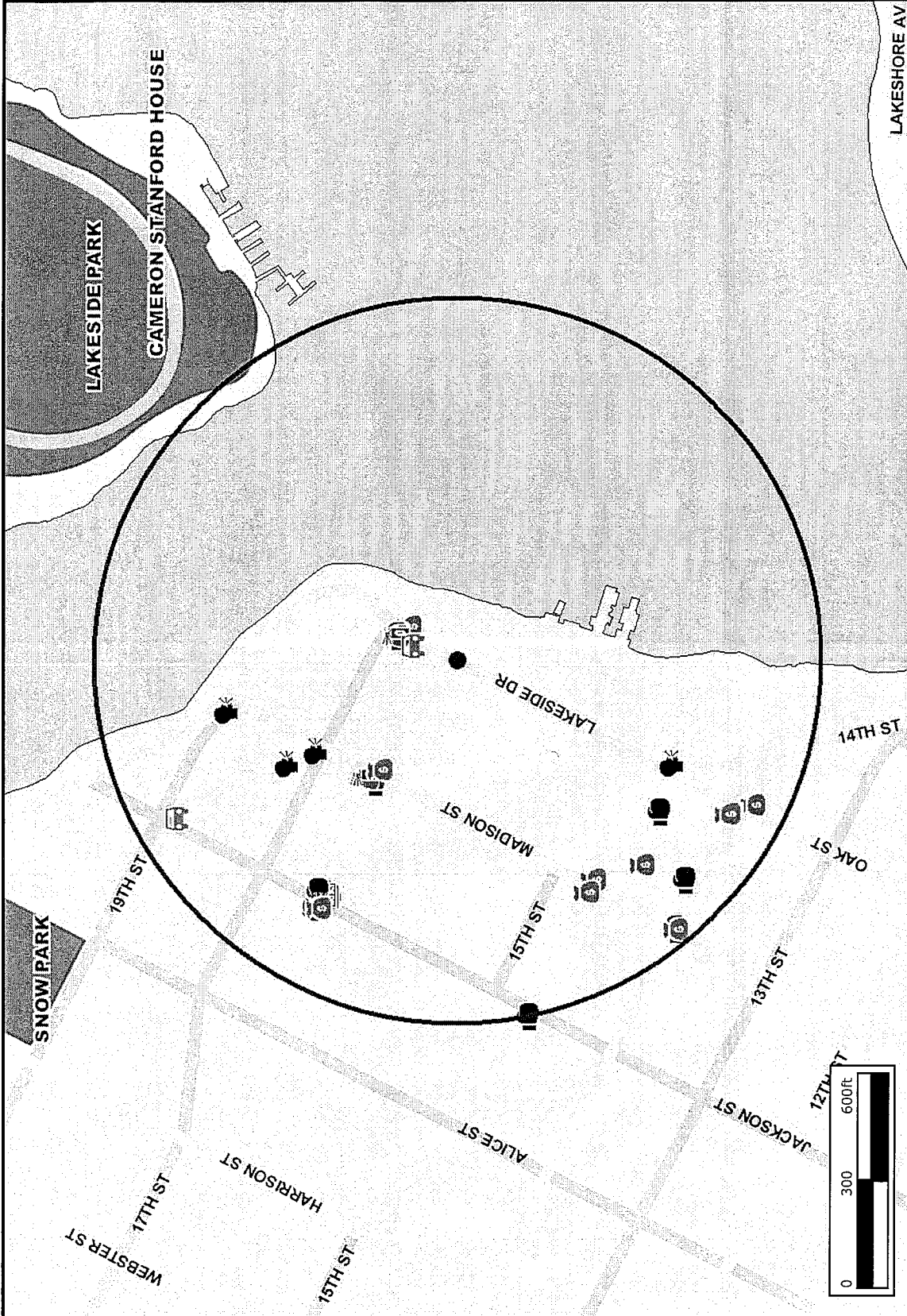
The property shall be maintained free of litter.

**APPROVED BY:**

City Planning Commission: \_\_\_\_\_ (date) \_\_\_\_\_ (vote)

# 1547 Lakeside Drive

1,000-ft/90-days ending 2-28-11

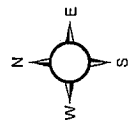


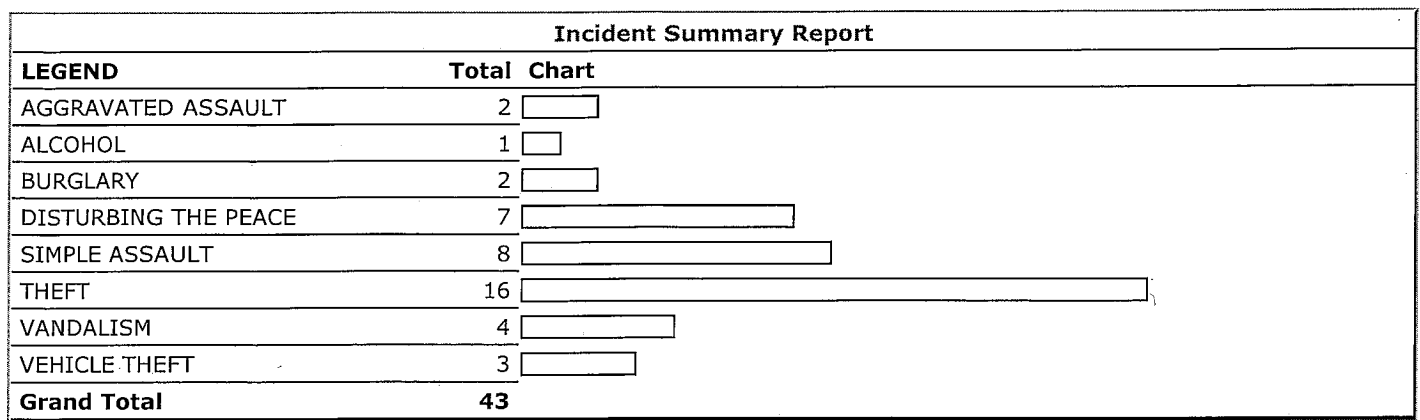
## Legend

- Incidents
- Alcohol
- Aggravated Assault
- Simple Assault
- Burglary
- Disturbing the Peace
- Theft
- Vandalism
- Vehicle Theft
- Freeways
- Major City Streets
- Streets
- City Streets
- Water
- PARKS
- CITY LIMITS

This map application does not reflect official crime index totals as reported to the FBI's Uniform Crime Reporting program. The crime icons do not reflect the exact location of any particular crime. The listed crimes are subject to change for a variety of reasons, including late reporting, reclassification of some offenses and discovery that some offenses were unfounded.

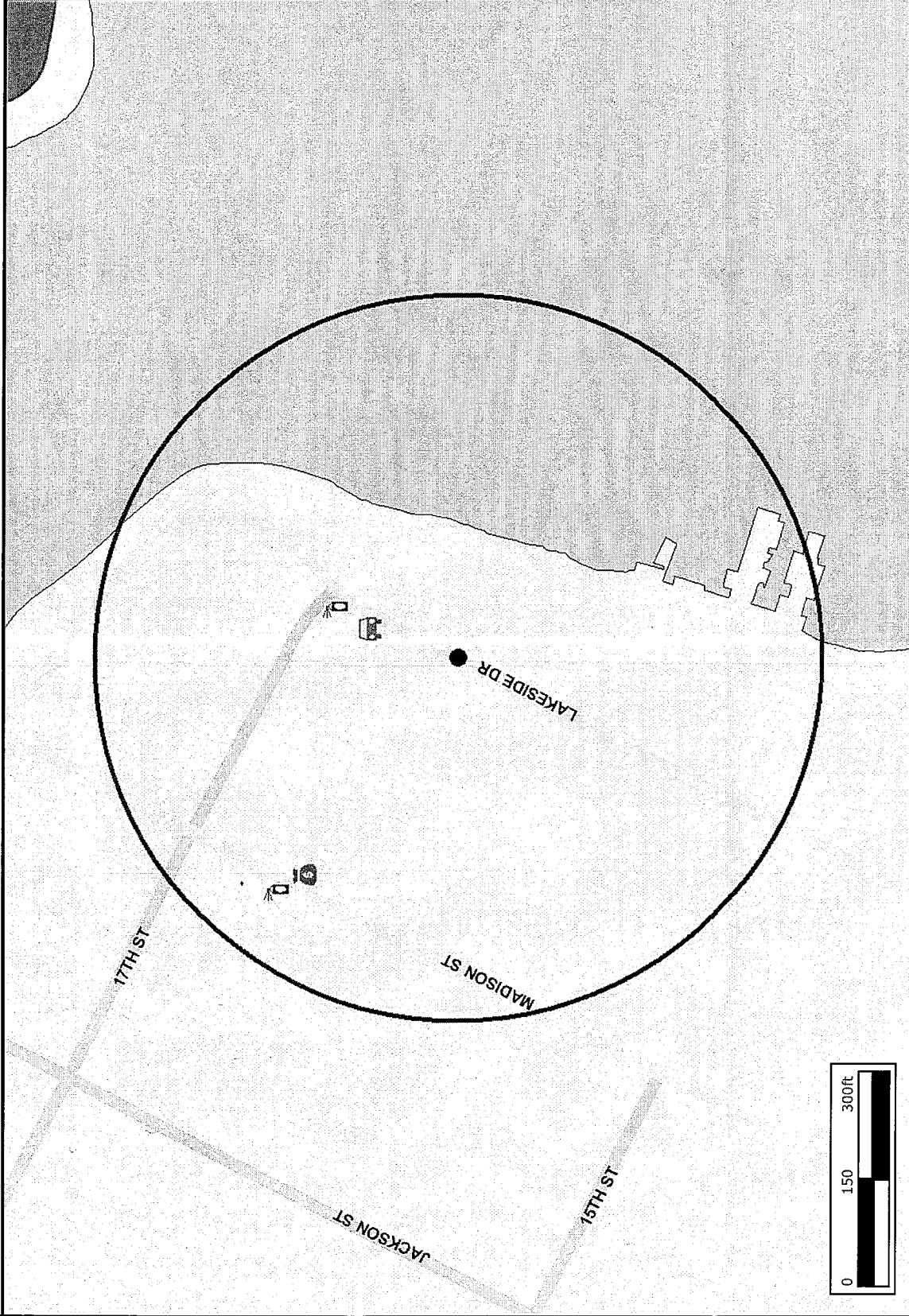
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# 1547 LAKESIDE DRIVE

500-ft/30-days ending 2/28/11

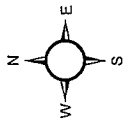


## Legend


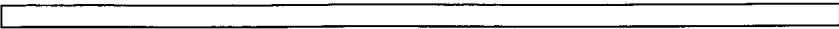
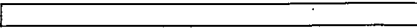
- |                    |         |              |       |       |             |
|--------------------|---------|--------------|-------|-------|-------------|
| Incidents          | Streets | City Streets | Water | PARKS | CITY LIMITS |
| Theft              |         |              |       |       |             |
| Vandalism          |         |              |       |       |             |
| Vehicle Theft      |         |              |       |       |             |
| Freeways           |         |              |       |       |             |
| Major City Streets |         |              |       |       |             |

This map application does not reflect official crime index totals as reported to the FBI's Uniform Crime Reporting program. The crime icons do not reflect the exact location of any particular crime. The listed crimes are subject to change for a variety of reasons, including late reporting, reclassification of some offenses and discovery that some offenses were unfounded.

Printed: 2/28/2011 11:52:58 AM





Incident Summary Report		
LEGEND	Total	Chart
THEFT	1	
VANDALISM	2	
VEHICLE THEFT	1	
Grand Total	4	



Back View of The Building



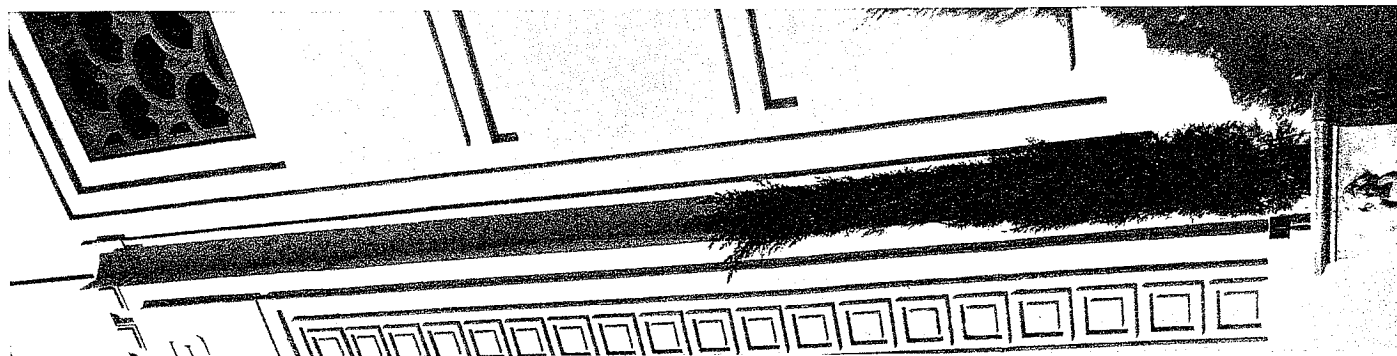
Front of The Building Neighbor

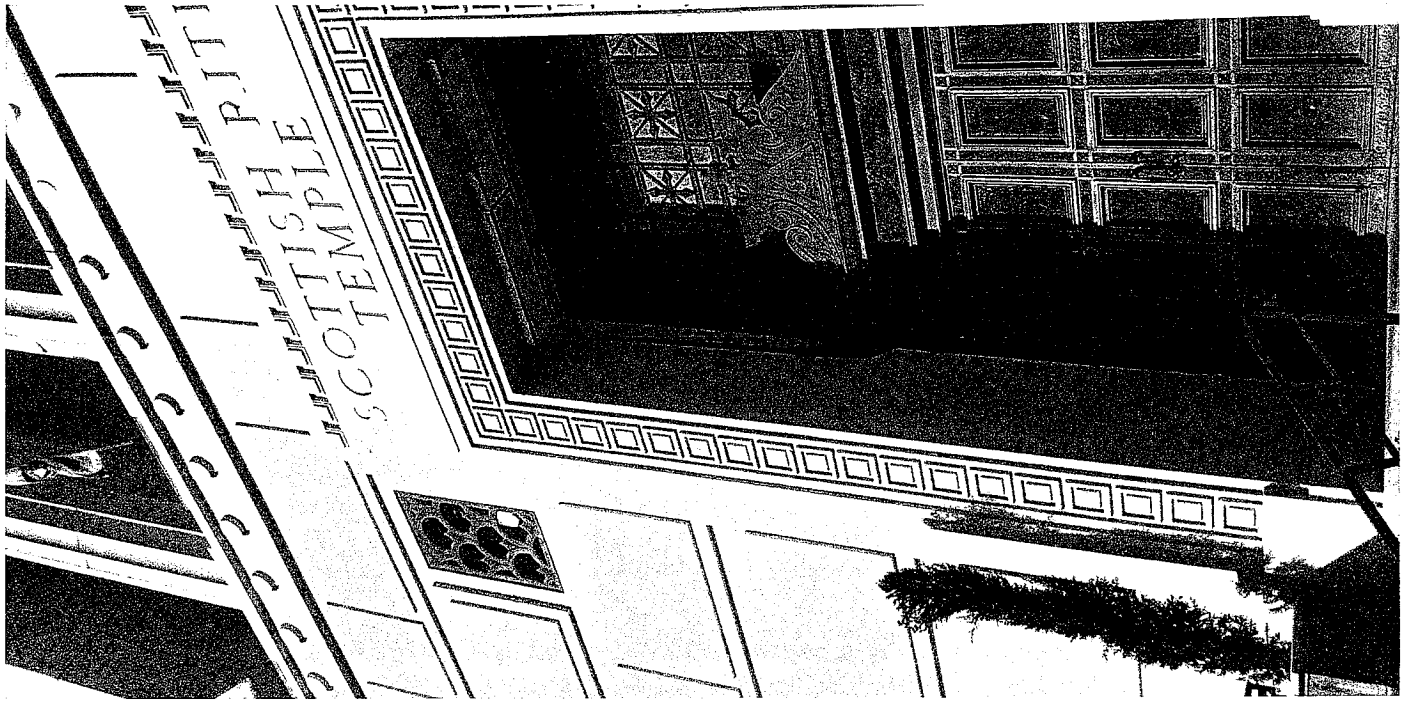
From: tom kavishi <kavishi@comcast.net>  
Date: January 26, 2011 12:16:33 PM PST  
To: Dad <kavishi@comcast.net>



## BACK PARKING LOT

4 Attachments, 7.1 MB

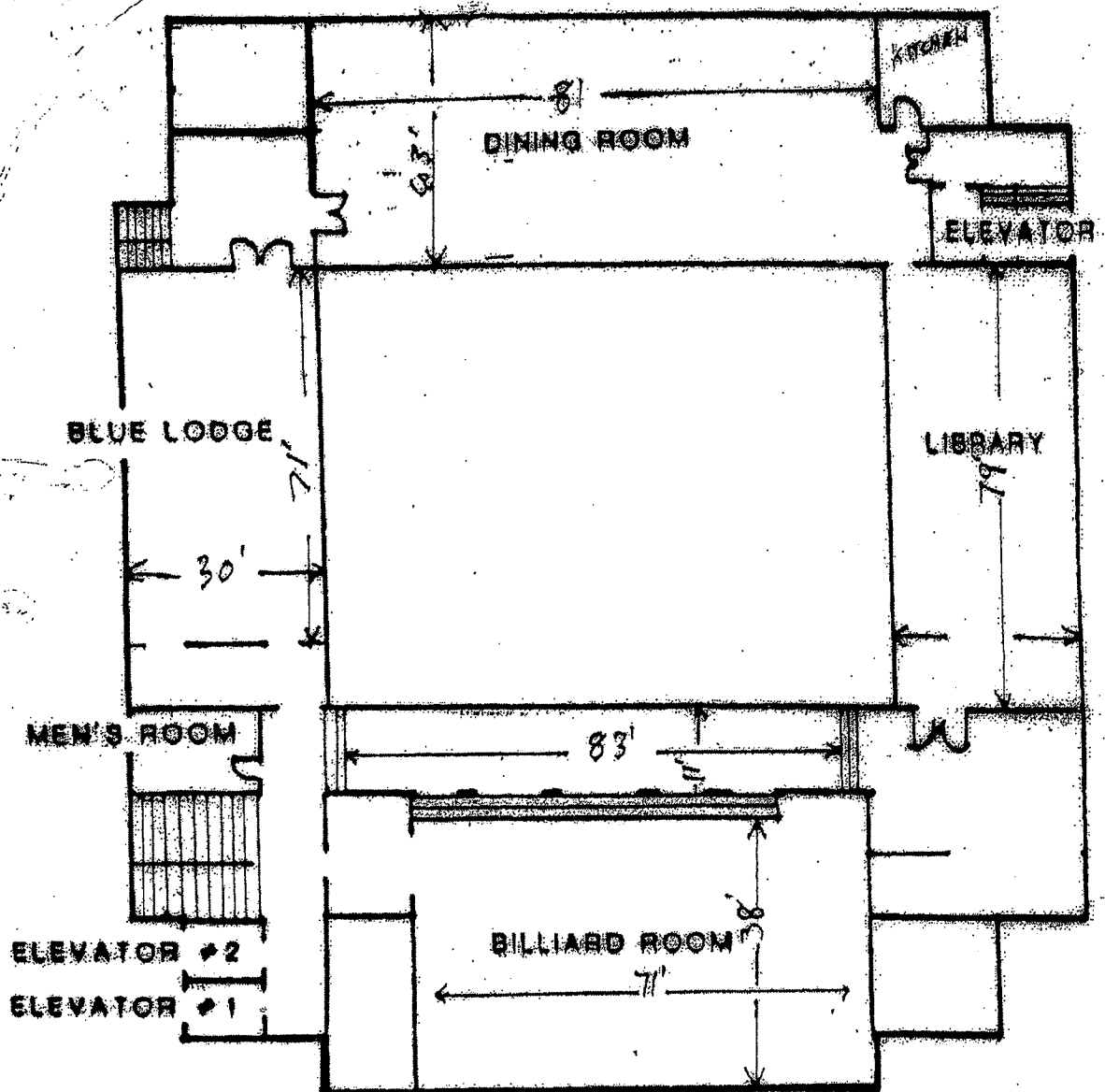




FRONT DOOR



LOUNGE ROOM



**THIRD FLOOR**

MUSEUM HALL



LOUNGE AREA

37'

23'

BAR

FIREPLACE

WINDOW  
4' x 7'

WINDOW  
4' x 7'

WINDOW  
4' x 7'

WINDOW  
4' x 7'

12.75'

50'

SCOTTISH RITES LOUNGE AREA

SCALE: 1/8" = 1'