

Location:	203 E. 18 th Street (see map on reverse) (the site of the former Merritt Bakery)
Assessor's Parcel Number:	020-0183-006-02
Proposal:	To serve alcoholic beverages at a full-service restaurant ("Lure Restaurant") with a requested 1:00 A.M. closing time.
Applicant:	Darrell Edwards /Lure Restaurant
Phone Number:	(510) 459-5684
Owner:	Gerry Friedkin / Lake Merritt, LLC.
Planning Permits Required:	Major Conditional Use Permit to serve alcoholic beverages at a Full-Service Restaurant Commercial Activity located along a 'restricted street' (OMC Sec. 17.103.030(B)(2))
General Plan:	Neighborhood Commercial Mixed Use
Zoning:	CN-2 Neighborhood Commercial Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
Historic Status:	Non-historic property, rating: F3 (1962)
City Council District:	2
Date Filed:	April 13, 2017
Finality of Decision:	<i>Appealable to City Council within 10 days</i>
For Further Information:	Contact case planner Moe Hackett at (510) 238-3973 or mhackett@oaklandnet.com

SUMMARY

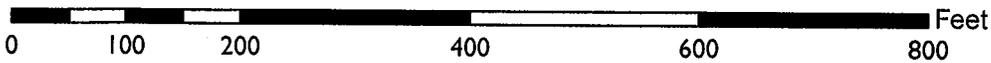
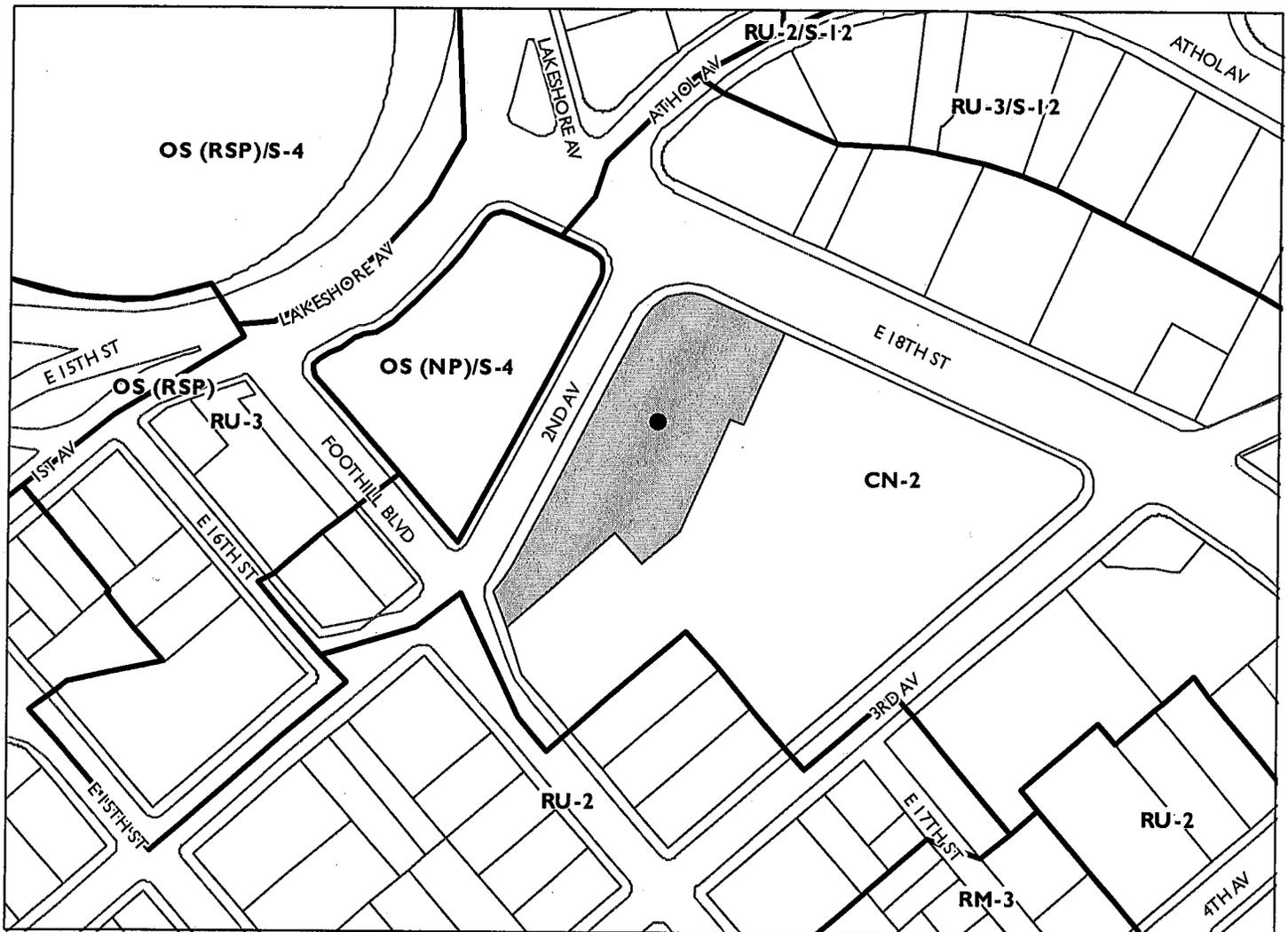
The applicant requests Planning Commission approval of a Major Conditional Use Permit to serve beer and wine on-site with meals at an existing full service restaurant ("Lure Restaurant") on a restricted street with a floor area of approximately 12,500 square-feet. Alterations to the facility will be mostly to the interior, with some minor alterations to the exterior façade to be decided administratively. The exterior alterations that are part of the subject proposal will not impact the functional operation. The applicant requests a 1:00 A.M. closing time for indoor activities and a Type 47 liquor license for beer, wine, and sprints. Staff is recommending support for a 1:00 A.M. closing time for indoor activities and 11:00 PM for outdoor activities. Staff will require a six-month trial period at a Type 41 beer & wine only license, with an option to upgrade to the Type 47 license if no verified complaints are recorded.

Staff recommends approval subject to conditions of approval as described in this report.

PROPERTY DESCRIPTION

The property is located on the corner of East 18th Street and 2nd Avenue near the intersection of East 18th Street and Lakeshore Boulevard. The 43,329 square-foot lot is contiguous with a larger parcel and shopping center with shared parking facilities and adjacent storefronts spaces. The main entrance is facing East 18th Street across a landscaped surface parking lot. The subject building is a large, one-story commercial building with three commercial spaces suitable for a wide variety of commercial uses.

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN17100

Applicant: Darrell Edwards / Lure Restaurant

Address: 203 E. 18th Street (the site of the former Merritt Bakery)

Zone: CN-2

The proposal will utilize approximately 2,500 square-foot of its total floor area for customer dining and service. The total floor area of the restaurant, including office, kitchen, storage and customer space is approximately 6,800 square-feet. The building was constructed circa 1950 and had previously served as the Merritt Bakery and Restaurant, which was an iconic dining destination in the Lake Merritt Commercial District along with the Parkway Theater. The nearest residential facilities are apartment buildings located across East 18th Street (approximately 185 feet away), and a cluster of apartment buildings facing Foothill Boulevard behind and adjacent to the sites rear parking lot (approximately 217 feet away). The subject restaurant is located at the furthest western end of a large commercial building and site that includes a Lucky's supermarket. All the nearby residential buildings are separated from the site by parking lots and roadways. The residential buildings are also separated by existing landscaping buffers at the periphery of the parking lots.

The site is located near Athol Plaza Park and Lake Merritt. East 18th Street contains a liquor store (Carriage Trade Liquor) and two bars (the Lakeside Lounge and Baggy's by the Lake). The nearby Lucky's and Walgreens stores also have off-site sales alcoholic by the bottle and can. Two restaurants (The Rocking Crawfish and Portal Oakland) that provide Alcohol for on-site consumption are across the street from the site. The remainder of East 18th Street and Park Boulevard in the Lake Merritt Commercial District consists of two intersecting commercial corridors with a variety of shopping, dining, and other commercial uses.

PROJECT DESCRIPTION

The proposal is to add the sale of beer, wine, and potentially liquor at a full-service restaurant. The restaurant would retain its full-service format. Alcoholic beverages would be sold for on-site consumption and only with meals. Changes to the building would be minor and evaluated through an administrative process. Modifications to the exterior of the building will include signage, exterior lighting, landscaping features, and a potential outdoor dining area. The applicant requests a closing time of 1:00 A.M.; staff supports a closing time of 1:00 A.M. for indoor activities and a 11:00 P.M. closing time for outdoor activities. The closing time, with limitations for the open facility, is described below in the "Key Issues and Impacts" section of this report. Staff recommends a Type 41(On-Sale beer and wine) license for the first 6-months, with a possible upgrade to a Type 47 license (On-Sale General for Bona Fide Public Eating Place) with the State of California's Alcoholic Beverages Control (ABC). The following is the ABC's description for a Type 41 and Type 47 license:

ON SALE BEER & WINE – EATING PLACE - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

ON SALE GENERAL –EATING PLACE - (Restaurant) Authorizes the sale of beer and wine and distilled spirits for consumption on the licensed premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

Neighborhood Service Coordinator staff, the Oakland Police Department Alcoholic Beverage Action Team (ABAT), and the Council District 4 office have been advised of the proposal. The applicant will attend Neighborhood Crime Prevention Council (NCPC) and the Laurel District Association prior to the start of operation.

This proposal also includes a potential accessory outdoor dining area. This area would be located at the front and side rear of the site facing East 18th Street, and be accessible by walkway from the main building. The dining area would be separated from the automotive uses and, in the case of alcoholic beverage service, from onsite pedestrian traffic by fencing. As conditioned, this outdoor area would cease operations by 11:00 P.M., and the

sound system should be shut down one hour prior at 10:00 P.M. The entire restaurant would be required to maintain the performance standards in the Planning Code, particularly with regard to noise and light.

GENERAL PLAN ANALYSIS

The property is in a Neighborhood Center Mixed Use area under the General Plan's Land Use and Transportation Element (LUTE). The intent of the area is: "to identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale, pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural, or entertainment uses." A full service restaurant serving beer and wine and having a closing time as recommended by staff, subject to conditions described in the 'Key Issues and Impacts' section of this report, conforms to this intent.

The property is in a "Grow and Change" area on the LUTE's Strategy Diagram. The proposal conforms to the following Goals and Policies of the LUTE:

Industry and Commerce Goals

- Ensure that the Oakland community has access to a wide variety of goods and services, meeting daily and long term needs.

Policy I/C3.2 Enhancing Business Districts.

Retain and enhance clusters of similar types of commercial enterprises as the nucleus of distinctive business districts, such as the existing restaurants and related uses through urban design and business retention efforts.

POLICY I/C3.4 STRENGTHENED VITALITY

The vitality of existing neighborhood mixed use and community commercial areas should be strengthened and preserved.

POLICY N2.3: LOCATING SERVICES ALONG MAJOR STREETS

New large scale community, government, and institutional uses should be located outside of areas that are predominately residential. Preferably, they should be located along major thoroughfares with easy access to freeways and public transportation or in the Downtown.

POLICY N9.6 RESPECTING DIVERSITY

The City's diversity in cultures and populations should be respected and built upon.

Enhancing a full-service restaurant by allowing alcohol to be served with meals is therefore consistent with the General Plan. Additional considerations are discussed in the Key Issues And Impacts section of this report.

ZONING ANALYSIS

The property is in the CN-2 Neighborhood Commercial Zone, The intent of the CN-2 Zone is: "to enhance the character of established neighborhood commercial centers that have a compact, vibrant pedestrian environment." The proposal requires a Conditional Use Permit because it involves alcoholic beverage sales (beer, wine, and potentially spirits) at a full-service restaurant on a "restricted street" deemed to require heightened review under

the Ordinance. The proposal is not subject to variances, additional findings for alcoholic beverage sales, or for Public Convenience or Necessity because it involves a full-service restaurant and not a bar.

As discussed in the "Key Issues and Impacts" section of this report, a full-service restaurant serving beer, wine, and potentially spirits having an indoor 1:00 A.M. closing and an outdoor closing time of 11:00, subject to conditions, conforms to this intent.

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, as existing facilities, projects involving *operation and licensing of existing private facilities* involving negligible or no expansion of existing use. The proposal sale of alcoholic beverages at a full-service restaurant meets this description: the project would constitute operation of an existing private facility, involves negligible expansion of existing use, and is therefore exempt under CEQA Guidelines section 15301. None of the exceptions to application of this exemption apply. Section 15183 of the State CEQA Guidelines, which relates to Projects Consistent with a Community Plan, General Plan or Zoning, also serves as a separate and independent basis for CEQA clearance. The project adheres to this section, as described above. The project is, therefore, not subject to further Environmental Review.

KEY ISSUES AND IMPACTS

Staff recommends approval subject to conditions of approval.

Sale of alcoholic beverages for on-site consumption in conjunction with a full-service restaurant is usually non-problematic. This is especially true, as is the case here, with a reasonable closing time and no cabaret component or off-site sales. As conditioned, with limitations on hours of 1:00 A.M. indoors, 11:00 P.M. outdoors, the operation will not have substantial noise effects on neighboring properties. The greatest impact is to a residential activity located across east 18th Street, which are approximately 185 feet away and are in a commercial zone. The residential use adjacent to the rear is not directly accessible to the project site and is buffered by a landscaped parking lot and the building itself.

Staff recommends that, in addition to draft standard conditions of approval that are attached, the applicant be required to display signage within the restaurant and any future open dining area/patio indicating that patrons should be quiet after 6:00 P.M.

RECOMMENDATIONS:

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

Prepared by:



MOE HACKETT
Planner II

Approved by:



SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:



DARIN RANELLETTI, Deputy Director
Planning and Building Department

ATTACHMENTS:

- A. Findings
- B. Conditions of Approval
- C. Plans/Photographs
- D. Menu
- E. Area Crime Statistics

Attachment A: Findings

This proposal meets the required findings under **General Conditional Use Permit Criteria (OMC Sec. 17.134.050) and Fast-Food Restaurant, Convenience Market, and Alcoholic Beverage Sales Commercial Activities (OMC Sec. 17.103.030(A))** of the **Oakland Planning Code (Title 17)** as set forth below. Required findings are shown in **bold type**; explanations as to why these findings can be made are shown in normal type.

General Conditional Use Permit Criteria (OMC Sec. 17.134.050)

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 sale of alcohol associated with a full-service restaurant does not require a Conditional Use Permit, but the sales of alcoholic beverage at this portion of Foothill Boulevard does require a Use Permit because it is on a restricted street. This same requirement was previously placed on two nearby full-service restaurants, "The Portal" (at 1611 2nd Avenue) and The Rockin Crawfish (at 211 Foothill Boulevard). This proposal does not face Foothill Boulevard, which is located behind the restaurant adjacent to its rear parking lot, but it is within 300 of that corridor and as such required this Conditional Use permit as well. The onsite consumption of Alcohol in association with a full dining experience will be compatible with the intended uses on the corridor and will not have adverse effects due to the containment of these activities on site and the separation from other sensitive uses, in particularly the sensitive uses that are directly adjacent to the actual restricted street, Foothill Boulevard. Specifically, the hours of operation, location of access, limitations of open facility use, and existing screening design of the building from Foothill Boulevard will greatly limit the propagation of noise and light across property lines and limit casual visual exposure to the onsite activities. The restaurant will be reduced in floor area from its previous operation as the Merritt Bakery, and will not create any new impacts towards the rear of the site facing the restricted street. As an ongoing use the restaurant will potentially include outdoor use to which accessory alcoholic beverage sales will be compatible. The proposal will not create impacts that are incompatible with the neighborhood and commercial district and will enhance the potential for other future development. The Lake Merritt Commercial District contains ample on-street metered parking and well managed and metered traffic flow, and the subject site includes ample on-site parking. This proposal will not

significantly or negatively impact the development of the surrounding areas, and will be an appropriate addition to the Lake Merritt Commercial District.

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 ongoing use of a full service restaurant. The restaurant and its site layout are appropriate for a commercial corridor. The full service restaurant will include full table service as well. The building's interior remodel will minimally impact the exterior, and the front façade of the building will not be significantly altered, and will retain the historic and character defining elements of the old Merritt Bakery. As proposed, the proposed restaurant will represent a continuation of an iconic Oakland landmark in the Lake Merritt Commercial District.

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 the dining options available in the Lake Merritt Commercial District, and establish a unique family friendly destination at the gateway to the Clinton Park and Peralta Heights districts. A wide variety of restaurants and shopping venues will help further the ongoing emergence of the Lake Merritt Commercial District as a shopping, dining, and entertainment destination.

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

Changes to the interior and exterior of the building will require only Small Project Design Review. The project site consists of a 6,800 square-foot (in total) two-story diner-style restaurant at with 2,500 square feet of customer service area. the site includes existing landscaped parking lots, and adjacent commercial store frontages. The front door is located towards east 18th street, and future potential outdoor seating opportunities would be sited on the north facing front and west facing side of the building only. Exterior changes shall be reviewed by the Office of Oakland Cultural Heritage Survey prior to installation.

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.

As detailed in the Report, hereby incorporated by reference, the property is located in a Neighborhood Center Mixed Use area under the General Plan's Land Use & Transportation Element (LUTE). The Intent of the area is: "to identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural, or entertainment uses." The proposal conforms to the General Plan Policies described in the 'General Plan Analysis' section of staff's report to the Planning Commission and hereby incorporated by reference.

A full-service restaurant with open facilities (outdoor dining at the rear) serving beer, wine, and potentially spirits, and having an initial 1:00 A.M. closing time (with a six month review to allow for modifications to both the indoor and outdoor closing times), subject to conditions, conforms to this intent.

Fast-Food Restaurant, Convenience Market, and Alcoholic Beverage Sales Commercial Activities (OMC Sec. 17.103.030(A))

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 project maintains and enhances an existing restaurant in a neighborhood commercial district and features site improvements to reduce its automobile-orientation as is desired in the CN Zone.

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;

The site abuts to the rear an alcohol restricted street/ corridor (Foothill Boulevard) The project site's rear /back of building and parking lot face Foothill Boulevard, and the front door faces East 18th Street. The proposal will utilize an operational configuration that has existing for decades without change and will allow for a potential future outdoor seating area which faces East 18th street and Athol Plaza Park. The uses are not anticipated to present adverse impacts to Athol Plaza Park due to the separation of the street, the limited area of exposure, and the limitation of operational hours experience peak operation at alternate days and times.

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

The project site is a developed commercial shopping plaza with existing driveways. No changes are proposed that would alter the existing pedestrian access.

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;

The proposal includes only minor façade changes (including signage) to the existing building and its site, which includes slight relocation of the front door. And would require a Small Project design Review. A potential outdoor seating area on the north frontage of the building would be established and constructed to meet all development requirements and would also require a Small Project Design Review. Changes shall be submitted to Oakland cultural heritage survey staff for review prior to final sign-off and installation. Any further modifications to that design incorporated in this proposal will be made as a revision to that approval.

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

The site is an existing strip-mall type shopping center. All additions or alteration shall require appropriate design review including review by the Oakland cultural heritage survey staff as needed for final sign-off, and prior to installation. Any further modifications to that design incorporated in this proposal will be made as a revision to that approval.

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

The proposal is for a full-service restaurant and litter receptacles are therefore not necessary; nonetheless, conditions of approval ensure that staff maintain cleanliness of the fronting public right-of-way (sidewalk and gutter) daily.

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 10:00 p.m. and 7:00 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 abuts a residence to the south and east (on the foothill Boulevard frontage). The property is not within proximity to these residential activities and do not represent a significant change to the currently existing site conditions or facilities. The project site's open front and rear landscaped parking lot runs serve as buffers to the nearby residential activities as does the building itself. The project's potential future outdoor seating will be separated from residential uses by a minimum of 180 feet. This will eliminate the possibility of direct impacts to sleep beyond those expected from a relatively busy commercial corridor such as east 18th Street.

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 project does not involve a Fast-Food Restaurant.

Attachment B: Conditions of Approval

1. **Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, **staff report** and the approved plans **submitted April 27, 2017**, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

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

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire two calendar years from the Approval date, or from the date of the final decision in the event of an appeal, 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 Approval, 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 or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. **Compliance with Other Requirements**

The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City’s Bureau of Building, Fire Marshal, and Public Works Department. 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 #4.

4. **Minor and Major Changes**

Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning. Major changes to the approved project, plans, Conditions, facilities, or use shall be reviewed by the Director of City Planning to determine whether such changes require submittal and approval of a revision to the Approval by the original approving body or a new independent permit/approval. Major revisions shall be reviewed in accordance with the procedures required for the original permit/approval. Such changes may include the expansion of the closure of the open facilities from 10:00 P.M. to 12:00 A.M., and the potential addition of hard spirits and a type 47 Liquor License. A Revision to DS160541 or new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval.

5. **Compliance with Conditions of Approval**

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.
- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant’s expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial

reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.

- c. Violation of any term, Condition, or project description relating to the Approval 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 Approval 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 Approval or Conditions.

6. **Signed Copy of the Approval/Conditions**

A copy of the Approval letter and Conditions shall be signed by the project applicant, attached to each set of permit plans submitted to the appropriate City agency for the project, and made available for review at the project job site at all times.

7. **Blight/Nuisances**

The project site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60 days of approval, unless an earlier date is specified elsewhere.

8. **Indemnification**

To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (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 this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. **Severability**

The Approval 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. **Special Inspector/Inspections, Independent Technical Review, Project Coordination and Monitoring**

The project applicant may be required to cover the full costs of independent third-party technical review and City monitoring and inspection, including without limitation, special inspector(s)/inspection(s) during times of extensive or specialized plan-check review or construction, and inspections of potential violations of the Conditions of Approval. The project applicant shall establish a deposit with the Bureau of Building, if directed by the Building Official, Director of City Planning, or designee, prior to the issuance of a construction-related permit and on an ongoing as-needed basis.

11. **Public Improvements**

The project applicant shall obtain all necessary permits/approvals, such as encroachment permits, obstruction permits, curb/gutter/sidewalk permits, and public improvement ("p-job") permits from the City for work in the public right-of-way, including but not limited to, streets, curbs, gutters, sidewalks, utilities, and fire hydrants. Prior to any work in the public right-of-way, the applicant shall submit plans

for review and approval by the Bureau of Planning, the Bureau of Building, and other City departments as required. Public improvements shall be designed and installed to the satisfaction of the City.

12. Graffiti Control

Requirement:

- a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
 - i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
 - ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
 - iii. Use of paint with anti-graffiti coating.
 - iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
 - v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.

The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:

- i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
- ii. Covering with new paint to match the color of the surrounding surface.
- iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

PROJECT SPECIFIC CONDITIONS

13. Maintenance of Full-Service Restaurant

Ongoing

The establishment must operate as a full-service restaurant to sell alcohol. To that end, the following requirements must be adhered to:

- i. The monthly gross sales of alcoholic beverages shall not exceed 40-percent of gross sales during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sale of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.
- ii. The premises shall be maintained as a bona fide eating place and shall provide a menu containing an assortment of foods normally offered in such restaurants.
- iii. The premises shall be equipped and maintained in good faith and shall possess, in operative condition, such convenience for cooking foods such as a stove, ovens, broilers, or other devices as well as pots,

pans or containers which can be used for cooking or heating foods on the type heating device employed.

iv. The premises shall possess the necessary utensils, table service, and condiment dispensers with which to serve meals to the public.

v. The licensee shall comply with the provisions of Section 23038 B&P, and acknowledge the incidental, sporadic or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the afore mentioned code section.

14. Alcoholic Beverage Control Approvals

Prior to commencement of liquor sales

The applicant shall obtain a type 41 license for restaurant with beer and wine from the ABC.

15. Hours of Operation and Open Facility Closing Time

Ongoing

Closing shall be no later than 11:00 P.M. for outdoor operations and 1:00 A.M. for the indoor dining area. After 6 months of alcoholic beverage sales, as part of the required compliance review stipulated under Condition of Approval #18, the applicant requests a 1:00 A.M. closing time for the restaurant, which staff supports should there be no verified complaints. Any subsequent requests for later closing times would require approval of a publicly-noticed revision case application. Food must be available at all hours of operation.

16. Sale of Alcoholic Beverages

Ongoing

a. Location and manner of alcohol consumption

Alcohol sale is on-sale, for on-site consumption only, and is intended to be served with meals. No beer or wine bottle sales ("to-go") are permitted. Food service shall be available at all hours that alcoholic beverages are served.

b. 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.

c. 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.

e. Compliance with City of Oakland special regulations for Alcoholic Beverage Sales Commercial Activities

Ongoing

i. Signage

i Within 30 days of the date of decision, at least one sign (one square foot maximum) shall be posted and maintained in a legible condition at each public entrance to the building prohibiting littering and loitering. Required signage prohibiting open containers and drinking in public shall also be maintained in legible condition near each public entrance to bar. The "No Open Container" signs are available from the cashier located on the second floor of 250 Frank H. Ogawa Plaza.

ii. Additionally, signage shall posted inside the restaurant and within the parking lot facing inward on each of three sides opposite Seminary Avenue indicated that patrons leaving the restaurant towards closing time should be quiet in the parking lot.

ii. Loitering

The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they remove loiters who refuse to leave. Persons hanging around the exterior of the establishment with no apparent business for more than ten minutes shall be asked to leave. Techniques discussed in the manual entitled "Loitering: Business and Community Based Solutions" may be used and are recommended by the Alcoholic Beverage Action Team.

iii. Securing Site

Applicant shall conform to Ordinance 12390 related to securing sites after hours to discourage loitering and crime in parking lots.

iv. Deemed Approved Alcoholic Beverage Sale Regulations

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

f. Trash and litter

Ongoing

The licensees/property owners shall clear the gutter and sidewalks along International Boulevard and Seminary Avenue plus twenty feet beyond the property lines along these streets 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.

g. Signage

Prior to constructing signage

The design for signage must be approved by the Bureau of Planning.

h. Noise

Ongoing

The proprietor shall ensure noise generated by the restaurant is not audible outside of the building subject to Performance Standards (OMC Sec. 17.120.050). Signage shall be clearly posted in several areas requesting the patrons of the open facilities to avoid making loud noises and to be respectful of neighbors at all time,

and specifically after 6:00 PM or sunset. No Exterior amplified sound systems shall be allowed, and all outdoor facilities shall cease by 11:00 p.m..

i. Cabaret

Ongoing

The proprietor shall not establish a cabaret unless permits are obtained for a small cabaret, only, featuring music not audible from outside of the building.

j. Accessory activity: Catering preparation

Ongoing

Catering production must be subordinate to the restaurant and adhere to Planning Code Sec. 17.10.040(F) for Accessory Activities.

k. Private parties

Ongoing

Private parties shall adhere to all conditions.

l. Smoking

Ongoing

No smoking is allowed on the front seating area or elsewhere at the property.

17. Future Operators

Ongoing

Any future operators of the restaurant are subject to these conditions and shall register with the Bureau of Planning and with ABAT.

18. Compliance Review

After six months of commencement of activity

The applicant shall return to the Bureau of Planning to report their progress and to provide for an assessment of compliance with Conditions of Approval. Should any complaints regarding on-sale provision or other issues regarding sale of alcohol be identified, staff may refer the item back to the Planning Commission under a Director's Report. In that case, the applicant shall submit for a Compliance Review, and pay all appropriate fees consistent with the current Master Fee Schedule at that time (currently \$1,310.00). The Compliance Review will be agendaized for an upcoming Planning Commission meeting. The Compliance Review shall provide an opportunity for the Commission and the public to provide comment on the operation and determine whether there is a violation of any term, Conditions or project description relating to the Approvals or if there is violation of any provision of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance or there exists adverse impacts caused. As a result of the hearing, the Commission may direct staff to initiate enforcement proceedings pursuant to Condition of Approval 5C, and/or may impose additional conditions related to the operation.

19. Open Facility Screening Wall and Landscaping

After Prior to issuance of building permits and Ongoing

The applicant shall submit detailed plans for all open facilities including screening fences, dimensions of pedestrian walkways, lighting, and all other facilities associated with outdoor functions. Outdoor patio /dining areas (i.e. open facilities) shall be established and constructed to meet all City development requirements and safety standards. The final design shall be approved by the Zoning Manager or his/her designee and shall be modified as needed to further avoid impacts associated with the open facility operations. At any time, if deemed necessary by the Zoning Manager, the allowances for open facilities

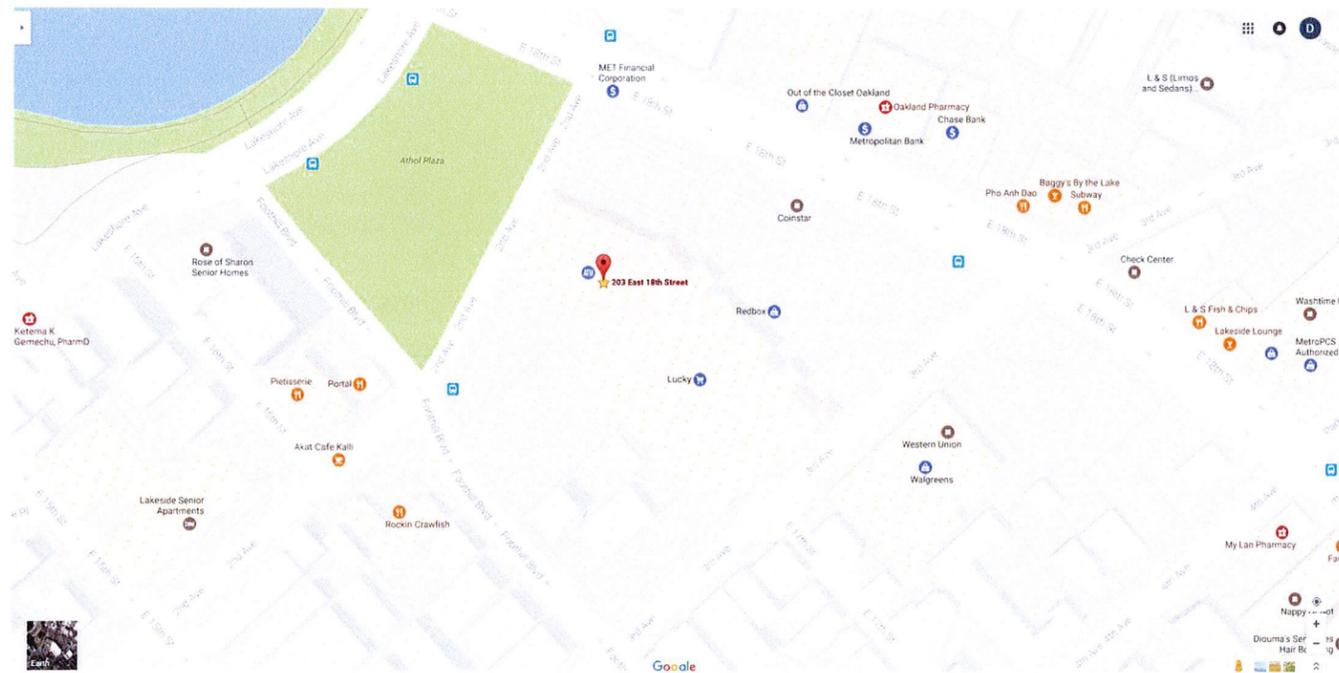
associated with this activity may be reduced, altered, or eliminated. All open facilities elements shall be maintained in good condition and be repaired or replaced as needed.

APPROVED BY:

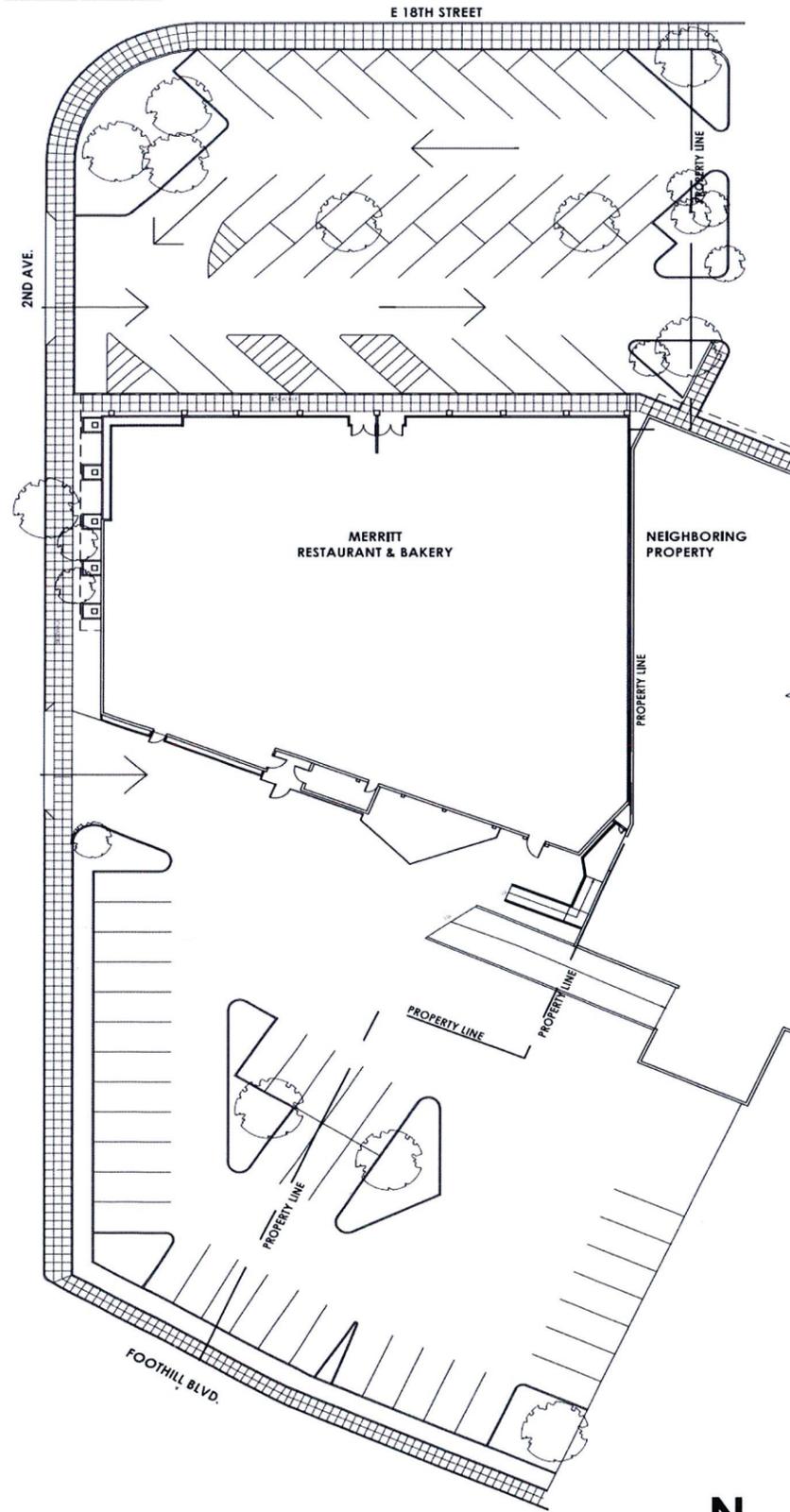
City Planning Commission: _____ (date) _____ (vote)



1 Parcel Map
 AO.1 Scale: as above



2 Map of neighboring
 Businesses
 AO.1



3 Site Plan Existing
 AO.1 Scale: 1/20" : 1'

PROJECT
 Lure Restaurant

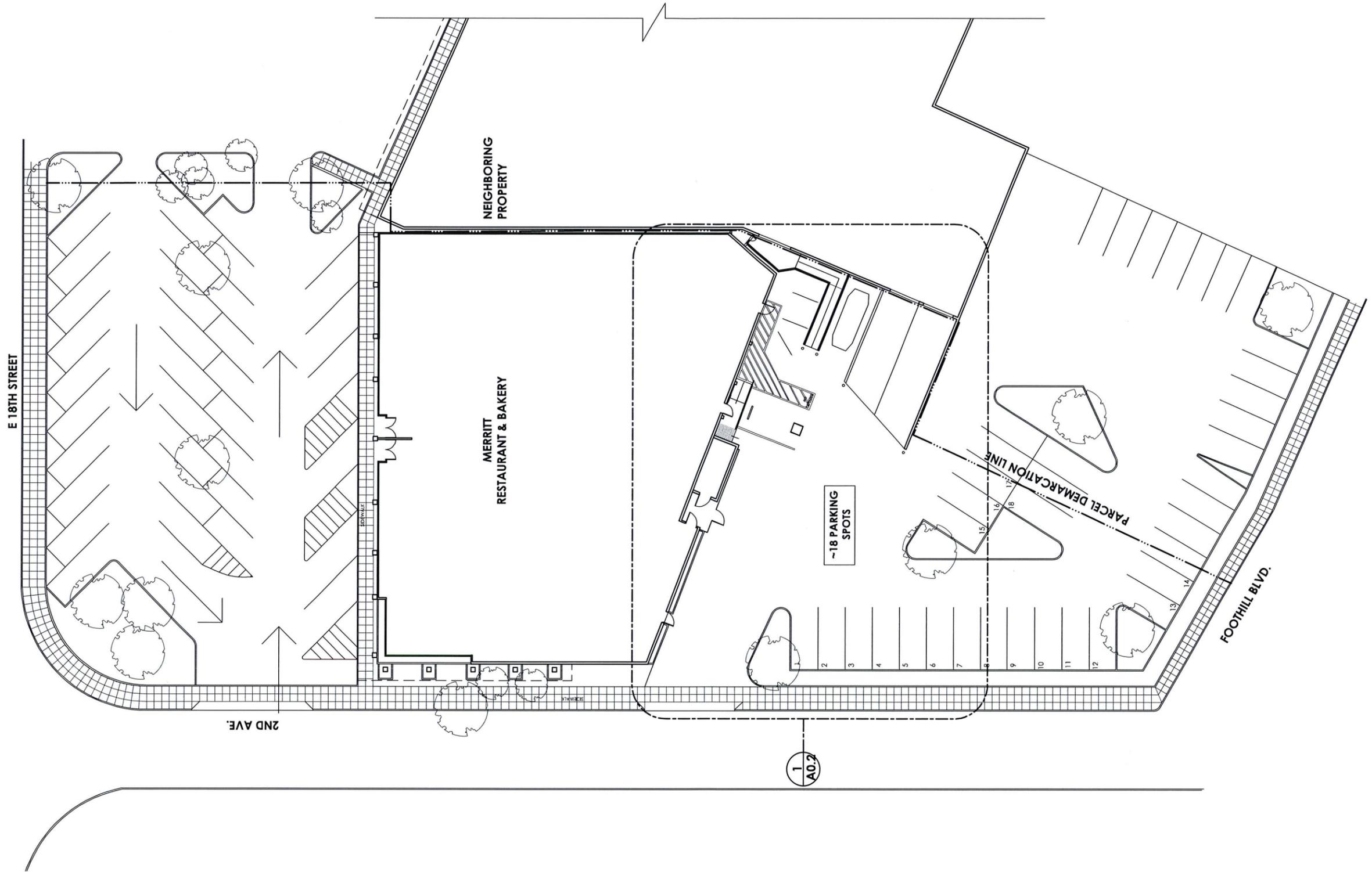
CLIENT
 Darrell Edwards
 203 E18th St
 Oakland, CA. 94606

Drawing
 constructed by
 Darrell Edwards

DATE:
 4/9/17

DESCRIPTION
 Site Map, Existing
 Parcel and Area Maps





1 SITE PLAN - PROPOSED
 scale: 1/20" = 1'-0"

LURRE
 203 E. 18th









September 20, 2017

To whom it may concern,

Attached is a working copy of Lure's menu. Lure restaurant will provide a full dining experience. We will serve tapas and full entrées for a shared dining experience. We will provide and upscale dining experience at a moderate price point. We will also serve brunch on Saturdays and Sundays. That menu is not included and is also and development.

Thank you,
Darrell Edwards
Owner

Attachment D

Ceviche

Ahi Tuna

Lime Juice, cilantro, serrano peppers, coconut milk, red onion and plantain chips

Red Hot Shrimp

Calamari, lime juice, red onion, cucumber, jalapeno, and salsa de aji picante

Snapper

Shrimp, red onion, chilies, yuzu and fried calamari

Bay Scallops Tostada

Lime juice, tomato, red onion, pico de gallo, avocado and tortillas

Jamon, Chorizo and Cheese

(Meats served with mustard and quince paste)

1. Jamon Iberico Cebo de Campo
2. Lomo (cured pork loin)
3. Longaniza Chorizo (iberico chorizo with paprika)
4. Hot Marcona almonds with rosemary
5. Mixed Olives with fennel and orange
6. Cured Manchago Cheese with pain basico
7. Idiazabel Cheese, quince paste and pain basico
8. Warm Mahon Cheese with honey and toasted almonds with crostini

Small Plates
Soup / Vegetable

Traditional Tomato Gazpacho

Sopa de Cebolla Clara (Spanish onion soup)
Croutons, Monchago

Kale Salad

Red wine vinegar, warm grapes and pecorino cheese

Mediterranean Chop

Lettuce, cucumbers, red onion, tomatoes, garbanzo beans, feta cheese, basil with lemon vinaigrette

Mashed Avocado

Corn and chips

Tomato Bruschetta

Grilled bread, basil, burrata and red wine vinaigrette

Sweet and Sour Beans

Green beans, peas, fava beans

Roasted Cauliflower

Red Curry, golden Raisins, yogurt

Roasted Beets

Toasted pistachio nuts, smokey yogurt and capers

Braise Kale

Shaved monchago cheese

Roasted Rainbow Carrots

Toasted wall nuts and tarragon

Torta

Egg, potato, kale and spinach

Croquettas

Potato, cheese and tarragon

Empanada

Chick pea and cheese

Patatas (smashed)

With smoked paprika lime dip

Seafood

Crab Tlayudas

Radish, avocado, cilantro, crema and bean puree

Tuna Nicoises

Green beans, olives, capers, potatoes, hard cooked egg and lemon vinaigrette

Frito Misto

Calamari, shrimp and vegetables with lemon aioli

Grilled Shrimp and Chorizo

Red sauce, white beans, and extra virgin olive oil

Steamed Mussels

Chorizo, wine and tomato

Clams

Chorizo, wine, parsley, fideua pasta

Roasted Cod

Hot garlic and chili lime dressing

Shrimp a la Plancha

Garlic, cilantro and remesco

Fried Snapper Filet

Roasted lemon, parsley and frise

Fried Oysters

Smoked paprika remesco

Scallops Wrapped in Ham

With creamy polenta and remesco

Grilled Octopus

With chili lime vinaigrette

Meat / Chicken

Grilled Chicken Thighs

Cilantro and lime

Mac and Cheese

Serrano ham, manchego cheese and olive oil bread crumbs

Pollo Chichoronies

Crispy chicken skin with paprika salt

Chili Garlic Chicken Wings

Thick Cut Grilled Bacon

Sour orange mojo

Grilled Merguez Sausage

Harissa, roasted peppers, grilled bread and arugula

Grilled Skirt Steak

With housemaid chimichurri

Cuban Sandwich

Roasted pork, ham, swiss cheese, pickles and mustard

Beef Sliders (3)

Manhago cheese, pickled onions, lettuce, tomato, remesco aioli, sweet buns and papas fritas

Burnt Cheese

Braised short rib and fried egg

Lamb Meatballs

Tomato, cumin, pine nuts and ricotta salata

Braised Short Rib

Polenta crust, sunny side up egg

Loaded Roasted Sweet Potato (chix skin)

Sour cream, sweet bacon and green onions

Empanada

Slow Braised Short Rib

Country Ribs

Adobo Espanola BBQ

Signature Entrée

Entrees are designed in a larger format to serve up to 4 guests

Arroz con Pollo (roasted Chicken)

Spanish rice, sofrito sazón and green olives, finished with spanish olive oil

Pernil (Crispy Pork Shoulder)

Black beans, rice, recaíto sofrito and plantains

Parihuela Peruvian / Fish Soup (red or green)

Asado

Beef tri tip, roasted onions and garlic, mashed carrots, yucca frites, recaíto sofrito

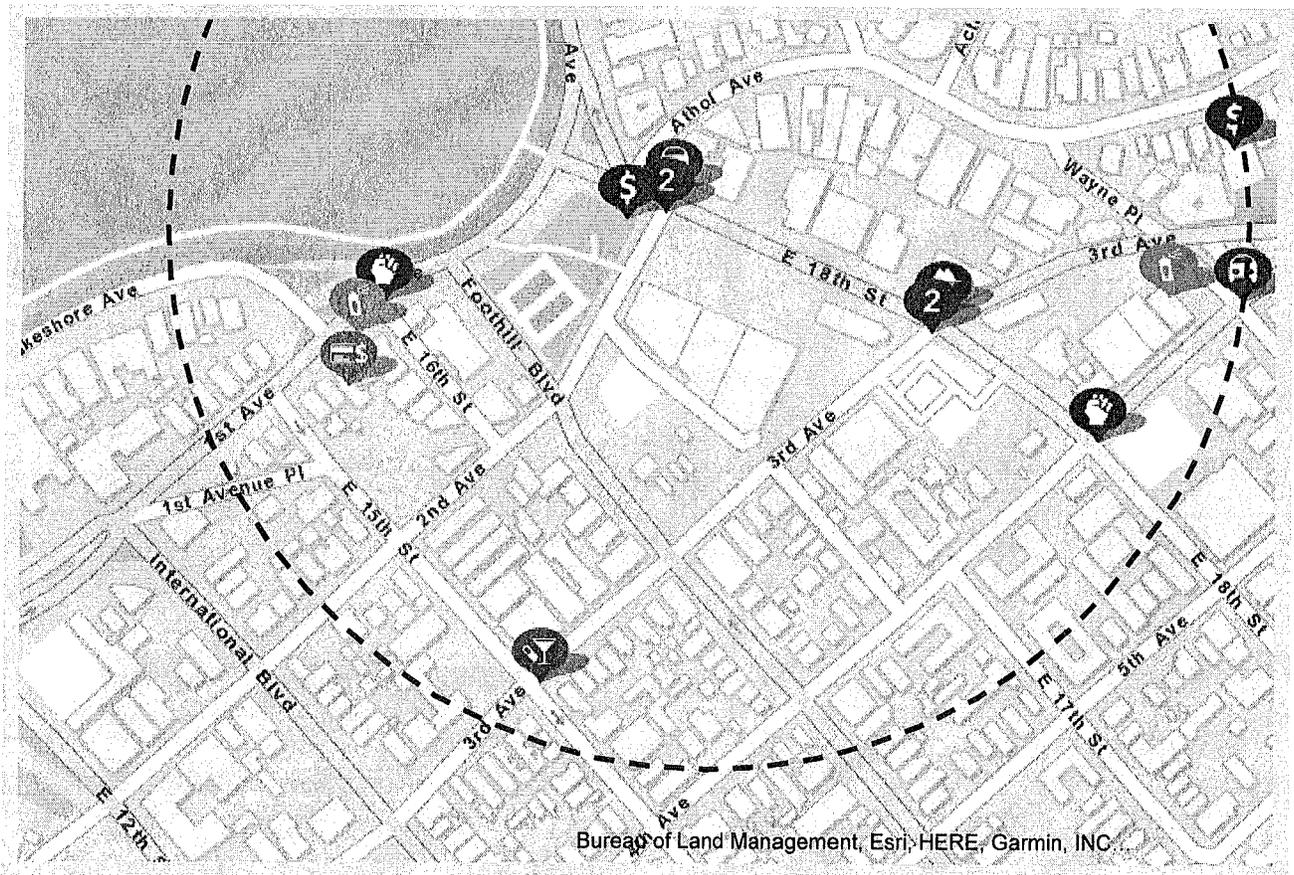
Print

CrimeMapping.com Map

Friday, August 25, 2017 through Thursday, September 21, 2017

Showing crime types: Arson, Assault, Burglary, Disturbing the Peace, Drugs / Alcohol Violations, DUI, Fraud, Homicide, Motor Vehicle Theft, Robbery, Sex Crimes, Theft / Larceny, Vandalism, Vehicle Break-In / Theft, Weapons

Show crime report Show crime chart



Grab the bottom/right borders to resize the map or the handle in the bottom right corner.

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Attachment E