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Decision Date: November 1, 2024

Last Day to Appeal Decision: November 18, 2024

MFA 8th & Figueroa, LLC (A)
8th & Fig Project
744 South Figueroa Street
Los Angeles, CA 90017

MFA 8th & Figueroa, LLC (O)
1251 Avenue of the Americas, #800
New York, NY 10020

F. Michael Ayaz (R)
Blake and Ayaz Law Office
2107 North Broadway #106
Santa Ana, CA 92706

CASE NO. ZA-2024-3906-MPA
Related Case: ZA-2024-3901-MCUP
MAIN PLAN APPROVAL
732 – 756 South Figueroa Street 5th &
41st Floors (829 West 8th Street)
Central City Community Plan Area
Zone : C2-4D
C.D. : 14 - Kevin de León
D.M. : 129A209
CEQA : ENV-2024-3902-CE
Legal Description: FR Lots 6 – 10, Block
30; Huber Tract

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

Pursuant to Los Angeles Municipal Code Section 13B.2.2.H, I hereby APPROVE:

a Main Plan Approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed health/private club and amenity space on Level 5 and a residents lounge area on Level 41, in the C2-4D Zone.

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs, or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 1) 29,276 square-foot health/private club on Level 5 including 19,535 square feet of outdoor space that includes patio areas, cabana pool area, dining and fitness decks and other outdoor areas, and 2) 9,741 square feet of indoor area including clubhouse/kitchen area, resident lounges, co-working spaces, fitness, and yoga areas; and lounge area on the Level 41 with 2,270 square feet of indoor space and 1,340 square feet of outdoor area.
 - a. The hours of operation shall be limited to 6:00 a.m. to 2:00 a.m., daily.
 - b. Indoor seating shall be limited to the following:

Level 5 Residents Amenity Space, including health health/private club, clubhouse/kitchen area, resident lounges, co-working spaces, fitness and yoga areas (9,741 square feet): **134 seats;**
Level 41 Residents Lounge Level (2,270 square feet): **74 seats.**

The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.

c. Outdoor seating shall be limited to the following:

Level 5 Outdoor areas including patio areas, cabana pool areas, dining fitness decks, and other outdoor areas (19,535 square feet): **134 seats;**
Level 41 Outdoor Residents Amenity Areas : **25 seats.**
(1,340 square feet)

The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.

8. **Private Events.** Any use of the subject tenant space for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
9. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
10. A copy of the conditions of this letter of determination, business permit and insurance information shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control.
11. Entertainment in conjunction with the residents' amenity spaces is limited to ambient music. Independent, professional or amateur disc jockeys are not allowed.
12. There shall no Adult Entertainment of any type pursuant to LAMC Section 12.70.
13. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
14. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days.

15. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.
16. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
17. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism or truancy occur.
18. **Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:

- a. Entry, visible to pedestrians
- b. Customer service desk.

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.

19. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
20. The applicant shall be responsible for monitoring both residents and their guests and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
21. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.

22. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
23. The applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
24. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.

ADMINISTRATIVE CONDITIONS

25. **Expedited Processing Section Fee.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
26. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City. At any time, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file. The owner/operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
27. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator

indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.

28. At any time during the period of validity of this grant, if it is determined that the operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require that the owner or operator file a Plan Approval application together with associated fees. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

29. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- i. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- ii. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- iii. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

- iv. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- v. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. Unless otherwise provided in Chapter 1A, Chapter 1 (General Provisions and Zoning), or in a project's conditions of approval, any approval by the Zoning Administrator, Director of Planning, an Area Planning Commission, or the City Planning Commission as initial decision makers that is not effectuated within three years of its effective date becomes null and void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 13A.2.7.G. of the Los Angeles Municipal Code provides:

A Quasi-judicial action or any conditional approval granted by the Director, pursuant to the authority of this Chapter or Chapter 1 (General Provisions and Zoning) of this Code shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission, or City Council in connection with the granting of any action taken pursuant to the authority of this Chapter or Chapter 1 (General Provisions and Zoning), shall constitute a violation of this Chapter or Chapter 1 (General Provisions and Zoning) and shall be subject to the same penalties as any other violation of this Code.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and public comments received all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for approving a main plan approval as enumerated in Section 13B.2.2.H, of the Municipal Code have been established by the following facts.

BACKGROUND

The property is comprised of eight (8) lots measuring approximately 43,710 square-feet (1 acre) located on Figueroa Street in the Central City Community Planning Area. The subject property has a frontage of 280 feet along Figueroa Street, a 291 feet frontage along the alley and a frontage of 150 feet along 8th Street. The property is zoned C2-4D with a Regional Center Commercial land use designation within the Los Angeles Sports and Entertainment District Streetscape, and the Adaptive Reuse Incentive Area. The property is also located within the Transit Priority Area in the City of Los Angeles, State Enterprise Zone, and an Urban Agriculture Incentive Zone. The property is not located within a Very High Fire Hazard Severity Zone, Landslide, High Wind Velocity Area nor within a Methane Hazard Zone. The subject property is located approximately 0.791

kilometers from the Puente Hills Blind Thrust Fault. The property is currently developed with a forty-one-story, 424,402 square foot mixed-use building with 438 dwelling units, 499 parking spaces and commercial spaces. Vehicular ingress/egress to the building is via Figueroa Street and the abutting alley. The proposed tenant space will occupy Levels 5 and 41.

The subject request includes a Main Plan Approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 29,276 square foot health/private club on Level 5 including 19,535 square feet of outdoor space including patio areas, cabana pool area, dining and fitness decks and other outdoor areas. Indoor areas include clubhouse/kitchen area, resident lounges, co-working spaces, fitness, and yoga areas with a total of 134 indoor seats and 134 outdoor seats. The request also includes a total of 3,610 square feet of lounge area on the Level 41 including 1,340 square feet of outdoor area and 2,270 square feet of indoor area with 74 indoor seats and 25 outdoor seats. Proposed hours of operation for are from 6:00 a.m. to 2:00 a.m., daily, in the C2-4D Zone.

SURROUNDING PROPERTIES

Surrounding properties are within the C2-4D zone and are generally developed with commercial uses. The abutting property to the north is zoned C2-4D and is improved with a surface parking lot, industrial and commercial uses. Properties to the south across 8th Street are zoned C2-4D and are developed with commercial uses. The properties to the west across Figueroa Street are zoned C2-4D and are developed with office and commercial uses. The properties to the east across the alley are zoned C2-4D and are developed with a surface parking lot and a parking garage.

STREETS

Figueroa Street, adjoining the subject property to the west, is a designated Avenue I with a dedicated right-of-way width of 100 feet and is improved with curb, gutter, and sidewalk.

8th Street, adjoining the subject property to the south is a designated Modified Avenue II with a designated right-of-way width of 85 feet and is improved with curb, gutter, and sidewalk.

Previous relevant cases, affidavits, and orders on the subject property:

Case No. ZA-2024-3901-MCUP – On October 31, 2024, the Zoning Administrator approved a Main Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with three (3) tenant spaces located within an existing mixed-use development.

Cases on Surrounding Properties:

A search of relevant cases within 500-feet of the project site utilizing PTCS was conducted.

CASE NO. ZA-2024-3906-MPA

Case No. ZA-2023-4215-CUB – On February 22, 2024, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant and outdoor dining area in the C2-4D Zone, located at 735 South Figueroa Street, #207-307.

Case No. ZA-2023-2303-CUB – On June 29, 2023, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with a new restaurant, located at 801 West 7th Street, 655 – 659 Flower Street.

Case No. ZA-2019-864-MPA – On May 2, 2019, the Zoning Administrator approved plans to permit the sale and dispensing of a full line of alcoholic beverages for onsite consumption in conjunction with a proposed restaurant; located at 700 West 7th Street, Suite S430.

Case No. ZA-2017-4196-CUB-CUX – On September 21, 2018, the Zoning Administrator approved a Conditional Use Permit to allow the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing hotel with 72 in-room alcohol access cabinets, a ground floor restaurant, and a basement bar featuring live entertainment; located at 819 South Flower Street.

Case No. ZA-2018-2155-CUB – On August 8, 2018, the Zoning Administrator approved a Conditional Use to permit the on-site sale and dispensing of a full line of alcoholic beverages in conjunction with a 21,272 square-foot meeting, event, and conference center with a full-service kitchen in the C2-4D Zone, located at 777 South Figueroa Street.

Case No. ZA-2017-2512-CU-CUB-SPR – On August 2, 2018, the Zoning Administrator approved a Conditional Use to allow floor area ratio averaging within a Unified Development Site; approved the required passageway pursuant to LAMC Section 12.21-C.2(b) to be located on an adjoining lot within the Unified Development Site; approved a Conditional Use to permit the sale of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant, and approved Site Plan Review for a development project that has 50 or more dwelling units, located at 945 West 8th Street (970 West 7th Street).

Case No. ZA-2017-4720-MPA – On March 9, 2018, the Zoning Administrator approved plans to permit the sale and dispensing of a full line of alcoholic beverages for onsite consumption in conjunction with movie theatre and restaurant with live entertainment and patron dancing; located at 700 South Flower Street, Unit G 600.

Case No. ZA-2017-2459-MPA – On January 3, 2018, the Zoning Administrator approved plans to permit the sale and dispensing of a full line of alcoholic beverages for onsite consumption in conjunction with a proposed restaurant, located at 700 South Flower Street, Unit G 600.

Case No. ZA-2017-1915-PAB – On December 20, 2017, the Zoning Administrator approved a plan approval to permit the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption and continued patron dancing in conjunction

with a 3,935 square foot hotel lounge/nightclub/dancehall in the C2-4D Zone, located at 819 South Flower Street.

Case No. ZA-2017-528-CUB – On November 21, 2017, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with an existing hotel, in the C2-4D Zone, located at 813-815 South Flower Street.

Case No. ZA-2017-321-CUB – On November 1, 2017, the Zoning Administrator approved a Conditional Use Permit to allow the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the expansion of an existing restaurant with limited live entertainment, located at 800 West 7th Street.

PUBLIC CORRESPONDENCE

There was no public correspondence received.

PUBLIC HEARING

A public hearing was held before the Zoning Administrator on Tuesday, October 29, 2024. The hearing was attended by the applicant's representative, Mike Ayaz and consultant, Lee Rabun.

Mr. Ayaz and Mr. Rabun made the following statements:

- This is a request for a Main Plan Approval for the amenity spaces on Levels 5 and 41 of the 41-story mixed use tower.
- This is under the requested Main Conditional Use heard just before this hearing.

There were no speakers at the public hearing.

At the conclusion of the public hearing, the Zoning Administrator stated he would grant the Main Plan Approval request subject to conditions of approval.

CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES

In approving the instant grant, the Zoning Administrator has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The Zoning Administrator has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and

enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the Zoning Administrator.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a Conditional Use Permit from the Zoning Administrator are located within Section 12.24 W of the Los Angeles Municipal Code. In order for the sale and dispensing of a full line of alcoholic beverages for on-site consumption be authorized, certain designated findings have to be made.

CONDITIONAL USE FINDINGS

- 1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The subject site is located along a heavily traveled commercial corridor. The property is currently developed with a forty-one-story, 424,402 square foot mixed-use building with 438 dwelling units, 499 parking spaces and commercial spaces. The proposed project involves the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 29,276 square foot health/private club on Level 5 including 19,535 square feet of outdoor space including patio areas, cabana pool area, dining and fitness decks and other outdoor areas. Indoor areas include clubhouse/kitchen area, resident lounges, co-working spaces, fitness, and yoga areas with a total of 134 indoor seats and 134 outdoor seats. The request also includes a total of 3,610 square feet of lounge area on the Level 41 including 1,340 square feet of outdoor area and 2,270 square feet of indoor area with 74 indoor seats and 25 outdoor seats. Proposed hours of operation for are from 6:00 a.m. to 2:00 a.m., daily.

The Main Plan Approval allows for the subject health/private club and other residential amenities on Level 5, and for the lounge areas on Level 41, to sell and serve a full line of alcoholic beverages for on-site consumption to residents and their guests, pursuant to Main Conditional Use Permit No. ZA-2024-3901-MCUP. The Main Conditional Use case allows the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with two restaurant spaces located on the ground floor and the residential amenity areas on Levels 5 and 41. The residential amenity areas are both indoor and outdoor spaces. Level 5 features a health/private club and other amenities like co-working spaces, fitness and yoga areas and clubhouse/kitchen areas all indoors on Level 5. Outdoor areas include patio and pool cabana areas, as well as dining and fitness decks. Level 41 features indoor and outdoor lounge areas. All of these areas have been identified and fall within the envelop of the Main Conditional Use case.

The Main Plan Approval allows convenience for residents and their guests to enjoy residential amenities without having to purchase alcohol off the site. The applicant will manage and oversee the residential amenities. They will sell food and alcoholic beverages offering a convenience and benefit to the residents of this building. Overall, the project allows the mixed-use building to be competitive and livable by offering amenities that allow for convenience and service. The applicant will offer alcoholic beverages to its residents and present an amenity that brings a resort-like feel to this residential tower. The resort-like amenity raises the standard for residential amenities typically offered to residents, and allows for the building to contribute to the attractiveness of living in downtown. It would contribute to bring a better balance of workers and employees and help revitalize the vibrancy and 24 hour activity of downtown Los Angeles. As conditioned, the Main Plan Approval will allow for these features to be compatible with surrounding uses, ensuring alcohol sales and service will not impact surrounding uses. It will allow for the residential development to operate at a high standard by giving its residents convenience of purchasing and consuming alcoholic beverages while enjoying the amenities of this residential building.

2. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The proposed health/private club and other indoor and outdoor amenities on Level 5 and residents lounges on Level 41 will be compatible with the surrounding neighborhood and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety. The property is zoned C2-4D with a Regional Center Commercial land use designation within the Central City Community Planning Area. The property is improved with a forty-one-story, 424,402 square foot mixed-use building.

The Main Plan Approval authorizes the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 29,276 square foot health/private club on Level 5 including 19,535 square feet of outdoor space including patio areas, cabana pool area, dining and fitness decks and other outdoor areas. Indoor areas include clubhouse/kitchen area, resident lounges, co-working spaces, fitness, and yoga areas with a total of 134 indoor seats and 134 outdoor seats. The request also includes a total of 3,610 square feet of lounge area on Level 41 including 1,340 square feet of outdoor area and 2,270 square feet of indoor area with 74 indoor seats and 25 outdoor seats, with hours of operation for from 6:00 a.m. to 2:00 a.m., daily, in the C2-4D Zone. Alcohol will only be sold and consumed within the identified areas, and monitored by employees of the building. Alcohol will not be permitted to be carried and consumed out of these areas, especially not onto the public rights-of way. It will be entirely confined within the residential amenity areas of Levels 5 and 41. The alcohol license issued by the State's Department of Alcoholic Beverages will dictate where and alcohol can be sold and dispensed, and ensure the operation will be in compliance with State law.

Surrounding properties are within the C2-4D zone and are generally developed with commercial uses. The abutting property to the north is zoned C2-4D and is improved with a surface parking lot, industrial and commercial uses. Properties to the south across 8th Street are zoned C2-4D and are developed with commercial uses. The properties to the west across Figueroa Street are zoned C2-4D and are developed with office and commercial uses. The properties to the east across the alley are zoned C2-4D and are developed with a surface parking lot and a parking garage.

The grant with the imposed conditions provides alleviation for any potential effects from the sale, dispensing, and on-site consumption of alcoholic beverages within the subject amenity space in the mixed-use building. These conditions include but is not limited to the use of electronic age verification devices to deter underage consumption of alcoholic beverages and the implementation of a camera surveillance system and adequate lighting as security measures along with the other conditions incorporated within this grant. In the event the residential building converts to a different operation, such as a hotel, the applicant will be required to file a Plan Approval to the Main Conditional Use grant and file another Plan Approval to ensure the Zoning Administrator reviews the operation and makes a determination for the Main Plan Approval. In addition, the conditions of the grant will safeguard the surrounding community and will be compatible with and will not adversely affect or degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

3. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

The City of Los Angeles' General Plan consists of elements that dictates policies that advances development and manages the City and address environmental issues. The subject site is located in the Central City Community Plan Area, Transit Priority Area in the City of Los Angeles, Greater Downtown Housing Incentive Area, the Los Angeles State Enterprise Zone, the Los Angeles Sports and Entertainment District Streetscape, and the Adaptive Reuse Incentive Area, and Urban Agriculture Incentive Zone.

The Central City Community Plan Map designates the property for Regional Center Commercial land uses land uses with corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3 and RAS4. The land use designation and surrounding zoning permits for a variety of uses including the hotel. Alcohol sales is not directly addressed in the Community Plan, however the approval of such a request is allowed through the approval of the Zoning Administrator, subject to certain findings.

The purpose of the Central City Community Plan is to promote "an arrangement of land uses, streets and services which will encourage and contribute to the health, safety, welfare and convenience of the people who live and work in the Community." Moreover, the Community Plan aims to improve the function, design and economic vitality of the commercial districts while preserving and enhancing

the positive characteristics of existing uses which provide the foundation for community identity, such as scale, height, bulk, setbacks, and appearance.

The proposed use of the subject site is consistent with, and aids to advance the goals and objectives identified in the Central City Community Plan by the following:

- Objective 2-1* *To improve Central City's competitiveness as a location for offices, business, retail, and industry.*

- Objective 2-3* *To promote land uses in Central City that will address the needs of all the visitors to Downtown for business, conventions, trade shows, and tourism.*

- Objective 2-4* *To encourage a mix of uses which create an active, 24-hour downtown environment for current residents and which would also foster increased tourism.*

The availability of the sale and dispensing of a full line of alcoholic beverages for on-site consumption is often an expected amenity of service uses in urbanized areas. The subject request within the residential amenities allows for the applicant to provide a convenience and resort-like living by offering the convenience to purchase alcoholic beverages with the food it offers to raise the level of expectation of amenities for residents. It would enhance the interest of downtown living, contributing to the balance of employees and residents in downtown and furthering the development of the area. The viability of Downtown Los Angeles depends on the continued economic growth and development of the city. The proposed uses conform to the intent, purpose, and provisions of the General Plan and the Central City Community Plan and advances the objectives and intent of the plan by offering a service that will address the needs of the residents of the building. Providing a full line of alcoholic beverages for on-site consumption will not be detrimental to surrounding uses and will promote the activities envisioned by the Community Plan.

4. The proposed use will not adversely affect the welfare of the pertinent community.

The subject site is located in the Central City Community Plan area. The property is developed with a forty-one-story, 424,402 square foot mixed-use building. The proposed areas of alcohol sales and service are located on Level 5 and Level 41 of the mixed-use building. The location is proper in relation to adjacent uses as it is located on a site zoned for commercial uses and surrounded by a varied assortment of urban uses. The Central City Community Plan area encompasses several commercial thoroughfares that provide residents and visitors with a variety of service uses. The availability of amenities such as on-site consumption of alcoholic beverages in association with community serving establishments encourages the success of residents by increasing its attractiveness to live in downtown.

The subject property is zoned for commercial uses, and was approved for a 41-

story mixed use building. The Main Plan Approval allows for the sale and dispensing of a full line of alcoholic beverages in conjunction with the residential amenity areas on Levels 5 and 41. Alcohol will not be sold and dispensed in areas outside of these residential amenity areas of this building. They will not be allowed to take alcoholic beverages off the premises. As conditioned, the sale and dispensing of a full line of alcoholic beverages for on-site consumption will not adversely affect the welfare of the pertinent community. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are alleviated by the imposition of conditions requiring deterrents against loitering and responsible management. Employees will undergo training on the sale of alcohol including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. Other conditions related to excessive noise, litter and noise prevention will safeguard the surrounding residential and sensitive uses. Therefore, with the imposition of such conditions, the sale and dispensing of a full line of alcoholic beverages for on-site consumption at this location will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control’s guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California Department of Alcoholic Beverage Control (“ABC”) licensing criteria, two (2) on-sale and one (1) off-sale alcoholic beverage licenses are allocated to subject Census Tract No. 2077.11. Data provided on the ABC’s License Query System indicate that there are 65 existing on-site and five (5) existing off-site alcoholic beverage licenses within the subject Census Tract.

The following alcohol establishments are located within 1000-feet of the subject site:

- | | | |
|------------------------|---------------------------------------|---------|
| • Riordan’s Tavern | 875 South Figueroa Street | Type 47 |
| • Jinga Ramen | 700 Wilshire Boulevard, Suite B | Type 41 |
| • Public School 13 | 612 South Flower Street | Type 41 |
| • Sugar Fish | 600 West 7 th Street, #150 | Type 41 |
| • Chipotle Restaurant | 601 West 7 th Street | Type 41 |
| • The Capital Grille | 700 West 9 th Street #B-D | Type 47 |
| • Two Guys Kitchen | 601 South Figueroa Street | Type 41 |
| • Baar Baab | 705 West 9 th Street | Type 47 |
| • Strada Eaterie & Bar | 825 James M Wood Boulevard | Type 47 |

- Aconcagua Wine Country 626 Wilshire Boulevard Type 20
- Giulia 655 South Hope Street #101 Type 47
- Le Grande 600 West 7th Street #170 Type 47
- Harbor House 1000 Wilshire Boulevard Type 47

According to statistics provided by the Los Angeles Police Department Central Division, which has jurisdiction over the subject property within Crime Reporting District No. 162, a total of 1,075 crimes were reported in 2023 (964 Part I Crimes and 111 Part II Arrests) compared to the citywide average of 162 crimes and arrests and the high crime average of 194 crimes for 2023. In 2023, there were (12) Narcotics, (1) Liquor Law, (1) Public Drunkenness, (0) Disturbing the Peace, (1) Disorderly Conduct, (0) Gambling, and (6) DWI related arrests. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

Concentration can be undue when the addition of a license will negatively impact a community. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license will benefit the public welfare and convenience. The subject site is located within a Census Tract where the number of active on-site ABC licenses exceeds ABC guidelines significantly above the number allocated for the census tract. The crime rate in the reporting district where the subject site is located is also substantially higher than those rates identified for the City. The subject site is located within a mixed use building in downtown Los Angeles. The area is near many hotels, high-rise buildings, retail and other commercial uses. There are many restaurants on the ground floor of many of these buildings. The high number of commercial uses and the concentration of people and businesses and offices account for the higher number of licensed premises as well as the area's high crime rate. Moreover, no evidence was submitted to the record establishing any link between the subject site and the area's crime rate. The request is to authorize the sale and dispensing of a full line of alcoholic beverages in conjunction with the residential amenity areas on Levels 5 and 41 of the mixed use building would not lead to an undue concentration of alcohol licenses is not expected to result in any nuisance activity or contribute to the areas crime rate. Negative impacts commonly associated with the sale and dispensing of alcoholic beverages such as criminal activity, public drunkenness, and loitering are minimized by the conditions of approval that are imposed by this grant. Consumption and sales would be confined within Levels 5 and 41 and employees will monitor these areas to ensure there would not be such nuisances.

6. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The project site is zoned for commercial uses and has been approved as a mixed use building. This grant allows for sales and dispensing of alcoholic beverages only within the residential amenity areas on Levels 5 and 41 of the mixed use building. The approval of the grant is not anticipated to impact the sensitive uses or residentially zoned communities negatively by the sale, dispensing, on-site consumption of a full line of alcoholic beverages. The project is consistent with the zoning and in keeping with the existing uses adjacent to the project site. The Zoning Administrator has considered the distance of the subject establishment from the nearby residential and sensitive uses. The conditions of the grant address safety, noise and security to protect the health, safety and welfare of the community. Therefore, as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located outside a flood zone.

APPEAL PERIOD - EFFECTIVE DATE

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

Online Application System (OAS): The OAS (<https://planning.lacity.gov/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

Drop off at DSC. Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms and accompanied by the required fee and a copy of the determination letter. Appeal

applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.gov/development-services/forms>.
Public offices are located at:

Metro DSC	Van Nuys DSC
201 N. Figueroa Street Los Angeles, CA 90012 planning.figcounter@lacity.org (213) 482-7077	6262 Van Nuys Boulevard Van Nuys, CA 91401 planning.mbc2@lacity.org (818) 374-5050
South LA DSC	West LA DSC
(In person appointments available on Tuesdays and Thursdays 8 am – 4 pm only) 8475 S. Vermont Avenue 1st Floor Los Angeles, CA 90044 planning.southla@lacity.org	(CURRENTLY CLOSED) 1828 Sawtelle Boulevard West Los Angeles, CA 90025 planning.westla@lacity.org (310) 231-2901

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's [BuildLA](https://build.lacity.gov) portal (appointments.lacity.gov). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to
Online Appeal
Filing



QR Code to Forms for In-
Person Appeal Filing



QR Code to BuildLA Appointment
Portal for Condition Clearance

CASE NO. ZA-2024-3906-MPA

Inquiries regarding the matter shall be directed to Michelle Carter, Department of City Planning at michelle.carter@lacity.org or (213) 978-1262.



HENRY CHU
Associate Zoning Administrator

HC:MC:nm

cc: Councilmember Kevin de León
Fourteenth Council District
Adjoining Property Owners

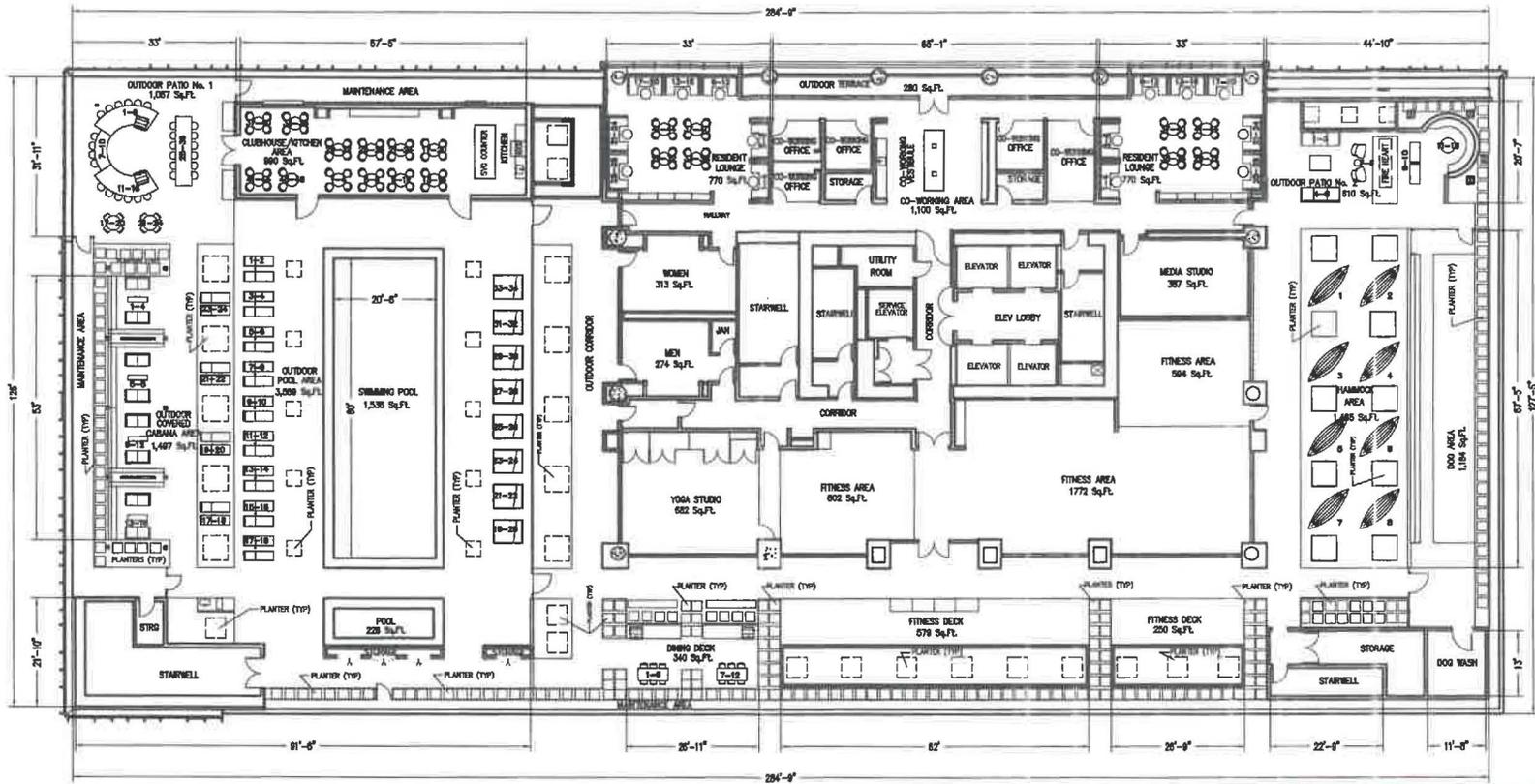


EXHIBIT "A"
 Page No. 24 of 4
 Case No. 2A-2024-5906-MK

CONCEPTUAL FLOOR PLAN

LEVEL 5

SCALE: 3/32" = 1'-0"

AREAS	
OUTDOOR	
PATIO No. 1 =	1,088 Sq.Ft.
PATIO No. 2 =	820 Sq.Ft.
CABANA / POOL AREA =	6,826 Sq.Ft.
DINING DECK =	340 Sq.Ft.
FITNESS DECKS =	829 Sq.Ft.
DOG RUN AREA =	1,184 Sq.Ft.
HAMMOCK AREA =	1,485 Sq.Ft.
OUTDOOR TERRACE =	298 Sq.Ft.
MISCELLANEOUS =	6,583 Sq.Ft.
TOTAL OUTDOOR AREA =	19,535 Sq.Ft.

NOTE: MISCELLANEOUS AREA INCLUDES WALLS, CORRIDORS, PLANTERS, ETC

AREAS	
INDOOR	
CLUBHOUSE/KITCHEN AREA =	990 Sq.Ft.
RESIDENT LOUNGES =	1,540 Sq.Ft.
CO-WORKING AREA =	1,100 Sq.Ft.
MEDIA STUDIO =	387 Sq.Ft.
FITNESS / YOGA AREA =	3,650 Sq.Ft.
RESTROOMS =	587 Sq.Ft.
MISCELLANEOUS =	1,487 Sq.Ft.
TOTAL INDOOR AREA =	9,741 Sq.Ft.
TOTAL OUTDOOR AREA =	19,535 Sq.Ft.
TOTAL FLOOR AREA =	29,276 Sq.Ft.

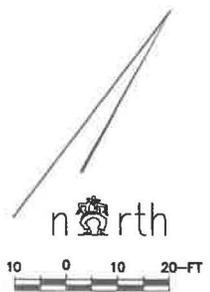
NOTE: MISCELLANEOUS AREA INCLUDES WALLS, CORRIDORS, COLLARS, ETC

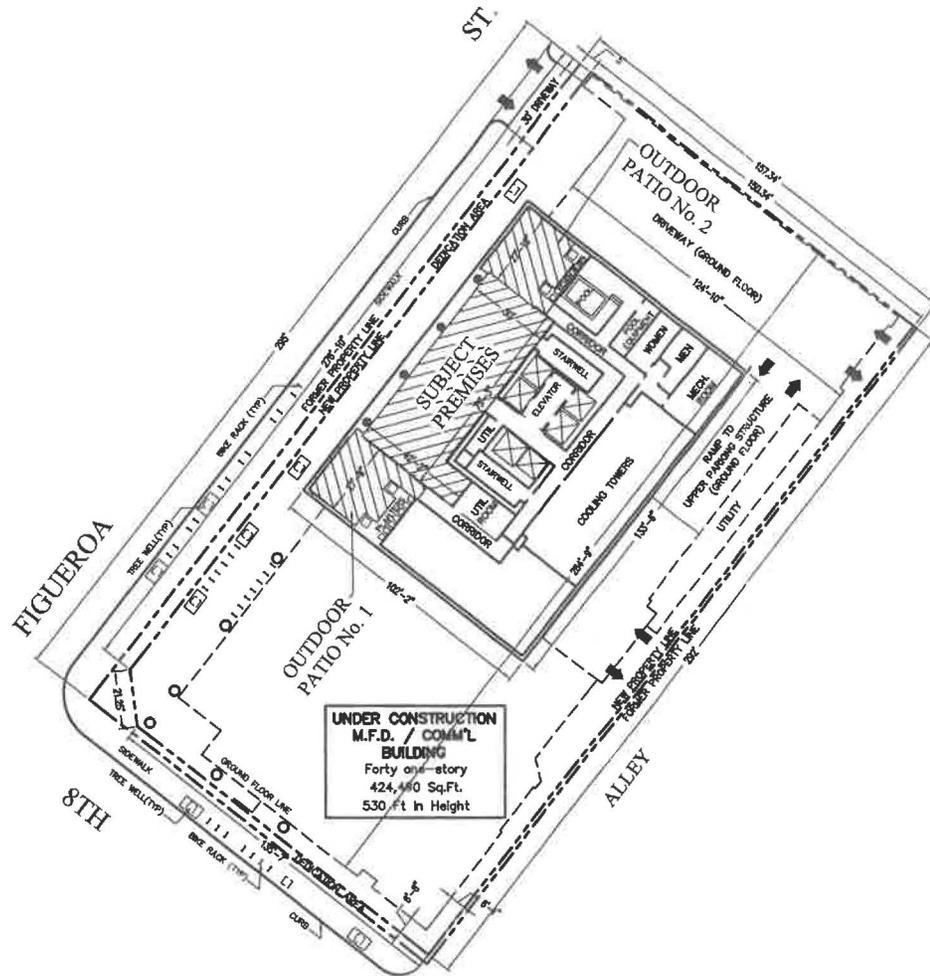
SEATING CAPACITY	
INDOOR SEATING	
CLUBHOUSE =	48
RESIDENT LOUNGES =	88
TOTAL INDOOR SEATING =	134
OUTDOOR SEATING =	
OUTDOOR PATIO No. 1 =	36
OUTDOOR PATIO No. 2 =	18
CABANA AREA =	24
POOL AREA =	36
DINING DECK =	12
HAMMOCK AREA =	8
TOTAL OUTDOOR SEATING =	134
TOTAL SEATING =	268

BLAKE & AYAZ LAW OFFICE
 2107 N BROADWAY, SUITE 106
 SANTA ANA, CA 92706
 714-667-7171

SITUS:
 744 S FIGUEROA ST LEVEL 5
 LOS ANGELES, CA 90017
 TS 23-3198

CADFILE No: 6TH & FIG-PP-PP
 CASE No:
 DATE: MARCH 8, 2024
 CAD BY: TROUBLE SHOOTER
 818-914-4003





Site Description

Total Site Area = 46,390.2 Sq.Ft.
 Total Floor Area = 424,490 Sq.Ft.
 Subject Premises Indoor Floor Area = 2,270 Sq.Ft.
 Subject Premises Outdoor Area = 1,340 Sq.Ft.

Legal Description
 Per Lot 6-10, Block 30, Huber Tract, M.R. 2-280,
 See Application

Parking Required (Subject Premises)
 Proposed Restaurant, 2,270 Sq.Ft. (1 per 500 Sq.Ft.) = 5 Spaces
 Total Spaces Required (Subject Premises) = 5 Spaces
 per ZI 2374 Los Angeles State Enterprise Zone

Parking Provided
 Residential Use = 462 Spaces
 Commercial Use = 43 Spaces
 Total Spaces Provided = 505 Spaces

EXHIBIT 66-99
 Page No. 3 of 4
 Case No. 2A-2024-3906-MPA
 (H)

CONCEPTUAL PLOT PLAN LEVEL 41

SCALE: 1" = 20'

BLAKE & AYAZ LAW OFFICE 2107 N BROADWAY, SUITE 106 SANTA ANA, CA 92706 714-667-7171	SITUS: 744 S FIGUEROA ST LEVEL 41 LOS ANGELES, CA 90017 TS 23-3198	CADFILE No: 8TH & FIG-PP-FP CASE No: DATE: MARCH 8, 2024 CAD BY: TROUBLE SHOOTER 818-914-4003
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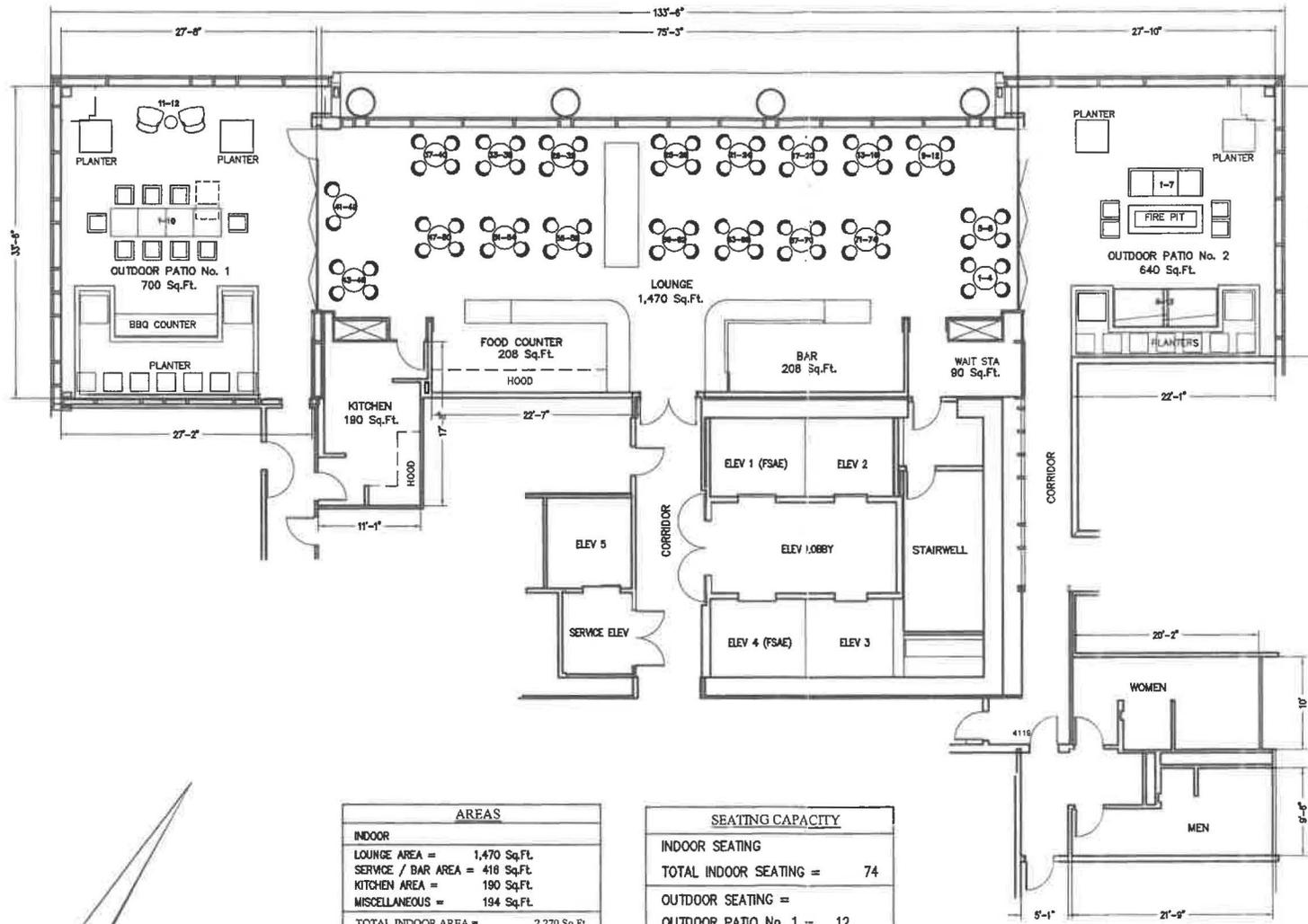


EXHIBIT (A, B)
 Page No. 4 of 4
 Case No. LA 024-900-MAA

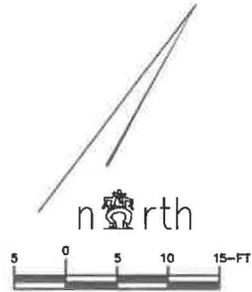
**CONCEPTUAL
 FLOOR PLAN
 LEVEL 41**

SCALE: 3/16" = 1'-0"

AREAS	
INDOOR	
LOUNGE AREA =	1,470 Sq.Ft.
SERVICE / BAR AREA =	418 Sq.Ft.
KITCHEN AREA =	190 Sq.Ft.
MISCELLANEOUS =	194 Sq.Ft.
TOTAL INDOOR AREA =	2,270 Sq.Ft.
TOTAL OUTDOOR AREA =	1,340 Sq.Ft.
TOTAL FLOOR AREA =	3,610 Sq.Ft.

NOTE: MISCELLANEOUS AREA INCLUDES WALLS, CORRIDORS, RAMPS, ETC.

SEATING CAPACITY	
INDOOR SEATING	
TOTAL INDOOR SEATING =	74
OUTDOOR SEATING =	
OUTDOOR PATIO No. 1 =	12
OUTDOOR PATIO No. 2 =	13
TOTAL OUTDOOR SEATING =	25
TOTAL SEATING =	99



BLAKE & AYAZ LAW OFFICE 2107 N BROADWAY, SUITE 106 SANTA ANA, CA 92706 714-667-7171
SITUS: 744 S FIGUEROA ST LEVEL 41 LOS ANGELES, CA 90017 TS 23-3198
CADFILE No: 8TH & FIG-PP-1P **CASE No:** **DATE:** MARCH 8, 2024 **CAD BY:** TROUBLE SHOOTER 818-914-4003