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January 3, 2013

Dee Ann Caitlin (A)
Smart & Final
600 Citadel Drive
Commerce, CA 90040

L and R Auto Parks, Inc. and (O)
L and R Investment Company
845 South Figueroa Street
Los Angeles, CA 90017

Tom McCarty (R)
The McCarty Company, LLC
700 South Flower Street, Suite 1100
Los Angeles, CA 90017

CASE NO. ZA 2012-0721(CUB)

CONDITIONAL USE

845 South Figueroa Street

Central City Planning Area

Zone : C2-4D

D.M. : 129A207

C.D. : 9

CEQA : ENV-2012-722-MND

Legal Description: Fraction of Lot 19,
Meyer Block Tract

Pursuant to Los Angeles Municipal Code Section 12.24-W,1, I hereby APPROVE:

a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption, in conjunction with a 21,122 square-foot discount supermarket, known as Smart and Final, 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 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's Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Indemnification. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. Approved herein is the sale and dispensing of a full-line of alcoholic beverages for off-site consumption, in conjunction with a 21,122 square-foot discount supermarket. Hours of operation shall be limited from 6:00 a.m. to 10:00 p.m., daily.
8. The authorization granted herein for the off-site sale and dispensing of a full line of alcoholic beverages is for a period of five (5) years from the effective date of this grant. Thereafter, a new authorization to allow the off-site sale and dispensing of a full line of alcoholic beverages will be required.

The applicant is advised that he/she should allow appropriate time for a new entitlement application to be processed and the application should be approved prior to the expiration date of this grant in order to continue the sale of alcoholic beverages at the restaurant.

9. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
10. Any liquor storage next to the entrance shall be locked with keys.
11. There shall be no coin-operated games or video machines permitted on the premises at any time.
12. No pay phone shall be maintained on the exterior of the premises.

13. There shall be no Adult Entertainment of any type pursuant to Section 12.70 of the Municipal Code.
14. Adequate 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.
15. Any music, sound or noise emitted from the subject businesses shall comply with the noise regulations in the Los Angeles Municipal Code. All outside personnel associated with music performance and/or acoustical sound shall follow the City's noise regulations and required to comply.
16. No alcoholic beverage shall be consumed on any property adjacent to the licensed premises under the control of the license.
17. There shall be no service, sales or possession of an alcoholic beverage on any sidewalk.
18. Off-street parking shall comply with the applicable provisions of the Los Angeles Municipal Code.
19. The petitioner(s) shall not allow their property to be used as overflow parking for the public.
20. The applicant/owner/operator and on-site manager(s) shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal, criminal, and/or nuisance activity on the subject premises and any accessory parking areas which have been made available or are commonly utilized for patron parking.
21. The business operator shall install and maintain surveillance cameras in all areas of the premises, and a 30-day video library that covers all common areas of such business, including all high-risk areas and entrances or exits. The tapes shall be made available to the Police Department upon request.
22. The business operator shall present upon request to any law enforcement officer, a copy of the business permit, insurance information, and a valid emergency contact phone number for any valet service used by the business.
23. Loitering is prohibited on or around these premises or the area under control of the applicant.
24. Petitioners shall regularly police the area under their control in an effort to prevent littering patrons about the premises.
25. The rear/side door(s) of the premises shall be equipped on the inside with an automatic locking device and shall be kept closed at all times. This door(s) shall not be used as a means of access by patrons to and from the premises. Temporary use of this door(s) for delivery of supplies does not constitute a violation. Side door(s) are not to consist solely of a screen or ventilated security door.

26. Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages shall be installed on the premises at each point-of-sale location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverages or tobacco products.
27. Within six months of the effective date of the this determination, Standardized Training for Alcohol Retailers (STAR) from the LAPD with a copy of such written request provided to the Department of City Planning's Development Services Center. Upon completion of the training, the applicant shall provided evidence to the Department of City Planning's Development Services Center that such training was provided. Training shall be repeated on an annual basis.
28. A sign shall be located at the cashier's area indicating the name and phone number of a responsible person to be contacted in the event the operation of the facility is causing concerns or problems to the surrounding neighborhood. The phone number shall connect directly to the responsible person and not to an answering machine.
29. A 24-hour "hot line" phone number shall, be provided for the receipt of complaints from the community regarding the subject facility and shall be:
 - a. Posted at the entry.
 - b. Posted at the Customer Service desk.
 - c. The property owner/operator shall keep a log of complaints received, the date and time received, and the disposition of the response.
 - d. The log shall be available for inspection by the LAPD and Zoning Administrator upon request.
30. The property owner/operator shall keep a log of complaints received, the date and time received, and the disposition of the response. This shall be available for inspection by the Department.
31. Conditions of this grant shall be posted in the office on the premises at all times and shall be made immediately produced upon request of any Los Angeles police officer or ABC investigator. The manager and all employees shall be knowledgeable of the conditions herein.
32. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department and City Planning.
33. All of the mitigation measures identified in the Environmental Clearance Case No. ENV-2012-722-MND have been adopted as conditions of the instant action and are listed below for the convenience of the reader:
 - a. Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.

- b. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code Section 91.8104.15.
- c. An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11, to the satisfaction of the Department of Building and Safety.
- d. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.
- e. Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.
- f. Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.
- g. The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- h. Construction and demolition shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.
- i. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- j. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- k. The proposed facility shall incorporate noise-attenuating features (physical as well as operational) designed by a licensed acoustical sound engineer to assure that operational sounds shall be inaudible beyond the property line.
- l. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a

minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

- m. All restroom faucets shall be of a self-closing design.
 - n. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
 - o. Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.
 - p. To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.
34. 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.
35. Prior to issuance of any permits relative to this matter, 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 for CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. This 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 to the Department of City Planning for attachment to the subject case file.

The following conditions are alcoholic beverage specific conditions volunteered by the applicant and shall be complied with:

36. There shall be no exterior advertising or signs of any type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition. This condition is not meant to preclude an interior display of alcoholic beverage containers within the interior of the supermarket space.

37. Beer and malt liquor regardless of container size shall not be sold in units of less than a six pack.
38. Wine shall not be sold in bottles or container smaller than 750 ml. Wine coolers shall not be sold in units of less than four packs.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become 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 that you advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter 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 valid 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 shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **January 18, 2013**, unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period

expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are also available on-line at <http://planning.lacity.org>.** Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

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.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Department of City Planning's Development Services Center. 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, the report by the Department of City Planning Staff thereon, and the statements made at the public hearing on January 18, 2013, 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 for authorizing a conditional use permit under the provisions of Section 12.24-W have been established by the following facts:

BACKGROUND

The subject site is located in the Central City Community Plan and has a Regional Center Commercial land use designation. The project site is a 31,103 square-foot site, consisting of a rectangular-shaped lot located at the northwest corner of Figueroa Street and 8th Place. The site is currently improved with a five-story office building. The site is located in the Greater Downtown Housing Incentive Area, Downtown Design Guide Project Area, Los Angeles State Enterprise Zone, Downtown Adaptive Reuse Incentive Area, Central City Parking Area, Downtown Parking Area, Fire District No. 1, and Central City Revitalization Zone.

The applicant is requesting the sale of a full line of alcoholic beverages for off-site consumption, in conjunction with a new 21,122 square-foot discount supermarket. The Smart & Final store is proposed at the northern portion of the property. A 4,020 square-foot portion of the ground floor will be maintained for use as a financial institution, lobby, and elevator for the office uses on the upper floors that is not part of this subject application. The project also includes a new 2,337 square-foot loading/receiving structure and 22 parking spaces located on an adjacent surface parking lot to the northeast at 827 South Figueroa Street and 36 parking spaces located in an adjacent parking garage to the northwest at 824 & 830 South San Francisco Street and 825 & 835 West 8th Place. The loading/receiving area will be connected to the store. The loading/receiving structure and parking spaces are proposed to be provided by an easement agreement (covenant and agreement).

Vehicular access to the surface parking lot is provided by a driveway off of Figueroa Street. Vehicular access to the parking structure is provided by a driveway off of Francisco Street and 8th Street. The project will also provide six bicycle parking.

According to the application, there will be no outdoor signs advertising the availability of alcohol. Alcohol will not be allowed to be consumed anywhere within the confines of the project. The gross sale of alcohol is not planned or anticipated to exceed the sale of food during any period. There will be no security guards, however adequate lighting, security cameras, and an alarm system will be provided.

Surrounding uses consist of a surface parking lot and high rise office buildings to the north and northeast in the C2-4D Zone, high rise office buildings to the south across Figueroa Street in the C2-4D Zone; a parking garage to the northeast in the C2-4D Zone; and a parking garage and an office building to the west across 8th Place in the C2-4D Zone.

A letter of support was received from the Downtown Los Angeles Neighborhood Council, dated September 11, 2012. A copy of the letter is located in the case file.

Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property:

There are no similar or relevant ZA or CPC cases.

Previous Cases, Affidavits, Permits, and Orders on Surrounding Properties:

Case No. ZA 2011-3072(CUB)(CUX): On June 21, 2012, the Zoning Administrator approved a Conditional Use Permit, for the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption in an existing ground floor restaurant with a mezzanine and a reduced in size basement wine bar/banquet center and for in room alcohol access cabinets pursuant to a Department of Alcoholic Beverage Control [Type 661 license in conjunction with an existing 32,546 square-foot, 72 room full service hotel operating 24 hours per day, 7-days a week in the C2-4D Zone; a Conditional Use Permit for the sale and dispensing of a full line of alcoholic beverages for on-site consumption in a 3,935 square-foot hotel lounge/nightclub located in the basement of the hotel, with an independent entrance from the existing banquet center, containing a maximum of 197 seats and hours of operation from 11:00 a.m. to 2:00 a.m. daily with live entertainment and dancing; a Conditional Use Permit for the continued operation of live entertainment and

dancing, only incidental to a banquet, in the 3,864 square-foot basement wine bar/banquet center with 61 seats; a Conditional Use Permit, for the continued operation of ancillary hotel amenities of an on-site health spa, having spa and massage treatment rooms, operating within a 1,755 square-foot area of the first floor; and a Conditional Use Permit for live entertainment and dancing in a 3,935 square-foot hotel lounge/nightclub located in the basement of the hotel, located at 819 South Flower Street.

Case No. ZA 2011-2897(CUB): On March 16, 2012, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant, "Planetalis" in the C2-4D Zone, located at 800 South Figueroa Street, #101.

Case No. ZA 2011-1335(CUB): On November 17, 2011, the Zoning Administrator approved a conditional use permit to allow the continued sale and dispensing for consideration of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant, located at 735 South Figueroa Street, #207.

Case No. ZA 2010-1731(CUB): On September 17, 2010, the Zoning Administrator approved a conditional use to allow the continued sale and dispensing for consideration of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant, located at 875 South Figueroa Street.

Case No. ZA 2008-3292(CUB)(CUX)(ZV): On December 10, 2008, the Zoning Administrator approved Conditional Uses to permit: 1) the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with existing hotel restaurants, with hours of operation from 6 a.m. to 2 a.m. daily; 2) in-room alcoholic beverage cabinets within the hotel's 72 guest rooms; 3) alcoholic beverages and public dancing in conjunction with the hotel banquet room, also having live entertainment; 4) ancillary hotel amenities including a proposed on-site spa with massage; and 5) a Variance to permit required parking to be located off-site via lease in lieu of covenant and agreement; all on property located within the C2-4D Zone, at 819 South Flower Street.

Case No. ZA 2008-2485(CUB): On July 24, 2009, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of beer and wine only for off-site consumption in conjunction with a 4,122 square-foot convenience market, having hours of operation from 6 a.m. to 12 midnight, Monday through Friday, from 6 a.m. to 1 a.m. on Saturday, and from 7 a.m. to 10 p.m. on Sunday, on property located within the C2-4D Zone, at 800 South Figueroa Street, #101.

Case No. ZA 2007-2974(CUB): On October 17, 2008, the Zoning Administrator approved a Conditional Use to permit: 1) the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with three restaurant venues totaling approximately 16,278 square feet, and accommodating a total of approximately 514 seats; and 2) the sale and dispensing of beer and wine only for on-site consumption in conjunction with two restaurant/café venues, totaling approximately 3,070 square feet; and accommodating a total of 92 seats; all having 24-hour daily operations, on property located within the C2-4D Zone, at 888 South Figueroa Street.

Case No. ZA 2007-1823(CUB): On July 6, 2007, 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 within a proposed 1,988 square-foot restaurant in the C2 Zone, located at 875 South Figueroa Street.

Case No. ZA 2006-0781(ZV)(CUB)(CUX): On February 27, 2007, the Central Area Planning Commission granted an appeal in part, and approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 6,600 square-foot hotel restaurant, accommodating a maximum of 59 patrons, with hours of operation from 6 p.m. to 11 p.m. daily, and to permit a mini-bar within each hotel guest room; and approved a Variance to permit required parking to be provided off-site via lease in lieu of covenant and agreement; and denied a request to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed basement-level nightclub with dance floor, two bars, and hours of operation from 8 p.m. to 2 a.m. daily; all on property located within the C2-4D Zone, located at 819 South Flower Street.

Case No. ZA 2005-5432(CUB): On February 3, 2006, 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 a proposed restaurant, located at the lower and mezzanine levels of the shopping plaza, accommodating 71 interior and 69 exterior seats, with hours of operation from 7 a.m. to 12 midnight Monday through Thursday, from 7 a.m. to 2 a.m. Friday and Saturday, and from 7 a.m. to 10 p.m. on Sunday, located at 735 South Figueroa Street.

Case No. ZA 2004-4561(CUB): On November 5, 2004, the Zoning Administrator approved plans to permit the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 7,150 square-foot restaurant on the ground floor of an existing office building seating no more than 236 patrons and proving a Fire Department approved occupancy load of 297 patrons, located at 800 South Figueroa Street.

Case No. ZA 2003-6356(CUB)(CUX): On February 12, 2004, the Zoning Administrator approved a request to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption and for dancing and live entertainment, in conjunction with an existing restaurant and bar accommodating 171 patrons and including a 24-seat courtyard, located at 825 West James M. Wood Boulevard.

Case No. ZA 2003-0786(CUB)(ZV)(SPR): On May 7, 2003, the Zoning Administrator approved a Conditional Use to permit the sale of a full line of alcoholic beverages in three off-site premises and five on-site premises at 830 South Flower Street (the Gas Company Lofts).

Case No. ZA 2001-2245(CUB): On December 13, 2001, 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 a proposed 6,187 square-foot restaurant, located at 801 South Figueroa.

Case No. ZA 2001-0506(CUB): On May 10, 2001, the Zoning Administrator approved a Conditional Use to permit the sale of a full line of alcoholic beverages in a restaurant (Morton's), at 735 South Figueroa Street, in the 7th + Fig Shopping Center.

Figueroa Street is a Modified Major Highway I with a variable width of 90 to 100 feet.

8th Place is a Local Street with a 47-foot width.

The public hearing was conducted on October 24, 2012 in Room 1020 at downtown Los Angeles City Hall. The public hearing was attended by the applicant, the applicant's representative, and a representative from Council District 14. No members of the public were present.

The applicant's representative, Tom McCarty, discussed the requested entitlement and the proposed Smart & Final. The site is improved with a five-story office building and Smart & Final will be leasing the tenant space. The LAPD Vice letter will be forthcoming. Pat Barber, representative for Smart & Final also spoke regarding the proposed wholesale/retail grocery store.

Tanner Blackman, a representative of Council District 14, stated that the council office strongly supports the project. The Smart & Final is a new grocery option and it will also serve the restaurant community. Officer Maria Crescenzo stated that she has met with the applicant. Officer Crescenzo requested that the case be held open for one week to allow time for them to submit condition letter.

At the hearing, the Zoning Administrator approved the subject request and announced that the case would be under advisement for one week, pending the submittal of a LAPD condition letter. After the hearing, a LAPD letter was received and dated November 26, 2012.

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 of the Los Angeles Municipal Code. In order for the sale of a full line of alcoholic beverages for off-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the four standard findings for most other conditional use categories.

MANDATED FINDINGS

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

1. **The proposed location will be desirable to the public convenience or welfare.**

The subject site is located in the Central City Community Plan and has a Regional Center Commercial land use designation. The project site is a 31,103 square-foot

site, consisting of a rectangular-shaped lot located at the northwest corner of Figueroa Street and 8th Place. The site is currently improved with a five-story office building. The applicant is requesting the sale of a full line of alcoholic beverages for off-site consumption, in conjunction with a new 21,122 square-foot discount supermarket. The Smart & Final store is proposed at the northern portion of the property. A 4,020 square-foot portion of the ground floor will be maintained for use as a financial institution, lobby, and elevator for the office uses on the upper floors that is not part of this subject application. The project also includes a new 2,337 square-foot loading/receiving structure and 22 parking spaces located on an adjacent surface parking lot to the northeast at 827 South Figueroa Street and 36 parking spaces located in an adjacent parking garage to the northwest at 824 & 830 South San Francisco Street and 825 & 835 West 8th Place. The loading/receiving area will be connected to the store. The loading/receiving structure and parking spaces are proposed to be provided by an easement agreement (covenant and agreement).

Smart & Final will be desirable to the public convenience and welfare as it is near local businesses, commercial uses, and offices. Markets are a permitted use in the C2-4D Zone. The Smart & Final store is a wholesale/retail grocery store. Approximately 5% of the store's floor area will be devoted to alcoholic beverages. The remainder will be devoted to a wide range of food and sundries. Smart & Final is at a convenient location within walking distance of numerous offices and residential buildings. The proposed Smart & Final store will provide an alternative to the community and to the downtown area and will provide a service that is beneficial to the community. Therefore, the site is convenient to the public.

2. The location is proper in relation to adjacent uses or the development of the community.

The property is currently improved with a currently improved with a five-story office building. Surrounding uses consist of a surface parking lot and high rise office buildings to the north and northeast in the C2-4D Zone, high rise office buildings to the south across Figueroa Street in the C2-4D Zone; a parking garage to the northeast in the C2-4D Zone; and a parking garage and an office building to the west across 8th Place in the C2-4D Zone.

The site is located at the northwest corner of Figueroa Street and 8th Place. The location is an appropriate location for a discount market. Smart & Final is a well-known major retail/wholesale company that customarily engages in the sale of grocery items, as well as alcoholic beverages in a professional and responsible manner. The project has support of Council District 14 and the Downtown Los Angeles Neighborhood Council. The proposed Smart & Final in conjunction with conditions addressing alcohol-related issues and noise issues will safeguard public welfare and enhance public convenience. The proposed use will provide a wholesale/retail grocery store that is in close proximity to the residents and businesses within the neighborhood.

3. **The use will not be materially detrimental to the character of the development in the immediate neighborhood.**

The sale and dispensing of a full line of alcoholic beverages for off-site consumption, in conjunction with a wholesale/retail grocery store within a five-story office building, will not be materially detrimental because the area is primarily characterized by high-rise offices, commercial uses, and multi-family uses. The location at the northwest corner of Figueroa Street and 8th Place, is an appropriate location for a wholesale/retail grocery store that serves alcohol. The Zoning Administrator and LAPD have included numerous conditions that will reduce the impact of the operation of the wholesale/retail grocery store to the local businesses, commercial uses, and offices that include: no alcoholic beverage shall be consumed on any property adjacent to the licensed premises and that no loitering is prohibited on or around the premise.

4. **The proposed location will be in harmony with the various elements and objectives of the General Plan.**

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Central City Plan Map designates the property for Regional Center Commercial land use with the corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4. The site is located not located within a Specific Plan area.

The location of a discount supermarket in a Regional Center Commercial land use is consistent with the many goals of the Central City Plan Community Plan. The Central City Plan Community Plan text is silent with regards to alcohol sales in discount supermarkets. In such cases, the Zoning Administrator must interpret the intent of the Plan. Given the numerous conditions of approval, the use would help enhance the viability of area stores and businesses. The fact that the project would provide a street-level use which would serve to encourage pedestrian activity in the area, the proposed use can be deemed to be in harmony with the General Plan.

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

The approval of the conditional use request will not adversely affect the welfare of the community. The subject property is zoned for commercial uses and will be utilized as such with the proposed sale of alcohol in conjunction with a Smart & Final discount supermarket. The use will not adversely affect the economic welfare of the community because the market positively impacts the financial health of the property and improves the economic vitality of the area via increases in taxable revenue and local employment. The project provides much needed economic

revitalization to the community and provides 10-15 jobs for the community. The approval of the conditional use will not adversely affect the welfare of the community.

6. **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 State Department of Alcoholic Beverage Control (ABC), there are one off-site license and two on-site licenses allocated to Census Tract No. 2077.10 while there are 18 off-site licenses and 80 on-site licenses existing, however 1 of the 81 off-site licenses has been surrendered and 1 of the 80 on-site licenses and 1 is pending revocation. The applicant is proposing to add one off-site license to this census tract. Over-concentration can be undue when the addition of a license will negatively impact a neighborhood. Over-concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. Although the census tract is numerically over-concentrated, the project will not adversely affect community welfare because the proposed restaurant is a desirable use in an area designated for such.

Statistics from the Los Angeles Police Department reveal that in the subject Crime Reporting District No. 161, which has jurisdiction over the subject property, a total of 116 crimes were reported in 2011, compared to the citywide average of 144 crimes and 173 crimes in the high crime reporting district for 2011. Of the 116 crimes reported, no arrests were made for liquor laws, no arrests were made for under the influence of alcohol, and 53 arrests were for driving under the influence. Crime reporting statistics for 2012 are not yet available. The Zoning Administrator and LAPD have imposed a number of conditions related to the service of alcohol that will further reduce any potential crime issues.

7. **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 following sensitive uses are located within a 1,000-foot radius of the project site:

- Health Care Partners/Urgent Care Center – 929 Georgia Avenue
- Grand-Hope Park – Southeast corner of Hope Street and 9th Street.

The site is located in Downtown and the surrounding neighborhood has been and continues to be a neighborhood with a mixture of offices, commercial uses, and multi-family residential uses. The applicant is committed to help preserve such character through responsible service of alcohol in conjunction with the operation of discount supermarket. LAPD has submitted a list of conditions to reduce the impact to the surrounding neighborhood. Further, Smart & Final is a well-known major retail/wholesale company that customarily engages in the sale of grocery items, as well as alcoholic beverages in a professional and responsible manner.

ADDITIONAL MANDATORY FINDINGS

8. 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 in Zone C, areas of minimal flooding.
9. On October 15, 2012, the City Planning Department Staff issued Mitigated Negative Declaration No. ENV-2012-722-MND. This Mitigated Negative Declaration reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts are mitigated to a less than significant level. I hereby adopt that action. The custodian of the documents or other material which constitute the record of proceedings upon which the decision is based are located with the City of Los Angeles, Planning Department located at 200 North Spring Street, Room 750, Los Angeles, California 90012.

I concur with the report prepared by Christina Toy Lee, Planning Staff for the Office of Zoning Administration, on this application and approve same.

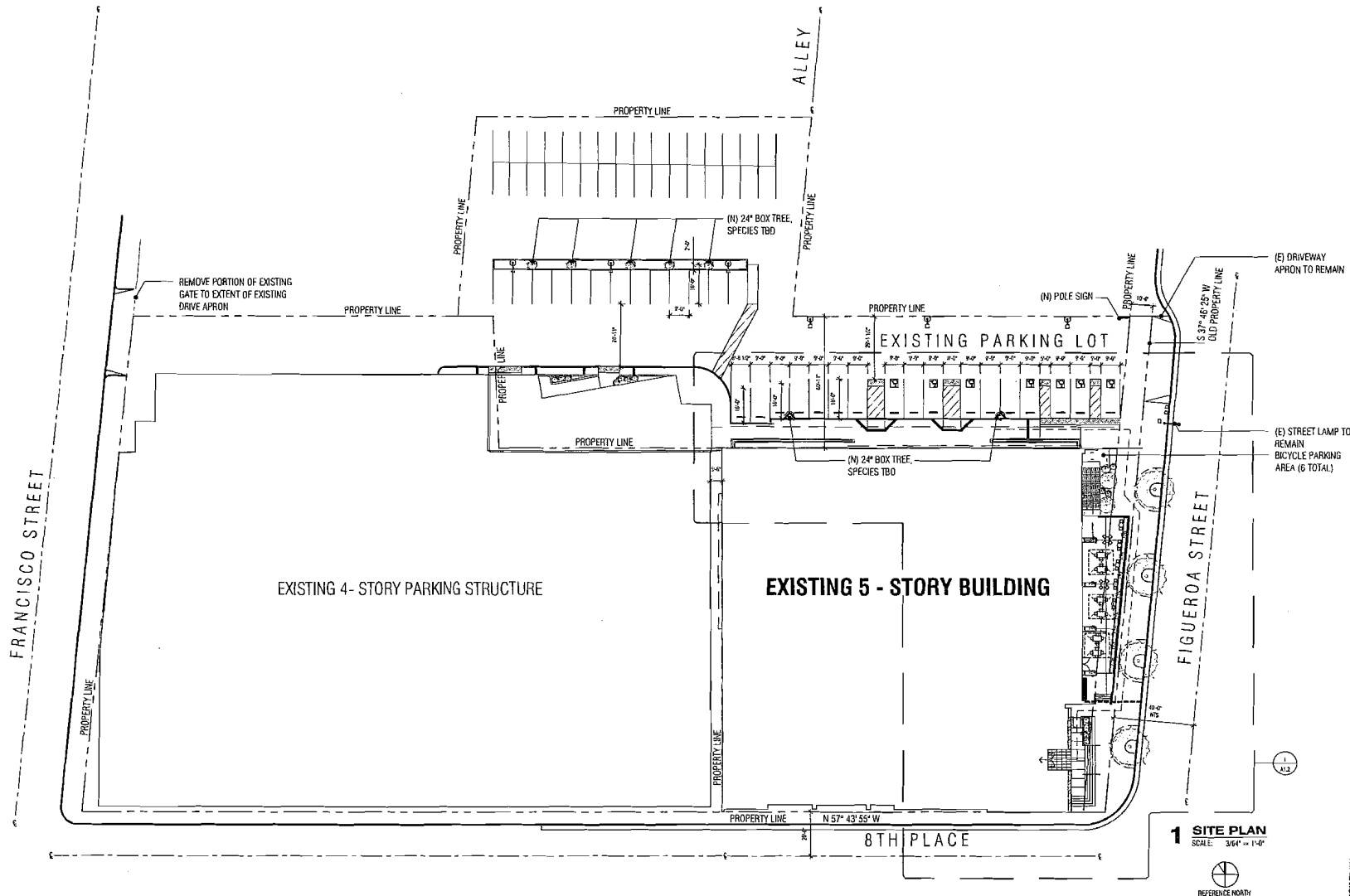
Christina Toy Lee
City Planning Associate
(213) 473-9723



FERNANDO TOVAR
Associate Zoning Administrator

FT:CTL:jjq

cc: Councilmember Jose Huizar
Fourteenth District
Adjacent Property Owners



GENERAL SITE PLAN NOTES

- UNLESS NOTED OTHERWISE, ALL SITE PLAN FEATURES ARE TO REMAIN
- PROTECT ANY EXISTING LANDSCAPING, ADJACENT BUILDINGS OR STRUCTURES AND EQUIPMENT
- THIS SHEET FOR REFERENCE ONLY

***SEE SHEETS A6.6-A.010 FOR ADDITIONAL DESIGN AND ACCESS NOTES

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WWW.LEAARCH.COM



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R&E
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(310) 247-4000

ENGINEER/GEOTECHNICAL:
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(310) 247-4000

REMARKS

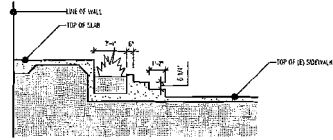
THE DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS PREPARED BY THE ARCHITECT FOR THIS PROJECT ARE HEREBY ACCEPTED BY THE ARCHITECT FOR THE PROJECT AS A WHOLE WITH RESPECT TO THIS PROJECT, AND THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THESE DOCUMENTS AND SHALL DEFEND AND HOLD HARMLESS THE CLIENT FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES AND OTHER LIABILITY, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST THE CLIENT BY ANY THIRD PARTY AS A RESULT OF THE ARCHITECT'S NEGLIGENCE, MALPRACTICE AND OTHER INEQUITABLE CONDUCT AND/OR BREACH OF CONTRACT WITH THE CLIENT. THE ARCHITECT'S OBLIGATIONS UNDER THIS AGREEMENT SHALL BE LIMITED TO THE OBLIGATIONS OF AN ARCHITECT FOR THIS PROJECT. THE CLIENT'S OBLIGATIONS UNDER THIS AGREEMENT SHALL BE LIMITED TO THE OBLIGATIONS OF A CLIENT UNDER THIS AGREEMENT. THE ARCHITECT'S OBLIGATIONS UNDER THIS AGREEMENT SHALL BE LIMITED TO THE OBLIGATIONS OF AN ARCHITECT FOR THIS PROJECT. THE CLIENT'S OBLIGATIONS UNDER THIS AGREEMENT SHALL BE LIMITED TO THE OBLIGATIONS OF A CLIENT UNDER THIS AGREEMENT.

DATE	DESCRIPTION	BY
05-17-2012	ISSUED FOR REVIEW	
05-22-2012	ISSUED FOR PLANNING	
05-24-2012	ISSUED FOR CLIENT REVIEW	
07-10-2012	ISSUED FOR CLIENT REVIEW	
07-24-2012	ISSUED FOR CLIENT REVIEW	
08-24-2012	ISSUED FOR CLIENT REVIEW	
09-24-2012	ISSUED FOR REVOCABLE PERMIT	

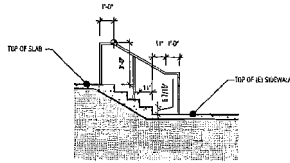
SHEET TITLE
SITE PLAN
REVOCABLE PERMIT

EXHIBIT "A"
Page No. 1 of 4
Case No. EA-2012-701

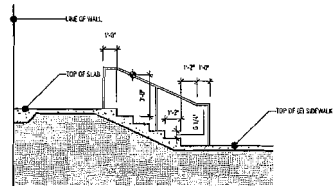
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SCALE: 3/8" = 1'-0"
REFERENCE NORTH



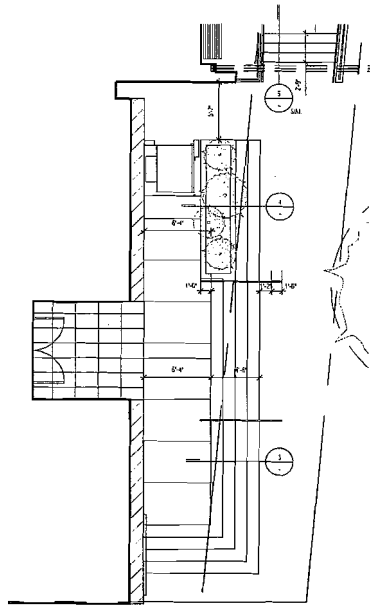
4 ENTRY STAIR SECTION
SCALE: 1/4" = 1'-0"



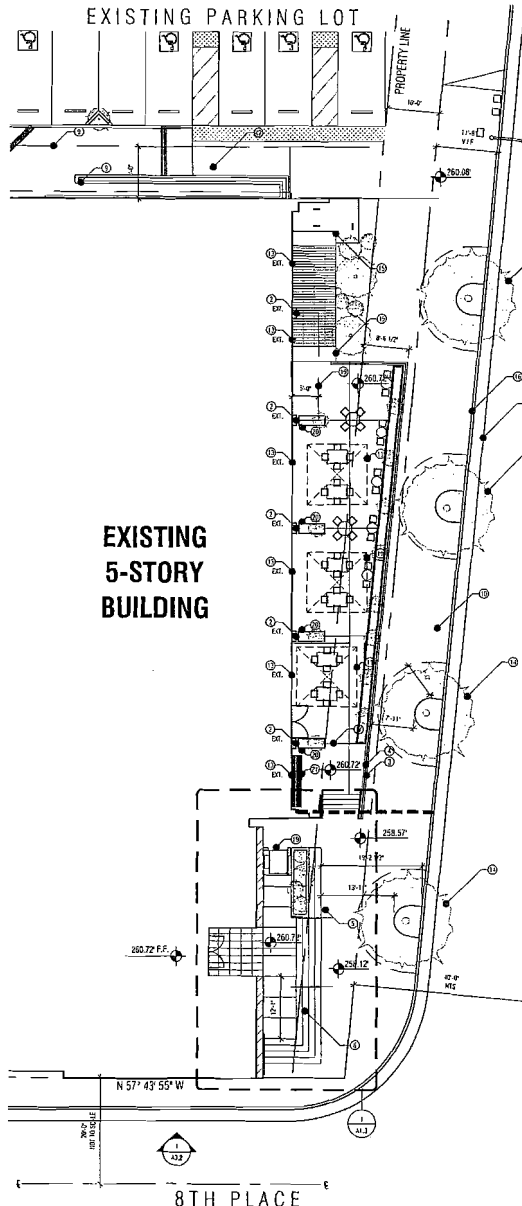
5 ENTRY STAIR SECTION
SCALE: 1/4" = 1'-0"



3 ENTRY STAIR SECTION
SCALE: 1/4" = 1'-0"



2 ENLARGED ENTRY PLAN
SCALE: 3/16" = 1'-0"



1 ENLARGED SITE PLAN
SCALE: 1/32" = 1'-0"



- GENERAL SITE PLAN NOTES**
- UNLESS NOTED OTHERWISE, ALL SITE PLAN FEATURES ARE TO REMAIN.
 - PROTECT ANY EXISTING UTILITIES, ADJACENT BUILDINGS OR STRUCTURES AND EQUIPMENT.
 - THIS SHEET FOR REFERENCE ONLY.

**SEE SHEETS 10-0-010 FOR APPROVAL UNDESIRED ACCESS NOTES

- SITE PLAN NOTES:**
- EXISTING COLUNNS TO REMAIN, FINISH TOP.
 - REMOVE STRUCTURAL FRAMED PLATFORMS TO MATCH EXISTING CONCRETE SLAB FINISH TOP.
 - LINE OF PAVED PAVEMENT.
 - NEW STEEL GUARDRAIL, SEE #7.3 FOR ADDITIONAL INFORMATION.
 - NEW STEEL HANDRAIL.
 - NEW ENTRY STAIRS, ACID WASH FINISH, FINISH HEIGHT TO MATCH HEIGHT OF FIRST FLOOR LOBBY.
 - ANODIZED CONCRETE PAINT, ACID WASH FINISH, FINISH HEIGHT TO MATCH HEIGHT OF FIRST FLOOR LOBBY.
 - LINE OF FLOOR ABOVE.
 - LOGGERSHIP SIGN.
 - EXISTING SIDEWALK TO REMAIN.
 - USE SET-UP SIDEWALK, CHEMISTERS PRODUCT #1402, 280040, WITH PLAN IN LIGHTS AND HEATED, 314-4145 (FAMC CALIF).
 - LINE OF NEW CONCRETE SIDEWALK, ACID WASH FINISH TOP.
 - GRADE FINISH SLAB, STONE SOURCE: FANTALINOVA, LINDENBLADE, BROAD PARK, LOS ANGELES.
 - PLANT BEDS.
 - EXISTING DOWN VEILATION STACK TO REMAIN.
 - LINE OF EXISTING CLAMP TO REMAIN.
 - CONCRETE JOINT LINE, TYPICAL.
 - EXISTING STREET LAMP TO REMAIN.
 - MIXED CHAIRLIFT, THYSSENKRUPP MODEL, PPH-2.
 - PLANTER BEDS.
 - WOOD BENCH.
 - LINE OF SINK.

LEARN ARCH

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(310) 474-1221
(310) 499-2099

M.P.C.

REGISTERED CONTRACTORS
ALL

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GARDENA, CA 90247
(714) 246-2444
(714) 246-4088

REGISTERED ENGINEERS
611 S. FIGUEROA ST. SUITE 200
LOS ANGELES, CA 90017
(310) 514-6548
(310) 514-9155

REMARKS

NO.	REMARKS

THE SPECIFICATIONS AND OTHER DOCUMENTS PREPARED BY THE ARCHITECT FOR THIS PROJECT, AND SUPPLEMENTED BY THE ARCHITECT'S RESPONSE FOR USE SOLELY WITH RESPECT TO THIS PROJECT, AND THE ARCHITECT SHALL BE CONSULTED BY THE OWNER OR HIS REPRESENTATIVE(S) (PERMANENT CONSULTING, STANDARD AND OTHER REPRESENTATIVE), THE CONTRACTOR, THE OWNER'S ENGINEER OR ARCHITECT, THE OWNER'S ENGINEER OR ARCHITECT, THE OWNER'S ENGINEER OR ARCHITECT, THE OWNER'S ENGINEER OR ARCHITECT, AND OTHER CONTRACTORS AND SUPPLIERS SHALL NOT BE USED BY THE OWNER OR CONTRACTOR ON OTHER PROJECTS. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE QUALITY OF THIS PROJECT, EXCEPT AS OTHERWISE SPECIFIED BY THE ARCHITECT AND WITH APPROPRIATE CONSULTATION TO THE ARCHITECT.

DATE	BY	REVISION

NO.	REVISION	DATE

SHEET TITLE
**ENLARGED SITE PLAN
REVOCABLE PERMIT**

SHEET NUMBER

EXHIBIT "A"

L & R GROUP
845 S. FIGUEROA STREET
LOS ANGELES, CA 90017



LEAMARCH INC.
10000 WILSON BOULEVARD, SUITE 1000
LOS ANGELES, CA 90024
TEL: 310.771.1100
WWW.LEAMARCH.COM

DATE:

PROJECT NAME:
845 S. FIGUEROA STREET, 2ND FLOOR
10000 WILSON BOULEVARD, SUITE 1000
LOS ANGELES, CA 90024
TEL: 310.771.1100

SCALE:

PROJECT LOCATION:
2215 GARDEN AVENUE, SUITE 500
LOS ANGELES, CA 90007
TEL: 310.241.2400
PROJECT NO.: 10000 WILSON BOULEVARD, SUITE 1000
LOS ANGELES, CA 90024
TEL: 310.771.1100

REMARKS:

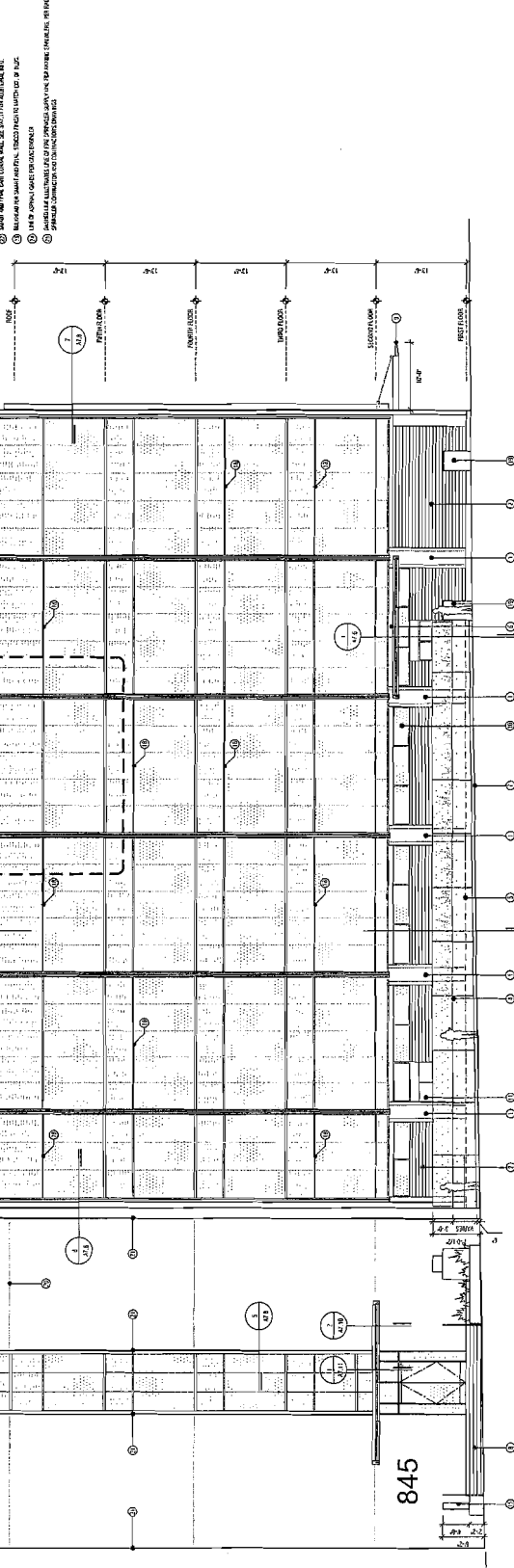
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NO.	DATE	DESCRIPTION
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2	02/14/2011	ISSUED FOR PERMIT
3	02/14/2011	ISSUED FOR PERMIT
4	02/14/2011	ISSUED FOR PERMIT
5	02/14/2011	ISSUED FOR PERMIT
6	02/14/2011	ISSUED FOR PERMIT
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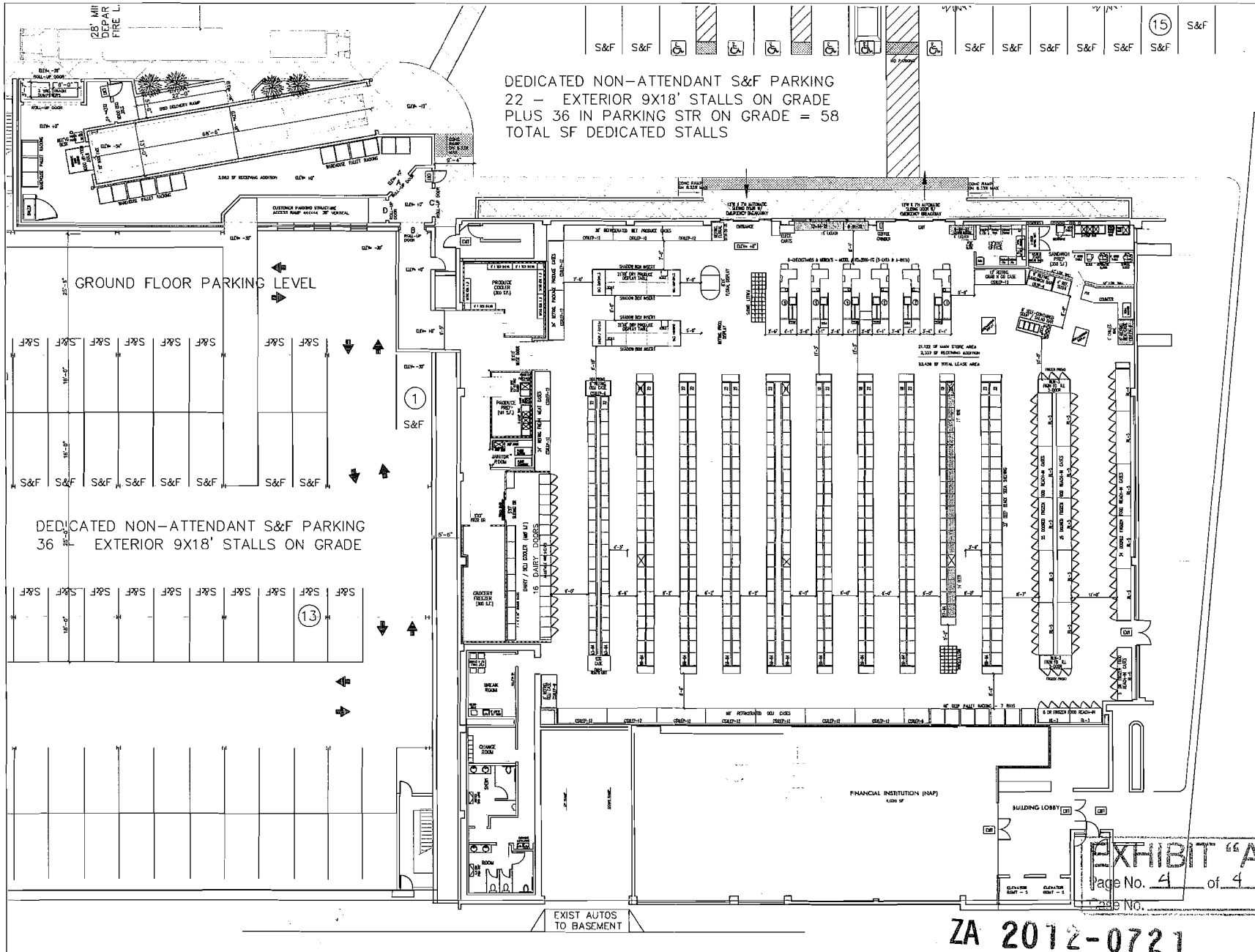
SHEET TITLE
EXTERIOR ELEVATION
REVOCABLE PERMIT

- GENERAL NOTES:**
- REFER TO ALL OTHER DRAWINGS FOR DIMENSIONS AND SPECIFICATIONS.
 - ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED.
 - FINISHES ARE AS SHOWN ON THE FINISH SCHEDULE.
 - ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE CITY OF LOS ANGELES.
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- GENERAL NOTES:**
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1 EAST BUILDING ELEVATION
SCALE: 1/8" = 1'-0"



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 Andrew J. Finkel
 Smart&Final
 Gregory L. Cary
 Andrew J. Finkel



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 San Valley, CA 91353
 tel: 818.504.8200
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REVISIONS	DATE
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EXHIBIT "A"
 Page No. 4 of 4

ZA 2012-0721

Liquor CUP