

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.

Yes, the project will continue to enhance the built environment in the neighborhood and provide a service that is essential and beneficial to the community. On August 11, 2010, pursuant to Los Angeles Municipal Code Sections 12.24-W, 1, and 12.24-W, 27, the Zoning Administrator (“ZA”) approved the Conditional Use Permit for the CVS Pharmacy located at 3335 S. Figueroa Street in the City of Los Angeles, approving “a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed 14,000 square-foot pharmacy in the (T)(Q)C2-2D-O Zone” and “a Conditional Use Permit to all the hours of operation of 24 hours daily in lieu of the Commercial Corner limitation of hours of operation to 7:00 a.m. to 11 :00 p.m.,” respectively.

Then, on June 9, 2016, pursuant to Los Angeles Municipal Code Sections 12.24-M, the Zoning Administrator (“ZA”) approved the renewal of the Conditional Use Permit (“CUB”), approving “plans to renew an existing conditional use permit for the off-site sale of a full line of alcoholic beverages with hours of operation of 24 hours, daily and to extend the life term of the grant.”

Now, the Applicant, Garfield Beach CVS, LLC, is requesting to renew its existing CUB authorizing the continued the sale of a full line of alcoholic beverages at this existing CVS Pharmacy. The premise has continuously operated as a CVS Pharmacy at this location within the South Los Angeles Planning Area for the past sixteen (16) years. The subject property is a commercial use in an area designated for Community Commercial land uses. CVS is and has been a long-standing anchor at this South Los Angeles location, operating for over 16 years without any change in the nature of the use, and is submitting this Plan Approval Application to continue the sale of off-site alcohol sales, ensuring the Applicant’s ability to continue providing this desired convenience to the surrounding community.

The subject site is located in the South Los Angeles Community Plan and has a Community Commercial land use designation. The lot is generally flat, rectangular shaped, located at the west side of Figueroa Street, bounded by 32nd Street to the north and Jefferson Boulevard to the south. The site is currently developed with University Gateway, a mixed-use student housing structure with a leasing office and retail tenant spaces on the first floor and student apartment units on floors two through eight. The mixed-use student housing development's commercial spaces are fully occupied. The existing CVS Pharmacy occupies a tenant space located on the first floor along 32nd Street with a corner entrance on Figueroa Street.

The continuation of the operation, with strict adherence to the imposed conditions and under proper management and supervision, will continue to provide an essential benefit to the community. CVS Pharmacy offers a “one-stop” shopping experience in which local residents can purchase grocery items, medicine, beverages, pharmaceutical medicine, and/or other necessary retail items. The incidental sale of alcoholic beverages are typical of a full-service drug store. CVS Pharmacy Drug Store has operated over the past 16 years without negative impacts to the surrounding area. CVS has operated with self-imposed conditions similar to those typically placed on discretionary actions prepared by the Office of Zoning Administration without any disciplinary actions or problems related to their ABC License as a result of CVS’ adherence to the conditions of approval and also to its corporate policies regarding responsible retailing of alcoholic beverages. As conditioned, the approval would not have an adverse impact on the surrounding area and therefore, provides a benefit to the community

In addition, CVS will continue to adhere to the below listed policies at the subject location in order to ensure the surrounding community continues to receive this beneficial service.

- All CVS associates complete training segments on customer service, personnel management, facility maintenance and operations, responsible retailing of age restricted products and workplace safety.
- CVS utilizes multiple digital surveillance cameras at the subject location. Footage is maintained for a minimum of 30 days and the system can be monitored in real time by CVS Management.
- CVS cash registers have “hard stops” that require associates to check identification and validate customers are of sufficient legal age to purchase alcohol before completing the sale.

As determined by the Zoning Administrator in Case ZA 2010-0918(CUB)(CU)(PA1), “the applicant has been in compliance with all of its conditions and the Condition Compliance has been performed as a part of this action. The operator has provided a service to the community with no known ill effects to it and continues to operate in a manner consistent with its Conditions of Approval.” (pg. 16) These findings remain true today.

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.

Yes, the project’s location, size, height, operations and other significant features will remain compatible with and will not adversely affect adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety. This Plan Approval application is to renew an existing Conditional Use Permit authorizing the sale of alcoholic beverages originally approved in 2010 by Case No. ZA-2010-0918(CUB)(CU) and subsequently approved under a Plan Approval in 2016 by Case No. ZA-2010-0918(CUB)(CU)(PA1).

The location, size, height, and operations were approved in 2010 and remain compatible with adjacent properties and the surrounding neighborhood. The site is zoned [Q]C2-2D-O and is developed with a mixed-use development. The existing CVS Pharmacy occupies a tenant space on the first floor along 32nd Street with a corner entrance on Figueroa Street and is approximately 14,880 square feet.

Surrounding uses consist of commercial uses to the north across 32nd Street in the [Q]C2-1VL-O Zone, the USC Campus and the Galen Center to the south across Jefferson Boulevard in the [Q]R4-1 and C2-1L Zones, the Shrine Auditorium and Expo Center to the west in the [Q]C2-1-0 Zone, and automotive sale and services to the east across Figueroa Street in the C2-1 L Zone.

There is no construction, alterations or change in the use proposed as part of this application and thus, the prior approved location, size, height, and operations remain compatible with the adjacent properties and surrounding uses. Therefore, the continuation of the use will remain compatible with neighboring uses. In fact, according to the findings made in Case ZA-2010-0918(CUB)(CU)(PA1), the ZA determined that, “The CVS Pharmacy is located in a mixed-use commercial and student housing development and is located directly across the street from the USC Campus. As proposed, the CVS Pharmacy will serve the public convenience and as sited and operated over the past six years has not adversely affected or been incompatible with the surrounding community.” (pg. 16)

These findings remain true today and thus the CVS is compatible with the surrounding neighborhood and uses. As conditioned, the drugstore is and will continue to 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 applicable specific plan.

The subject site is located in the South Los Angeles Planning Area and has a Community Commercial land use designation. The property is located within the South Los Angeles Alcohol Sales Specific Plan. Adjacent properties to the north, east, west, and south consist of commercial uses within the [Q]C2-2D-O and C2-1 VL Zones, including automotive uses, the Shrine Auditorium, the Expo Center, the USC Campus, the Galen Center.

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 South Los Angeles Community Plan Map designates the property for Community Commercial land use with the corresponding zones of CR, C2, C4, and RAS3. The South Los Angeles Community Plan text is silent with regards to alcohol sales. In such cases, the Zoning Administrator must interpret the intent of the Plan.

The proposed request for the sale of a full line of alcohol in conjunction with a CVS Pharmacy is consistent with the intent of the South Los Angeles Community Plan, which aims to increase pedestrian activity. The proposed operation of a CVS Pharmacy meets the following objectives:

Objective 2-1 To conserve and strengthen viable commercial development.

Objective 2-3 To attract uses which strengthen the economic base and expand market opportunities for existing and new businesses.

Objective 2-6 To maintain and increase the commercial employment base for community residents whenever possible.

According to the findings made in Case ZA-2010-0918(CUB)(CU)(PA1), "Given the numerous conditions of approval, and the fact that this request is for the sale of alcohol incidental to a CVS Pharmacy, the proposed use can be deemed to be in harmony with the General Plan." (pg.17) These findings remain true today.

Supplemental Findings

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

The continuation of this existing CVS Pharmacy use will not adversely affect the welfare of the pertinent community because as stated above, the premise has continuously been operated as a pharmacy/drug store with alcohol sales since its approval in 2010. CVS is and has been a long-standing anchor in the South Los Angeles Community. The subject property is a commercial use within an area designated for Community Commercial land uses and is consistent with other uses in the community. CVS provides this neighborhood the convenience of having a full range of household products, seasonal products and grocery needs including the incidental sale of alcohol, all in one shopping location. The Applicant will continue to operate in harmony with the surrounding community and will continue to have a positive economic impact on the surrounding neighborhood. CVS has co-existed in this location for many years and is proper in relation to the adjacent uses and development of the community.

As determined by the Zoning Administrator in Case No. ZA 2010-0918(CUB)(CU)(PA1), “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 alcoholic beverages in conjunction with a CVS Pharmacy. The use will not adversely affect the economic welfare of the community because the pharmacy will positively impact the financial health of the property and improve the economic vitality of the area via increases in taxable revenue and local employment. The project has operated in the community for the past five years with no known problems or violations. The further approval of the conditional use will not adversely affect the welfare of the community.” (pg. 18)

The residential uses, as well as other establishments, have not been adversely affected in the years that the applicant has owned and operated the establishment. The use will not detrimentally affect nearby residentially zoned properties. The use will not conflict with the adjacent uses, and it will operate in such a manner so as not to detrimentally affect nearby residentially zoned property. Furthermore, the combination of proactive security measures and strict company policies will ensure the continuation of the safety and well-being of nearby residents.

The continued operation of this local CVS Pharmacy, with incidental alcohol sales, will serve the needs of local businesspeople, shoppers, and residents. The surrounding community is attracting more persons to the area and consequently generating an expanded local work force. This population seeks a diversity of services, one that CVS provides. The subject store and the continued sales will continue to serve this population, and the availability of alcoholic beverages will continue to provide a desired amenity.

- 2. 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.**

The applicant has an existing Type 21 ABC License (License No. 501557) so granting the Plan Approval will not add an additional alcohol license to the census tract.

Furthermore, this long-standing CVS Pharmacy adds a desirable atmosphere to this community. The request does not involve the introduction of a new liquor outlet into the census tract or an increase in the theoretical liquor license count. This use has been operating in this location in the exact same manner since its approval in 2010 and it will continue to operate in a responsible manner. There is, therefore, no reason to expect any adverse change.

- 3. 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.**

As previously stated, the Applicant has operated this CVS Pharmacy at this same location since 2010 and will remain committed to serving this community and serving the needs of local

businesspeople, shoppers, and residents. The residential uses, as well as other establishments, have not been adversely affected in the 16 years the Applicant has operated the drug store. This CVS Store has not and will not detrimentally affect nearby residentially zoned properties. The use will not conflict with the adjacent uses, and it will operate in such a manner so as to not have a negative effect on nearby residentially zoned property. Furthermore, the combination of proactive security measures and strict company policies will ensure the continuation of the safety and well-being of nearby residents.

As determined by the Zoning Administrator in Case ZA-2010-0918(CUB)(CU)(PA1), “The applicant worked with LAPD, the Council Office, and the Neighborhood Council to mitigate their concerns about the operation of the proposed project. The surrounding neighborhood has been and continues to be a mixed-use neighborhood with a mixture of the University of Southern California and Galen Center, Shrine Auditorium and Expo Center, commercial, residential, and automotive uses. The applicant understands the character of the neighborhood and is committed to help preserve such character through responsible service of alcohol in conjunction with the operation of the drug store.” (Pg. 18). These findings remain true today.