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Via Email Only: Clerk.PCN@LACity.Org

City Council
c/o City Clerk's Office
City of Los Angeles
200 N. Spring Street, Rm. 360
Los Angeles, CA 90012

**RE: Mrs. Gooch's Natural Foods Market, Inc. dba: Whole Foods Market
21347 W. Ventura Blvd, Woodland Hills CA 91364 / Case No. ZA-2021-10583-CUB
Application for Determination of Public Convenience or Necessity Pursuant to
Business and Professions Code Section 23958.4 for Type 21 Alcoholic Beverage
Control ("ABC") License**

Dear Honorable City Council:

My office represents the Applicant for the Determination of Public Convenience or Necessity. Mrs. Gooch's Natural Food Market, Inc. dba: Whole Foods Market respectfully requests that the City of Los Angeles issue a Determination of Public Convenience or Necessity for the sale of a full line of alcoholic beverages for off-site consumption to its existing sales of beer and wine, located at the above-mentioned address. Please note that we are concurrently filing the formal application for a Determination of Public Convenience or Necessity (Caldera bill) while emailing this letter and its supporting documents. Please be so kind as to put all of this together with the application we are filing today.

The Applicant submitted its Conditional Use Permit Beverage (CUB) Application and appeared at the ZA Hearing on February 8, 2023. A copy of the ZA's Letter of Determination was issued on April 5, 2023 and the Appeal period expired on April 20, 2023. It was confirmed with the Zoning Administrator's Office that no Appeals were filed. There has been a great deal of support for this grocery market to sell a full line of alcoholic beverages for off-site consumption, and the project has been fully vetted.

Prior to seeking this Conditional Use Permit, the Applicant conducted extensive outreach within the community. The Applicant met with the Woodland Hills Warner Center Neighborhood Council. The Woodland Hills Warner Center Neighborhood Council expressed its support for the CUB in a Letter of Support dated June 8, 2022.

The Topanga Area Vice Division of the Los Angeles Police Department was also asked to consider this application. The LAPD issued its supportive letter of non-opposition on July 20, 2022.

Project Description

The subject site is located at 21347 Ventura Blvd., Woodland Hills, CA 91364 in the C4-1LD and P-1LD Zones. Whole Foods Market has operated at this location since 1999. Whole Foods Market has Conditional Use Permits and existing ABC licenses authorizing the off-site consumption of beer and wine (ABC Type 20), on-site consumption of beer and wine (ABC Type 42), and an instructional tasting license (ABC Type 86).

The current CUB application requests a renewal of its existing Conditional Use Permit, pursuant to Los Angeles Municipal Code ("LAMC") Section 12.24-W1, and to authorize the addition of distilled spirits for off-site consumption (ABC Type 21) to its existing sales of beer and wine for off-site consumption (ABC Type 20), ancillary instructional tastings (ABC Type 86 License), and on-site consumption of beer and wine (ABC Type 42) in an approximately 31,867 square foot specialty grocery store. The Applicant also requests that the City remove all existing alcohol-regulating Conditions and the expiration date, per the current City policy.

Thus, the Applicant is simply requesting the addition of off-site sale of spirits to the store's current offering of beer and wine for off-site consumption. This Whole Foods Market will continue operating from 6a.m. -12 a.m., daily and is requesting to have loading and delivery hours of 7 a.m. - 9 p.m., daily. The proposed store's location, size, height, operations and other significant features will be compatible with, and will not adversely affect or further degrade, adjacent properties and the surrounding neighborhood.

Whole Foods Market will continue to offer organic, natural, and health food products in which the grocery store operator specializes, and will feature meat and deli departments, an in-store bakery and kitchen. The sale of alcoholic beverages will continue to be ancillary to the supermarket use.

The sale of a full line of alcoholic beverages is incidental to the products and services offered by this store, but is a vital aspect of this use, which will serve the public convenience or necessity through its offering of a variety of products to the local community.

The proposed store will be compatible with the surrounding properties and uses. This project and the operational characteristic of a market is consistent with the pattern of commercial uses in the immediate vicinity and will not be detrimental to the properties in the immediate vicinity as the store will operate with due regard for the adjacent uses.

The Public Convenience or Necessity Will be Served by the Issuance of a Type 21 ABC License at this Location

Whole Foods Market will provide unique opportunities not otherwise available in this geographic area. This market will help meet public convenience or necessity demand for both food products and a small selection of household goods and personal care items, including a full

line of interesting and desired alcoholic beverages that are not readily available at other stores along with the unique product offering of a Whole Foods Market.

While the legal standard is public convenience *or* necessity, this location actually meets both public convenience *and* necessity. The success of this store depends upon its ability to provide a wide range of goods and services that customers have come to expect from retailers, including alcoholic beverages, along with everyday household food and supplies. The request for the sale of off-site alcoholic beverages for this store represents a relatively small, albeit very important, portion of the overall store sales; and, it is crucial to the overall product offering to ensure returning customers, the viability of the store, and in providing the convenience and necessities to the community.

This store will include an amount of alcohol as appropriate and compatible with existing uses and will not have an adverse impact on these uses or any nearby residential uses. The proposed use is, therefore, not an unusual offering in this urban, commercial retail area. Further, the store is beneficial with respect to the general welfare because it will increase the economic viability of the community in which it is located. The addition of this store, with the off-site sale of alcoholic beverages, will improve the surrounding commercial retail uses, attract local residents, and serve the convenience or necessities of this community.

Conclusion

As set forth above, there is good basis for, and it is respectfully requested that the City of Los Angeles City Council make a finding with respect to the California Business and Professions Code section 23958 and 23958.4 that the issuance of a Type 21 Alcoholic Beverage Control license for the off-site sale of alcoholic beverages will serve the Public Convenience or Necessity of this community.

Thank you for your consideration.

Very truly yours,

SOLOMON SALTSMAN & JAMIESON



STEPHEN JAMIESON

Licensed in California, Wisconsin, and Michigan

cc: Client (via email only)
Councilmember Bob Blumenfield c/o Seth Samuels (via email only)