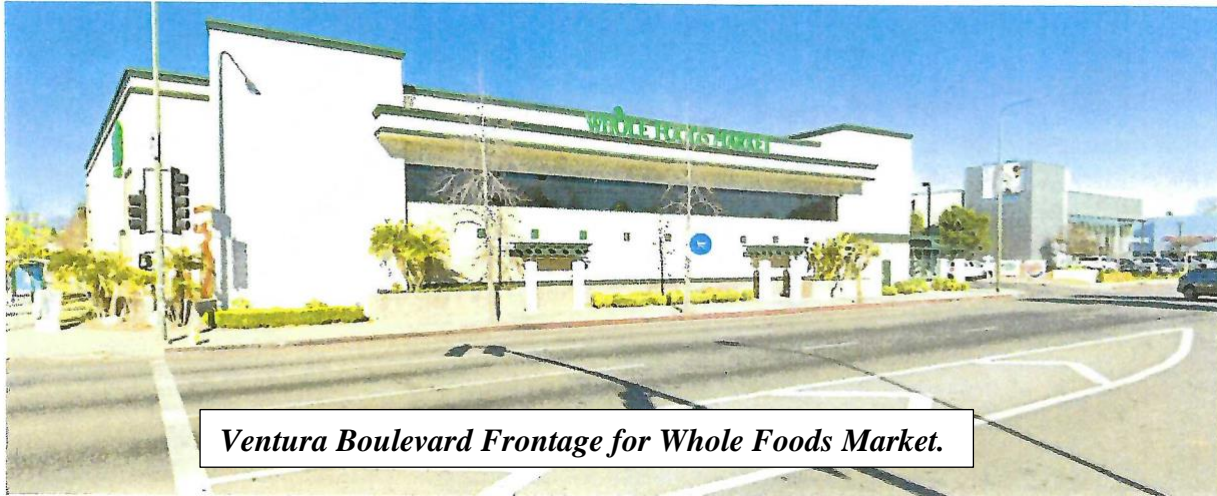


Planning, Land Use and Mobility Committee Case Draft Report Whole Foods Market



Case Report: Whole Foods Market

**ZA-2021-10583-CUB (Previous: ZA 2004-1378(CUB)(PA3 in 2015)
21347 W. Ventura Blvd, Woodland Hills, CA 91364**

PLUM Meeting: May 19, 2022

Project Description: A CUB for the sale and service of a full line of alcohol for offsite consumption and ancillary instructional tastings to an existing grocery store. Project is Categorically Exempt from CEQA.

Applicant: Ryan Bissett for Whole Foods Market; Ryan.Bissett@wholefoods.com

Representative: Stephen Jamieson of Solomon, Saltsman & Jamieson

(310) 822-9848; sjamieson@ssjlaw.com

Representative: Jessica Bispels, Solomon, Saltsman & Jamieson;

(310) 822-9848; jbispels@ssjlaw.com

LA City Planner: Correy Kitchens; (818) 374-5034; correy.kitchens@lacity.org

Property Owner: Topa Canoga LLC;

PLUM Case Leader: August Steurer, a.steurer@whcouncil.org; (818) 312-5610



Overview of Site and Project:

The subject site, composed of 4 lots, is located at 21347 Ventura Blvd., Woodland Hills, CA 91364 in the C-4-1LD and P-1LD Zones.

Whole Foods Market [WFM] has an existing Conditional Use Permit (under ZA 2004-1378-CUB-PA3) and ABC Licenses authorizing the off-site consumption of beer and wine (ABC Type 20 | *Off-sale Beer and Wine*), on-site consumption of beer and wine (ABC Type 42 | *On-sale Beer and Wine - Public Premises*), and an instructional tasting license (ABC Type 86 | *Instructional Tasting License*).

The applicant requests that the City of LA remove all alcohol-regulating Conditions and the expiration date, per the City's current policy. Per judicial ruling, cities cannot regulate the manner of sales for alcoholic beverages. California Code has explicit regulations regarding allowed retail container sizes. The codes also regulate the amount allowed to be served at tastings. Only the California Alcohol Beverage Control [ABC] can regulate limitations on containers, sizes, etc. Per a ZA determination in 1998, the City is also limited to placing restrictions on signage related to alcohol.

The application being considered also requests a renewal of its existing Conditional Use Permit pursuant to Los Angeles Municipal Code [LAMC] Section 12.24-W1, and to authorize an upgrade of its existing license for sales of beer and wine for off-site consumption (ABC Type 20) to a license that also includes distilled spirits for off-site consumption (ABC Type 21 | *Off-sale General*); to authorize continuance of the ancillary instructional tastings (ABC Type 86); and to authorize the continuance of on-site consumption of beer & wine (ABC Type 42); in an approximately 31,867 square-foot specialty grocery store.

Case Report Analysis and Recommendation(s):

WFM 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.

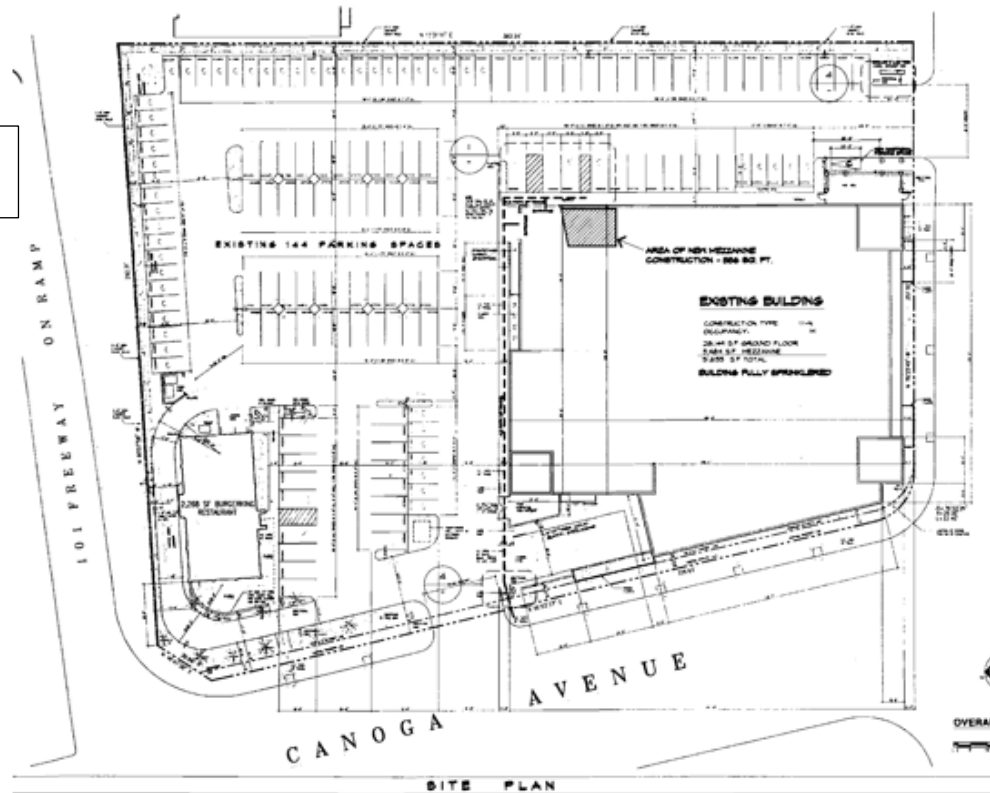
No alterations to the existing structure are proposed. The site is subject to the Ventura/Cahuenga Boulevard Corridor Specific Plan.

The WFM will continue operating from 6 a.m. to 12 a.m., daily. WFM requests loading and delivery hours of 7 a.m. to 9 p.m. daily. Security guards are provided during the operating hours.

To summarize, besides the removal of disallowed conditions, the applicant requests adding the offsite sale of distilled spirits to WFM's current offerings of beer and wine for off-site and onsite consumption plus ancillary instructional tastings.

The requested actions do not increase the number of licenses. Type 86 licenses do not count toward census tract counts. For Whole Foods Market the count remains at two licenses.

Site Parking Plan



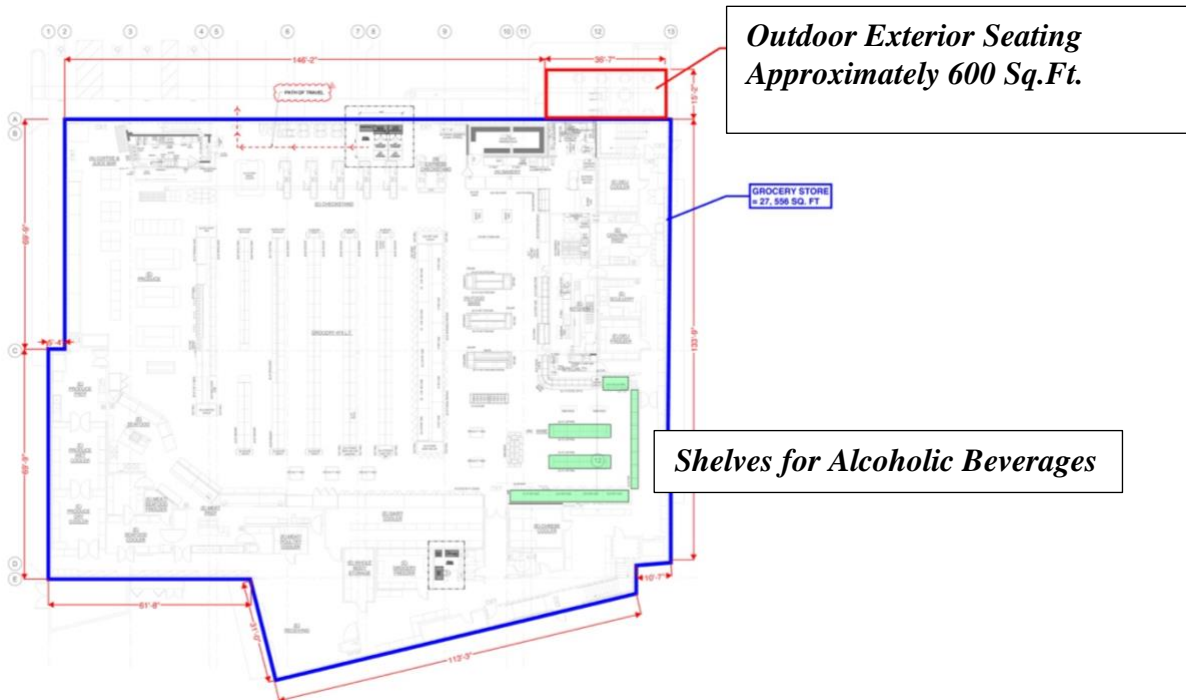
Store parking is provided through a master site plan for the shopping center that also includes Burger King at the northeast corner of Canoga Ave. and Ventura Blvd. There are a total of 144 required standard and compact spaces including the required Disabled. There is a loading dock and service yard area on the southwest corner for deliveries and trash pick-up.

There are 4 sensitive uses within 600 feet: St. Luke Lutheran Church, Halsey Schools Infant Center & Preschool, Costanso Fire Station 84 Park, and Graceroad Korean Church. No additional sensitive uses within 1000 feet.

There are only 2 locations with ABC Licenses within 600 feet: one is itself, Whole Foods Market (Types 20,42,86), and Gentani Aper Sushi, LLC / Brothers Sushi (Type 41)

There are 7 additional locations with ABC Licenses with 1000 feet: Just Do Eat Inc / Kabuuki Restaurant (Type 47), Lodging Concessions LLC / Courtyard Marriot (Type 47), GLPC, LLC / Knob Grill (Type 47), Madmall Enterprises Inc. / Fork & Spoon Cuisine of the Philippines (Type 41), Kojima, Deborah / Restaurant Tatsuki (Type 41), Lee Pai Tsun / China Garden Restaurant (Type 47), and Gasolina LLC / Café (Type 41).

Whole Foods Market has been at the same location since 1999, which is around 23 years without being a problem for the community. The last CUB application was in 2004 when they requested adding the ancillary beer and wine tasting license. The additional license is not likely to cause any significant demand for parking.



While Whole Foods Market initially had trouble complying with the conditions placed on their premises, the last ZA Determination letter found the establishment substantially in compliance and there were no reported complaints or objections to extending the CUB.

Condition 29 requires retention, use and maintenance of electronic age verification devices. Originating from ZA 98-0270(CUB)(ZV)(SPR) a continued Condition 27 requires employee training through the LAPD “Standardized Training for Alcoholic Retailer”.

Coin-operated arcade-games are prohibited as well as exterior pay-phones. Posting of a “24-hour Hotline” is also required.

The applicant is requesting deletion of:

- Condition 4 regarding 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. **This condition should be retained unless already required by LAMC.**
- Condition 5 regarding printing the first page of the grant on the building plans. **This condition should be deleted.**
- A Condition 5, originating from ZA 98-0270(CUB)(ZV)(SPR), limits alcohol sales to beer and wine. **This condition should be deleted with the change of license to Type 21.**
- Condition 6 regarding limiting dispensing of alcoholic beverages to the outdoor eating area is superseded by State law. **This condition should be deleted.**

- Condition 7 regarding limiting the CUB grant to ten years. **This condition could be deleted if the recent history of compliance warrants the elimination.**

- Condition 8 regarding when wine tasting can happen. **This condition was deleted in the last letter of determination.**

- Condition 9 regarding limits to the length of wine tasting classes. **This condition was deleted in the last letter of determination.**

- Condition 10 regarding prohibiting the sale of drinks. **This condition was deleted in the last letter of determination.**

- Condition 16 regarding gross sales of alcohol and food. **This condition was deleted in the last letter of determination.**

While not requested, **Condition 11 restricting locations of tasting conflicts with Type 86 regulation and should therefore be eliminated and made a recommendation to ABC.**

The ZA previously deleted Conditions 12, 13, 14, 15, 16, 19, 20 and included them on a list of recommendations to ABC. **The list of ZA recommendations should be submitted again.**

Without supporting evidence it would be unwarranted to refuse the additional license because Costco and every major supermarket are already licensed for sale of alcohol spirits. Recently, this Neighborhood Council supported a Type 21 license for Amazon (which owns Whole Foods Market) a half-mile away.

The Law Office, Solomon, Saltsman & Jamieson, has an “ABC Handbook” on their website. https://ssjlaw.com/wp-content/uploads/SSJ_ABC_Handbook.pdf

PLUM MOTION

As pertaining to Case DIR-2021-10583 for renewal and modification for the Conditional Use Permit for sale of alcoholic beverages by Whole Foods Market at 21347 Ventura Boulevard, Woodland Hills, CA 91364, after having held one (1) digital live virtual public meeting, on May 19, 2022, for the application filed by Whole Foods Market, the WHWCNC Planning, Land Use and Mobility Committee hereby finds that:

WHEREAS, subsequent to a previous approval, ZA 2004-1378(CUB)(PA3), applicant requests a continuance/renewal of its existing Conditional Use Permit pursuant to Los Angeles Municipal Code [LAMC] Section 12.24-W1, and to authorize an upgrade of its existing license for sales of beer and wine for off-site consumption (ABC Type 20) to a license that also includes distilled spirits for off-site consumption (ABC Type 21 | *Off-sale General*), to authorize continuance of the ancillary instructional tastings (ABC Type 86), and to authorize the continuance of on-site consumption of beer & wine (ABC Type 42) in an approximately 31,867 square-foot specialty grocery store; and,

WHEREAS, “On March 12, 2014, the Woodland Hills – Warner Center Neighborhood Council (WHWCNC) approved a motion regarding ZA 2014-1378-CUB-PA3. The following recommendation as submitted by Planning, Land Use and Mobility Committee Chair, August Steurer, was approved by prevailing vote of the WHWCNC Board: In regards to Case No. ZA 2004-1378-CUB-PA3, a Plan Approval Request by Mrs. Gooch’s to permit continued on-site tasting of beer and wine use under condition 7, expiring July 15, 2014, and the addition of Type

86 instructional tasting use to permit on-site tasting of beer and wine in conjunction with the operation of an existing Mrs. Gooch's Natural Foods Markets, Inc. dba Whole Foods Markets. The Planning, Land Use and Mobility Committee recommends that the Woodland Hills – Warner Center Neighborhood Council support the requested Plan Approval to the City Planning Department and Councilmember Blumenfield; and,

WHEREAS, the applicant is requesting removal of Conditions 4, 5, 6, 7, 8, 9, 10, and 16; and,

WHEREAS, the applicant is changing the hours of permitted operation to between 6 a.m. and Midnight for the supermarket (and presumably Burger King) from Sun-Thu 6 a.m. – 11 p.m. and Fr-Sa 6 a.m. – Midnight as provided in Conditions 9a and 9b; and,

WHEREAS, The conditions previously imposed by four separate actions of the Office of Zoning Administration have been substantially complied with; and,

WHEREAS, Whole Foods Market has been conducting Instructional Training since 2005; and,

WHEREAS, Instructional Tasting, pursuant to the ABC Type 86 license, for beer, wine and distilled spirits, may occur anywhere within the grocery store in a manner, scope, and frequency restricted by the Department of Alcoholic Beverage control to preclude the possibility of over-consumption of alcoholic beverages and the negative consequences associated thereto;

THEREFORE, IT IS HEREBY RESOLVED that, for the findings and conditions stated herein, the Board of the Woodland Hills-Warner Center Neighborhood Council accept and adopt as its own the Planning Land Use and Mobility Committee recommendation to support approval of the application for CUB renewal and modification submitted by Whole Foods Market and Topo Canoga LLC, **ZA-2021-10583-CUB**, contingent upon the following conditions:

Conditions:

1. The applicant will not submit any significant, further updated requests for modification of conditions without first presenting them to the WHWCNC for support.
2. The ZA will repeat any previous recommendations to ABC that are not now disallowed.
3. Condition 4 regarding 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. This condition should be retained unless already required by LAMC.
4. Condition 5 regarding printing the first page of the grant on the building plans. This condition should be deleted.
5. A Condition 5, originating from ZA 98-0270(CUB)(ZV)(SPR), limits alcohol sales to beer and wine. This condition should be deleted with the license change to Type 21.
6. Condition 7 regarding limiting the CUB grant to ten years. This condition should be deleted if the recent history of compliance warrants the elimination.
7. Condition 6 regarding limiting dispensing of alcoholic beverages to the outdoor eating area is superseded by State law. Condition 11 restricting locations of tasting conflicts with Type 86 regulation and should therefore be eliminated. These conditions should be deleted and made as a recommendation to ABC.

8. Conditions 9a and 9b, originating from ZA 98-0270(CUB)(ZV)(SPR), be rectified with the applicants application stating hour of operation are Daily 6 a.m. to Midnight.

FURTHERMORE, The Planning, Land Use and Mobility Committee recommends that the Board of the Woodland Hills – Warner Center Neighborhood Council advise the City of Los Angeles Planning Department and Council District 3 Councilmember Bob Blumenfield of its findings and subsequent recommendations to SUPPORT this motion presented to the PLUM Committee on May 19, 2022 and to the Board on June 8, 2022.

Motion: August Steurer

Second: Peter Fletcher

Vote: Aye: 6 Nay: 0 Abstain: 0 Absent: 1