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**VIA E-MAIL ONLY**

June 9, 2026

Los Angeles 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 Food Market, Inc. dba Whole Foods Market  
355 South Ogden Drive, Unit 100, Los Angeles, CA 90036  
Case No. ZA-2026-138-CUB  
Application for Determination of Public Convenience or Necessity Pursuant to  
Business and Professions Code Section 23958.4 for a Type 21/86 Alcoholic Beverage  
Control ("ABC") License**

To The Honorable City Council,

The Applicant, Mrs. Gooch's Natural Food Market Inc., submits this request for a Public Convenience or Necessity ("PC or N") determination for the off-site sale of beer, wine, and distilled spirits (Type 21 ABC license) with instructional tastings (Type 86 ABC License) in conjunction with the upcoming Whole Foods Market, located at 355 South Ogden Drive, Unit 100, Los Angeles, CA 90036. The City's Application form is attached here, and please consider the following in support of that Application.

**Introduction**

The Applicant was granted a Conditional Use Permit ("CUB"), ZA-2026-138-CUB, approving the sale of a full line of alcoholic beverages for off-site consumption and limited on-site tasting in conjunction with a Whole Foods Market grocery store use on June 3, 2026. The Applicant is obtaining an ABC Type 21 license for the sale of beer, wine, and distilled spirits for off-site consumption and a Type 86 license for periodic ancillary instructional tastings on the premises.

As part of the CUB application, the Applicant conducted outreach within the community in an effort to address any potential concerns related to the sale of beer, wine, and distilled spirits. Specifically, we met with the Mid City West Neighborhood Council and also reached out to the Wilshire Division of the Los Angeles Police Department ("LAPD"). The Mid City West Neighborhood Council voted in favor of the request for off-site sale of alcoholic beverages in

their meeting on April 14, 2026. The LAPD provided their letter of non-opposition to the ZA on March 20, 2026. We also met with the Council District 5 Planning Deputy about the project.

The Zoning Administrator hearing took place on May 20, 2026. The ZA issued her Letter of Determination on June 3, 2026, approving the off-site sale of beer, wine, and distilled spirits at this location, as well as instructional tastings per ABC Type 21 and ABC Type 86 licenses respectively.

The site is located in Census Tract 2145.01. The Census Tract is allocated for one (1) off-sale licenses and currently five (5) off-sale licenses exist, including the existing Whole Foods Market in the same shopping center<sup>1</sup>. A determination of Public Convenience or Necessity (“PC or N”) pursuant to Business and Professions Code section 23958.4 is required. Although, a PC or N determination is needed, the Mar Vista Community Council, LAPD, and Council Office have expressed desire and need for Whole Foods Market at this location with a full line of beer, wine, and distilled spirits alongside the general grocery products. As a result, this ABC license at this location will serve the public convenience and necessity of this community.

### **Project Description**

Pursuant to Los Angeles Municipal Code (“LAMC”) section 12.24-W.1, a CUP was approved for the off-site sale of beer, wine, and distilled spirits and ancillary instructional tastings in conjunction with a grocery store at 355 S Ogden Drive, Los Angeles, CA 90036.

The project site fronts two streets, W 3<sup>rd</sup> Street to the north and S Ogden Drive to the east. The grocery store with ancillary alcohol sales will be contained within 63,082 square feet over the first three floors of the newly constructed multi-use 63,082 square feet building on the lot. The grocery store use was approved in ZA-2026-138-CUB on June 3, 2026.

The subject property is zoned C2-1-O. The adjacent zones include other retail and residential buildings. The project is consistent with existing land use designations. The Grocery Store use is permitted as a matter of right in the C2-1-O Zone. The business will acquire a California ABC Type 21 License for the off-site sale of beer, wine, and distilled spirits and an ABC Type 86 License for Instructional Tastings on the premises.

### **What is Public Convenience or Necessity Determination and Why is it Required:**

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<sup>1</sup> Specifically, the existing licenses within the Census Tract are as follows:

1. Mrs. Gooch's Natural Food Markets Inc (ABC License 21-381835) located at 6350 W 3<sup>rd</sup> St, Los Angeles, CA 90036
2. A F Gilmore Company (ABC License 21-448907) located at 6333 W 3<sup>rd</sup> St, STE 150, Los Angeles, CA 90036
3. Garfield Beach CVS LLC (ABC License 21-479390) located at 6360 W 3<sup>rd</sup> St, Los Angeles 90036
4. Nowhere Partners, LLC (ABC License 20-619167) located at 7660 Beverly Blvd, Los Angeles, CA 90036
5. World Market, LLC (ABC License 20-634557) located at 6333 W 3<sup>rd</sup> St, STE E10, Los Angeles, CA 90036

According to California Business and Professions Code section 23958, the ABC “shall deny an application for a license if issuance of that license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses, except as provided in Section 23958.4.”<sup>2</sup> In the matter before this City Council, there is no doubt that the Whole Foods Market at this location will not create a law enforcement problem nor will it result in or add to an undue concentration of licenses.

California Business and Professions Code section 23958.4 states that the City must make a finding that the license serves the Public Convenience or Necessity (“PC or N”) if there is an “undue concentration” of off-site licenses in an area when the following conditions are present:

1. The applicant premises are located in a crime reporting district that has a 20 percent greater number of reported crimes, as defined in subdivision (c), than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.
2. As to off-sale retail license applications, the ratio of off-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.

Business and Professions Code section 23958.4 does *not* impose a mandatory limit on the number of Alcoholic Beverage Control (“ABC”) licenses in a particular area. And the number of licenses allocated to a specific census tract because of its residential population does not mean an excess of that is prohibited.

However, in the matter before this City Council this Whole Foods Market will simply be replacing its Type 21 and Type 86 ABC licenses at this location while at the same time canceling or transferring out of the Census Tract the Type 21 and Type 86 ABC licenses that currently exist in the Whole Foods Market next door. For these reasons, there is no undue concentration.

Because of good planning and zoning practices, an area such as the community around 355 S Ogden Drive, will benefit from the addition of the off-sale license as it is being proposed here. The term “undue concentration” is specifically defined in Business and Professions Code section 23958.4 as simply a ratio of licenses in this census tract compared to the average number of licenses in the county as a whole. It does not mean that this particular census tract necessarily has too many licenses for the needs or convenience of the community. Additionally, the subject site will not be adding to the number of licenses in the area as there has been a Whole Foods Market within this Census Tract for many years. The current ABC license for the Whole Foods Market located within this census tract will be surrendered and a new license obtained for the store. Therefore, the concentration is not increasing.

It makes sense that stores that sell alcoholic beverages are located in zones that are in locations that are convenient for the community.

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<sup>2</sup> California Business & Professions Code §23958

However, this is a statutory high crime area as defined by the ABC Act. The Statute determines an area as high crime if the overall reported crime is 120% more than the reporting district average. The Applicant site is located in Reporting District (RD) 734. According to numbers obtained from the ABC, RD 734 had a combined total number of reported crimes which was higher than 120% of the city-wide average. This is an area with a high number of retail stores which often do introduce higher than average crime statistics. The Whole Foods Market is not introducing a new business to the area and therefore it is not expected that the crime statistics would increase.

**The Action Sought**

It is therefore, respectfully, requested that the City of Los Angeles make a finding that issuance of a Type 21/86 ABC license to Mrs. Gooch's Natural Food Market Inc., will serve the Public Convenience or Necessity.

Should you have any questions or if there is any additional information we can provide, please do not hesitate to call or email our offices. Thank you.

Very truly yours,

SOLOMON SALTSMAN & JAMIESON

*Stephen Jamieson*

STEPHEN ALLEN JAMIESON

Licensed in California, Wisconsin and Michigan

SAJ/HJ

Cc:

Jennifer Torres (Planning Deputy, Council District 5 Katy Yaroslavsky)

Enclosure:

Application for Determination of Public Convenience or Necessity