

File No. 110789

Committee Item No. 1

Board Item No. 32

**COMMITTEE/BOARD OF SUPERVISORS  
AGENDA PACKET CONTENTS LIST**

Committee: **City Operations & Neighborhood Services Committee**      Date 12/5/11

Board of Supervisors Meeting      Date 12/13/11

**LIQUOR LICENSE HEARING**

Cmte Board

- |                                     |                                     |                            |
|-------------------------------------|-------------------------------------|----------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Applicant's Letter         |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Police Department Report   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Planning Department Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Clerk's Correspondence     |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence      |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Resolution                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Other                      |

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Completed by Gail Johnson      Date 12/1/11

Completed by lg      Date 12/7/11

1 [Liquor License Transfer – 3950-24th Street]

2  
3 **Resolution determining that the transfer of a Type 21 off-sale general license from**  
4 **6333 Geary Boulevard to 3950-24th Street (District 8) to Roberta L. Lang for Whole**  
5 **Foods Market, California, Inc., dba Whole Foods Market, will serve the public**  
6 **convenience or necessity of the people of the City and County of San Francisco, in**  
7 **accordance with Section 23958.4 of the California Business and Professions Code,**  
8 **with conditions.**

9  
10 WHEREAS, Roberta L. Lang is seeking the transfer of a Type 21 off-sale general  
11 license for Whole Foods Market, California, Inc., dba Whole Foods Market, located at  
12 3950-24th Street; and,

13 WHEREAS, The City Planning Department has verified that the area is properly  
14 zoned; and,

15 WHEREAS, The Police Department recommends that the liquor license  
16 application be approved with conditions; now, therefore, be it

17 **RESOLVED**, That in accordance with Section 23958.4 of the California Business  
18 and Professions Code, the Board of Supervisors of the City and County of San Francisco  
19 hereby determines for the foregoing reasons that the transfer of a Type 21 Off-Sale  
20 General License from 6333 Geary Boulevard to 3950-24th Street, for Roberta L. Lang for  
21 Whole Foods Market, California, Inc., dba Whole Foods Market, will serve the public  
22 convenience or necessity of the people of the City and County of San Francisco.

23 Conditions: (1) Sales of alcoholic beverages shall be permitted between the hours  
24 of 8:00 a.m. and 10:00 p.m. daily. (2) Sales, service and display of distilled spirits shall  
25 be limited to one specific area with a shelf space not larger than 4 feet by 6 feet.



naturally grown since 1980



WHOLEFOODSMARKET.COM

File 110789

July 13, 2011

Ms. Angela Calvillo  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2011 JUL 27 PM 1:11

Re: Public Convenience and Necessity  
Whole Foods Market California, Inc.  
3950 24th St., San Francisco, CA 94114

Dear Ms. Calvillo:

Whole Foods Market California, Inc. dba Whole Foods Market, has applied with the Department of Alcoholic Beverage Control (ABC) to transfer a Type 21, Off-sale General license to our store in the Noe Valley District of San Francisco. Before ABC will issue the license, they require that we secure a Letter of Public Convenience and Necessity from the San Francisco Board of Supervisors. The following facts are required for this application:

Premise address: 3950 24th Street  
San Francisco, CA 94114

Mailing address: 5980 Horton Street, Suite 200  
Emeryville, CA 94608

Operational hours: 8:00 AM to 10:00 PM, seven days a week

The Noe Valley Whole Foods Market offers a wide range of natural foods and an extensive selection of fine wines and beers and liquors from around the world. We believe that adding a selection of high quality spirits at this store will enhance our customers' shopping experience and best serve our local clientele. Therefore, we believe that the issuance of the Type 21 license at this location will provide a public convenience. A copy of the ABC-245 is also enclosed for your signature.

If any questions arise from this application, please contact one of our licensing consultant, Jay McPherson of CSA, at 800-400-1353.

Sincerely,

Roberta L. Lang  
Vice President



**INFORMATION AND INSTRUCTIONS -**

**SECTION 23958.4 B&P**

Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

**PART 1 - TO BE COMPLETED BY ABC**

1. APPLICANT'S NAME

WHOLE FOODS MARKET CALIFORNIA INC

2. PREMISES ADDRESS (Street number and name, city, zip code)

3950 24th St. San Francisco CA 94114-3704

3. LICENSE TYPE

21

4. TYPE OF BUSINESS

- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> Full Service Restaurant      | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge     | <input type="checkbox"/> Private Club      |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club       | <input type="checkbox"/> Night Club          | <input type="checkbox"/> Veterans Club     |
| <input type="checkbox"/> Cafe/Coffee Shop             | <input type="checkbox"/> Brew Pub          | <input type="checkbox"/> Tavern: Beer        | <input type="checkbox"/> Fraternal Club    |
| <input type="checkbox"/> Bed & Breakfast:             | <input type="checkbox"/> Theater           | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only                    | <input type="checkbox"/> All               |  |  |

- |   |  |  |  |
|---|--|--|--|
| <input checked="" type="checkbox"/> Supermarket | <input type="checkbox"/> Membership Store  | <input type="checkbox"/> Service Station               | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store           | <input type="checkbox"/> Department Store  | <input type="checkbox"/> Convenience Market            | <input type="checkbox"/> Drive-in Dairy        |
| <input type="checkbox"/> Drug/Variety Store     | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline |  |
| <input type="checkbox"/> Other - describe:      |  |  |  |

5. COUNTY POPULATION

3833/824,525

6. TOTAL NUMBER OF LICENSES IN COUNTY

955

On-Sale  Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

1.2500

On-Sale  Off-Sale

8. CENSUS TRACT NUMBER

1

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

4

On-Sale  Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

6

On-Sale  Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- Yes, the number of existing licenses exceeds the number allowed
- No, the number of existing licenses is lower than the number allowed

3 X PUB

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- Yes (Go to Item #13)
- No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

451

14. TOTAL NUMBER OF REPORTING DISTRICTS

654

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

120,367

16. AVERAGE NO. OF OFFENSES PER DISTRICT

184

17. 120% OF AVERAGE NUMBER OF OFFENSES

221

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

140

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
- No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

SF BOARD OF SUPERVISORS

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

JM

**PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)**

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do *not* proceed to Part 3.

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22. APPLICANT SIGNATURE

23. DATE SIGNED

**PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)**

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

Yes       No       See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

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26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED



San Francisco Police Department  
**ABC Liaison Unit**



Alcoholic Beverage License -  
*Public Convenience and  
Necessity Recommendation*

**To:** The San Francisco Board of Supervisors' Committee on City Operations  
& Neighborhood Services

**Supervisor Avalos  
Supervisor Mar  
Supervisor Elsbernd**

**From:** Inspector Julie Lazar  
ABC Liaison Unit (ALU) 553-1049

**Date:** November 30, 2011

**Subject:** P.C.N. Investigation Regarding: Whole Foods Market  
3950-24<sup>th</sup> Street  
Melanie Holt  
(415) 282-4700

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2011 DEC -1 PM 1:15  
RL

Ms. Melanie Holt, Associate Store Team Leader, on behalf of Whole Foods Market has filed an application with the California Department of Alcoholic Beverage Control seeking a premises to premises -Type 21 (Off-Sale General) license for 3950-24<sup>th</sup> Street (located mid-block between Sanchez & Noe Street).

Hours of Operation:

Daily 8:00 a.m. - 10:00 p.m.

**Digest:**

This business is currently operating at 3950-24<sup>th</sup> Street (located mid-block between Sanchez & Noe Street), with an active Type 20 (Off-Sale Beer and Wine) license. If the Type 21 (Off-Sale General) license is approved, this license will allow the applicant to sell off-sale beer, wine, and distilled spirits at this location.

For the purposes of this hearing the ABC seeks a determination from the Board of Supervisors as to the approval or denial of this license.

**Letters of Protest:**

**More than 50 letters of protest**

**Letters of Support:**

**No record**

**Police Calls for Service:**

From September 2010 to September 2011

**33**

**Police Reports:**

From September 2010 to September 2011

**6**

**San Francisco Plot Information:**

This premise is located in Plot **451**

**103** Police Reports were recorded for this plot in *2010*

This plot is **112** Police Report(s) **under** the citywide average (plus 20%) of 215 Police Reports.

**State Census Tract Information:**

This premise is located in Census Tract **211**

Population for this tract is: **3833**

On-sale license authorized by census tract: **14**  
Active on-sale licenses: **7** with **1** pending

Off-sale licenses authorized by census tract: **4**  
Active off-sale licenses: **6** with **0** pending



**Departmental Recommendation:**

Points of consideration:

**Currently operating** with Active Type 20 (Off-Sale Beer and Wine)

No opposition from **Mission Station**

Applicant premise **is not** located in a "high crime" area.

Applicant premise **is** located in an "undue concentration" area.

**50+ Record** of protest.

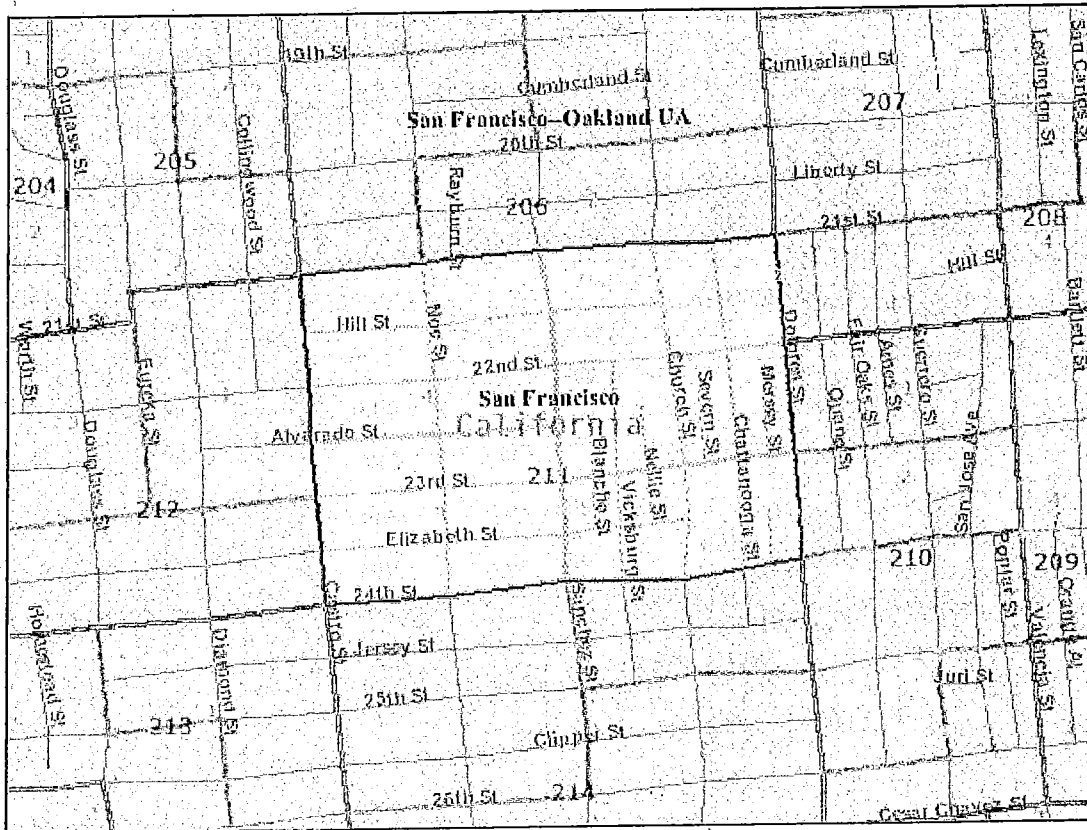
**No - Record** of support.

ALU Recommendation: **Approval w/conditions**

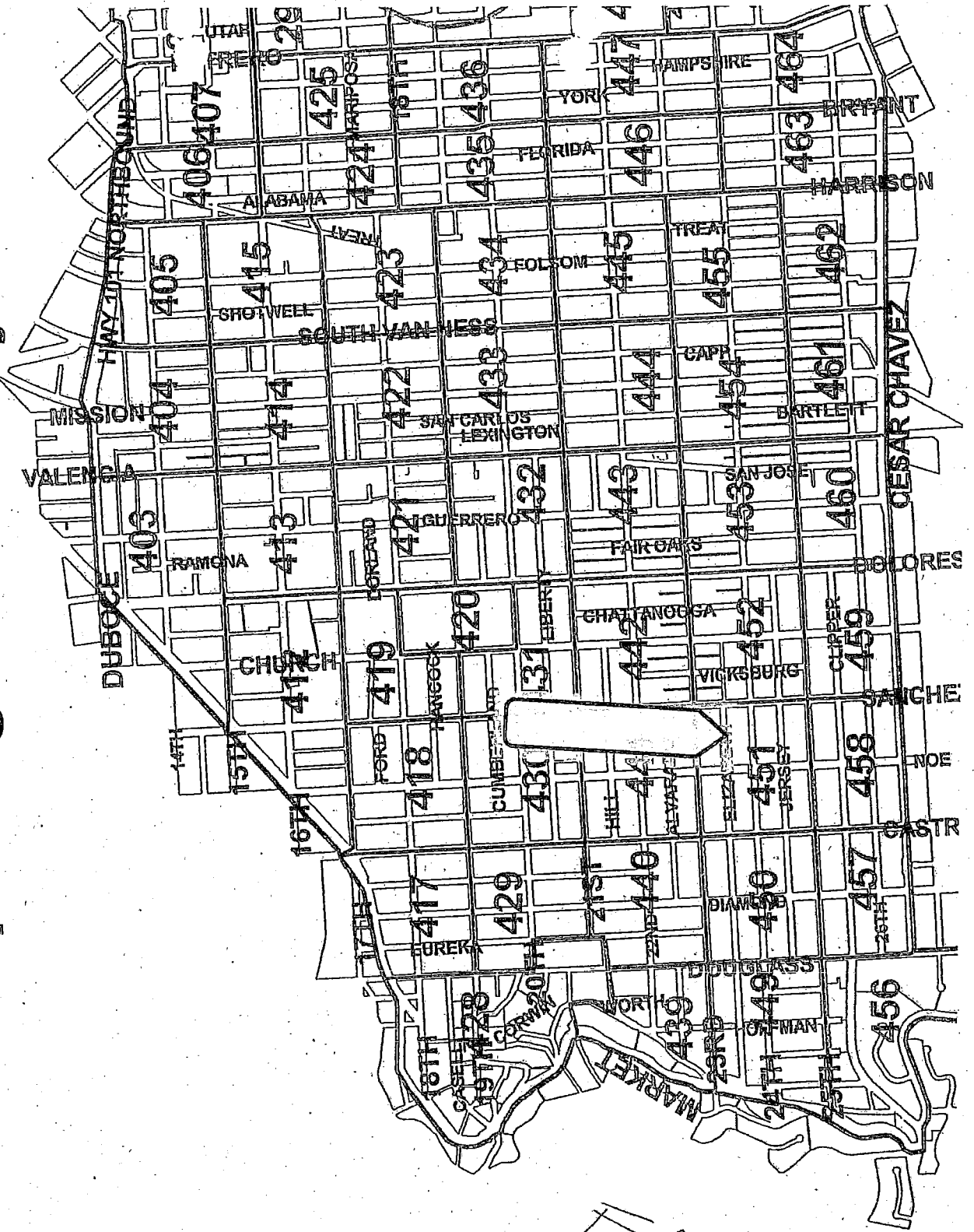
1. *Sales of alcoholic beverages shall be permitted between the hours of 8:00 a.m. and 10:00 p.m. daily.*
2. *Sales, service and display of distilled spirits shall be limited to one specific area with a shelf space not larger than 4'ft by 6'ft.*

Call No	Report No	Received Date	Received Time	Priority	Call Type	Unit ID	Disposition	Location
112102315		7/29/11	16:18:38 B		917 3D42C	917 3D42C	ADV	3950 24TH ST
112031364		7/22/11	11:57:17 C		601 3D42C	601 3D42C	GOA	3950 24TH ST
112013254		7/20/11	19:05:31 B		917 3D42C	917 3D42C	ADV	3950 24TH ST
112002977		7/19/11	19:38:56 B		917 3D11D	917 3D11D	ADV	3950 24TH ST
111952738		7/14/11	17:47:15 C		915	915	CANC	3950 24TH ST
111812793		6/30/11	18:01:06 C		917 3D12C	917 3D12C	ADV	3950 24TH ST
111783057		6/27/11	19:56:20 B		601 3D203	601 3D203	HAN	3950 24TH ST
111592997		6/8/11	19:12:07 B		905 3D44D	905 3D44D	HAN	3950 24TH ST
111461960		5/26/11	14:43:43 C		917 3D42C	917 3D42C	HAN	3950 24TH ST
111271479		5/7/11	12:25:11 C		811	811	CANC	3950 24TH ST
111082667		4/18/11	17:31:45 C		917 3D42C	917 3D42C	ADV	3950 24TH ST
111012852		4/11/11	18:21:30 A		418 3D14D	418 3D14D	HAN	3950 24TH ST
110881348		3/29/11	11:47:43 C		7A	3D20	HAN	3950 24TH ST
110542932		2/23/11	18:14:41 B		418 3D12D	418 3D12D	GOA	3950 24TH ST
110532261	110157066	2/22/11	15:47:35 B		519 3D60	519 3D60	HAN	3950 24TH ST
110392581		2/8/11	17:56:30 C		917 3D12D	917 3D12D	HAN	3950 24TH ST

Call No	Report No	Received Date	Received Time	Priority	Call Type	Unit ID	Disposition	Location
110241722	110073296	1/24/11	13:42:56	C	488 3D42C	HAN	3950 24TH ST	
110170037		1/17/11	00:12:55	C	415 3D13D	NOM	3950 24TH ST	
110162496		1/16/11	18:28:56	C	917 3D42C	ADV	3950 24TH ST	
103561308	101174964	12/22/10	11:39:55	B	405 3D42C	REP	3950 24TH ST	
103511830		12/17/10	14:13:53	C	71	HAN	3950 24TH ST	
103482639		12/14/10	17:58:36	C	916 3H35	ADV	3950 24TH ST	
103403029	101125901	12/6/10	19:52:42	B	405 3D2D	CIT	3950 24TH ST	
103401826	101124840	12/6/10	14:13:32	B	405 3D2A	REP	3950 24TH ST	
103381171		12/4/10	11:14:52	C	7A	HAN	3950 24TH ST	
103122831	101039904	11/8/10	18:37:42	B	405 3D90	HAN	3950 24TH ST	
103081169		11/4/10	10:16:01	B	405 3D2A	HAN	3950 24TH ST	
103072600		11/3/10	17:53:13	B	405 3D16D	CANC	3950 24TH ST	
103072210		11/3/10	16:17:31	B	405	CANC	3950 24TH ST	
103052017		11/1/10	14:03:24	C	917 3D15A	HAN	3950 24TH ST	
102863998		10/13/10	23:41:06	C	415 3D44D	HAN	3950 24TH ST	
102672249		9/24/10	15:02:57	C	585 3D42C	CIT	3950 24TH ST	
102501952		9/7/10	13:36:48	C	585 3D42C	HAN	3950 24TH ST	

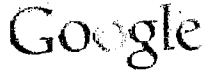


# MISSION DISTRICT Reporting Plots & Major Streets



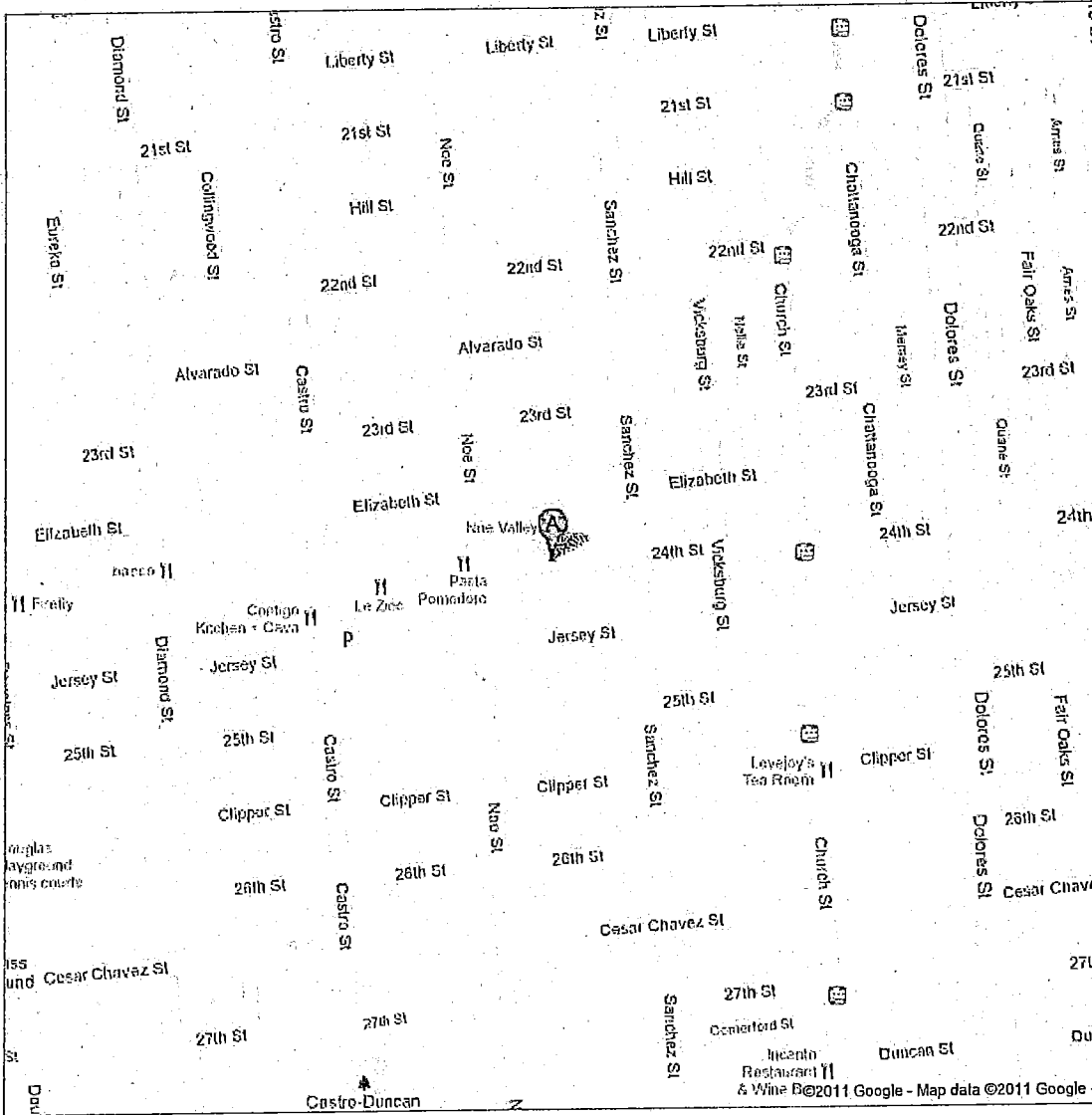
*Plot  
451  
2010 p/w*





Address 3950 24th St  
San Francisco, CA 94114

Whole Foods Market





DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

# PUBLIC NOTICE OF APPLICATION TO SELL ALCOHOLIC BEVERAGES

APPLICANT: WIDE FOODS MARKET CALIFORNIA, INC.

TYPE OF LICENSE: WIDE SALE GENERAL

BUSINESS NAME: WIDE FOOD MARKET

ADDRESS OF PREMISES: 3450 24TH ST. SAN FRANCISCO, CA 94114

APPLICANT HAS FILED FOR:  NEW LICENSE  PREMISES TO PREMISES TRANSFER  PERMIT TRANSFER  CHANGE IN LICENSE PRIVILEGES

IF A VERIFIED PROTEST IS TO BE MADE AGAINST THIS APPLICATION, IT MUST BE RECEIVED BY ANY OFFICE OF THE DEPARTMENT OR DEPARTMENTAL HEADQUARTERS, 1887 LENAH DRIVE, SUITE 100, SACRAMENTO, 95833, WITHIN 30 DAYS OF DATE POSTED. PROTESTS MUST BE VERIFIED. FURTHER INFORMATION REGARDING THIS APPLICATION AND VERIFICATION FORMS MAY BE OBTAINED AT:

SAN FRANCISCO A.B.C. DIST. OFF.  
71 STEVENSON STREET, SUITE 1500  
SAN FRANCISCO, CA 94105  
TEL: 415-398-6500

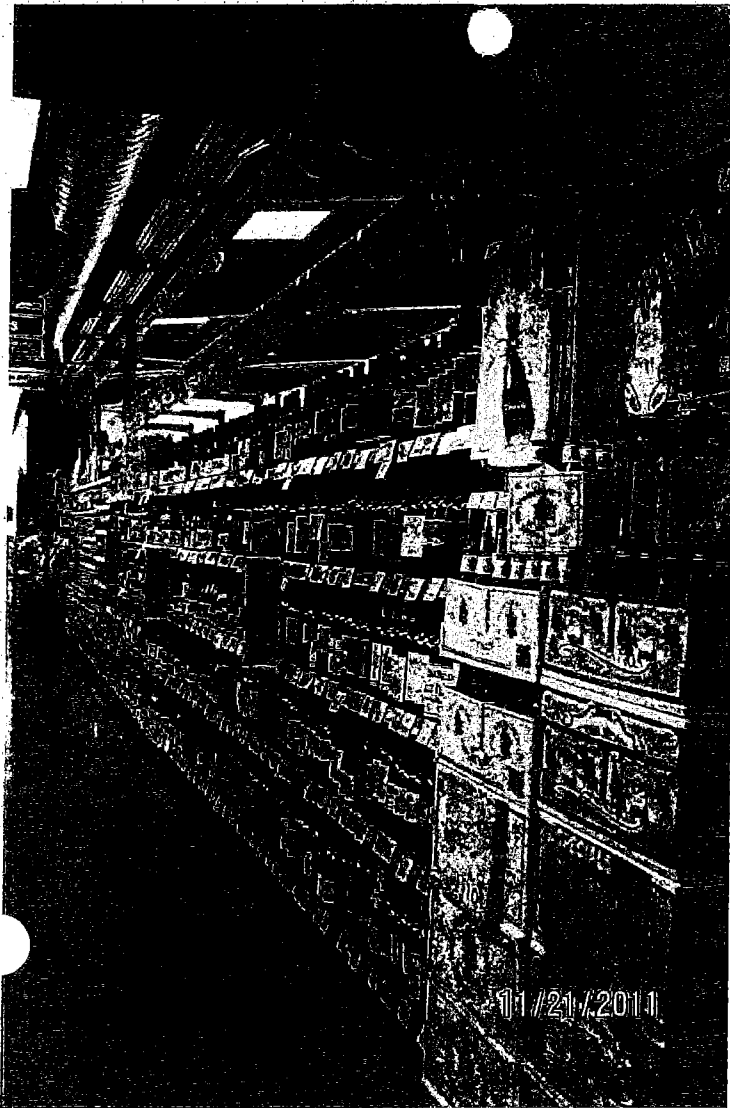


**WARNING**  
This person has been convicted of a crime involving the sale of alcoholic beverages within 10 years of the date of this application. The State of California has the right to deny this license.

07/26/2011

**ALREADY LICENSED TO SELL ALCOHOLIC BEVERAGES**





Barnard, JD

Department of Alcoholic Beverage Control

State of California

**PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION**

- Please refer to Form ABC-510, Instructions for Protesting an Alcoholic Beverage License Application, before completing and submitting your protest. The ABC-510 can be found at www.abc.ca.gov.
- Please print legibly or type. Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter regarding a hearing on your protest. You will need to attend the hearing to testify and/or present evidence to support your protest.
- A copy of your valid protest, including your name and address, will be provided to the applicant as a public record and a right of discovery for a protest hearing.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

WHOLE FOODS

(Name(s) of Applicant(s))

For premises at:

24<sup>TH</sup> STREET NOE VALLEY

(Exact address of proposed premises)

on the grounds that: **FIRST AND FOREMOST WHOLE FOODS PREVENTS ITS EMPLOYEES FROM UNIONIZING. THIS IS SIMPLY WRONG, ESPECIALLY GIVEN THE RICH HISTORY OF LABOR IN SAN FRANCISCO. MORE SPECIFICALLY, AS A RESIDENT OF NOE VALLEY FOR MORE THAN 26 YEAR I HAVE BECOME FRIENDS WITH THE OWNERS AND OPERATORS OF MANY OF NOE VALLEY'S FAMILY OWNED SMALL BUSINESSES. IT IS NO SECRET TO THESE SMALL BUSINESS OWNERS THAT WHOLE FOODS USES IT CORPORATE CLOUT UNFAIRLY BY USING PREDATORY PRICING TO COMPETE UNFAIRLY. A NUMBER OF SMALL BUSINESSES IN THE VICINITY HAVE ALREADY BEEN DRIVEN OUT OF BUSINESS BY WHOLE FOOD. STOP THE DAMAGE FROM CONTINUING. STOP WHOLE FOODS FROM DRIVING MORE SMALL BUSINESSES - OUT OF BUSINESS**

Check here if additional sheets attached

I, DONALD P. HILLA

PRINT (Name of Protestant)

, declare under penalty of perjury, AUG 02 2011

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof, and that the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

SIGNED AT (City and date)

SAN FRANCISCO CA

PROTESTANT'S ADDRESS (Street number and name, city, state, zip code)

300 VICKSBURG ST. NO. 6 SF CA 94114

PROTESTANT'S TELEPHONE NUMBER (Optional)

415-821-2454

DATE SIGNED

07.24.11

ABC-510-A (07/08)



Department of Alcoholic Beverage Control  
**PROTEST AGAINST ALCOHOLIC  
BEVERAGE LICENSE APPLICATION**

State of California

- Please refer to Form ABC-510, Instructions for Protesting an Alcoholic Beverage License Application, before completing and submitting your protest. The ABC-510 can be found at [www.abc.ca.gov](http://www.abc.ca.gov).
- Please print legibly or type. Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter regarding a hearing on your protest. You will need to attend the hearing to testify and/or present evidence to support your protest.
- A copy of your valid protest, including your name and address, will be provided to the applicant as a public record and a right of discovery for a protest hearing.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

WHOLE FOODS

(Name(s) of Applicant(s))

For premises at:

3950 24th St, SF 94114

(Exact address of proposed premises)

on the grounds that:

As a resident living in Noe Valley, I strongly disagree with your company selling liquor as it wouldn't be a positive asset contribution to a "family oriented" neighborhood. Whole Foods markets to be a "health food and "organic" type of market and selling liquor would drain that concept away. There are several bars, wine/liquor shops in the community steps away from your market for those who wish to purchase alcohol, providing more alcohol than what you currently supply would also not give an opportunity for smaller liquor businesses in the neighborhood to survive.

Check here if additional sheets attached

I, EVA KHOURI, declare under penalty of perjury:

(PRINT (Name of Protestant))

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

Eva Khouri

PROTESTANT'S TELEPHONE NUMBER (Optional)

DATE SIGNED

SIGNED AT (City and state)

SAN FRANCISCO CALIFORNIA

8/1/2011

PROTESTANT'S ADDRESS (Street number and name, city, state, zip code)

3902 24TH STREET APT A, SAN FRANCISCO CA 94114

ABC-510-A (07/08)

RECEIVED

AUG 04 2011

I strongly believe that selling alcohol would attract more congestion to the already over-flowed parking lot and street area making it even more difficult and time consuming to find parking for those like myself who struggle everyday to find parking to our homes due to the amount of shoppers who already shop at your store. please consider my thoughts and concerns as I am against Whole Foods selling alcohol. Thank you.

EVA KHOURI

# PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

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I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

WHOLE FOODS MARKET  
(Name(s) of Applicant(s))

For premises at:

3950 24TH STREET SF CA 94114  
(Exact address of proposed premises)

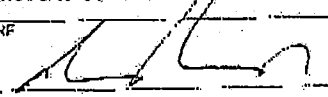
on the grounds that:

- THE ADDITION OF LIQUOR SALES WILL:
- 1) RESULT IN INCREASED TRAFFIC (CARS) IN PARKING LOT AND NEARBY STREETS.
  - 2) INCREASE ALCOHOL SALES IN NEIGHBORHOOD - THERE ARE ENOUGH ALCOHOL STORES & BARS EXISTING IN NEIGHBORHOOD ALREADY.

Check here if additional sheets attached

I, DINA DUSKO, declare under penalty of perjury:  
PRINT (Name of Protestant)

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE 	PROTESTANT'S TELEPHONE NUMBER (Optional) 415 332 9292
SIGNED AT (City and state) SAN FRANCISCO, CA	DATE SIGNED 8/5/11
PROTESTANT'S ADDRESS (Street number and name, city, state, zip code) 3902 24TH ST SF CA 94114	RECEIVED

AUG - 8 2011

We the undersigned, are against Whole Foods Market-Noe Valley selling liquor, at 3950 24<sup>th</sup> St, San Francisco CA 94114, for the following reasons:

Whole Foods-Noe Valley is a very busy store, their parking lot is small and full at all times. Cars are always overflowing onto 24th st causing traffic and noise. We are concerned that if Whole Foods sells liquor that it will definitely attract more shoppers into their store. Whole Foods doesn't have room to expand their parking lot. Therefore, there will be more traffic and noise along 24<sup>th</sup> street inconveniencing all residents. Also the lack of parking at Whole Foods, will make their shoppers park outside their premises, taking parking spots that otherwise would have been used by residents at the other local merchants. This will inconvenience residents further, and eventually hurt local businesses; therefore, we must protect the local merchants because this is what makes Noe Valley charming and attractive to its residents. Besides, there are already enough liquor stores in Noe Valley this will cause a high concentration of stores that sell liquor in a small area.

I declare under penalty of perjury:

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

Name	Address	Signature	Date
1 John Meggitt	3902 B 24 <sup>th</sup> St SF 94114		7/27/11
2 Erik Hennings	166 Chabonog St SF CA 94114		7/27/2011
3 <del>_____</del>	3885 24 <sup>th</sup> St SF	<del>_____</del>	
4 Claudine Richman	724 Buena Vista Terrace		7-27-11
5 JOSEPH Padilla	3865 25 <sup>th</sup> St.		7/26/11
6 CANDICE SMITH	300 VICKSBURG St		7/25/11
7 JOE FEMINO	215 JERSEY ST SF		7/25/11
8 Mauread Carney	3911A 24th St SF		7/25/11
9 Brynna Jay Lawd	101 Jersey St		7-26
10 Panda Beach	225 Hobart St SF		7-26
11 Patricia Kierlan	135 Clapper St #9		7/26/11
12 Frank Misiewicz	3930 24 <sup>th</sup> St #10		7/26/11
13 <del>_____</del>	<del>1050 Sanchez St</del>	<del>_____</del>	
14 Jennifer Lewis	1050 Sanchez St SF 94114		7/26/11

RECEIVED

APR 11 2011

We the undersigned, are against Whole Foods Market-Noe Valley selling liquor, at 3950 24<sup>th</sup> St, San Francisco CA 94114, for the following reasons:

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Name	Address	Signature	Date
15	<del>90 Fremont Ave</del> 981 Elizabeth St #11		7/27/11
16	<del>Anton Fontana</del> 1570 Sanchez St		7/27/11
17	A. Carney 1056 Sanchez St		7/27/11
18	G. GASSER 1056 Sanchez St		7/27/11
19	Michael Koulouris 441 Vicksburg		7/27/11
20	CRAIG BIRD 3857 24 <sup>th</sup> St #2		7/27/11
21	Matthew Cunningham 410 Elizabeth St #5		7/27/11
22	Anise Naser 3991 24 <sup>th</sup> St		7/28/11
23	Robert Bazylo 1050 Sanchez St		7/28/11
24	Peter Gabel 386 Elizabeth St		7/28/11
25	Lisa Jacobs 3868/12a 50th St		7/28/11
26	K. Wiley 4248 20 <sup>th</sup> St		7/29/11
27	Eric Alexander 264 Fair Oaks		7/29/11
28	Michael Lehanie 912 Noe		7/30/11

RECEIVED

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Name	Address	Signature	Date
29 Russell Maveajl	3807 22 <sup>nd</sup> St.		8-1-11
30 Dimitri Stanhauer	3862 24 <sup>th</sup>		8-1-11
31 Mike Gutierrez (hussey's)	3865 24 <sup>th</sup>		8-1-11
32 Casey Murray	551 ALVARADO		8-3-11
33 James Abel	3890 24 <sup>th</sup> St		8-4-11
34 James Anderson	3911A 24 <sup>th</sup> St		8-4-11
35 William O'Connell	3932 24 <sup>th</sup> St		8-4-11
36 George Lempis	264 LIBERTY		8-4-11
37 Veronica Ruedrich	3909 24 <sup>th</sup> St.		8/4/11
38 Kathleen McGarr	892 Noe St Apt E		8/4/11
39 Monica McFadden	4062 24 <sup>th</sup> St.		8/5/11
40 Darlene Crisp	280 Valley St		8/5/11
41 Bob Fitzgerald	462 Diamond St #7		8/6/11
42 Sheila Istravick	3870 24 <sup>th</sup> Street		8/6/11

1102 8 -- DTJ



We the undersigned, are against Whole Foods Market-Noe Valley selling liquor, at 3950 24<sup>th</sup> St, San Francisco CA 94114, for the following reasons:

Whole Foods-Noe Valley is a very busy store, their parking lot is small and full at all times. Cars are always overflowing onto 24th st causing traffic and noise. We are concerned that if Whole Foods sells liquor that it will definitely attract more shoppers into their store. Whole Foods doesn't have room to expand their parking lot. Therefore, there will be more traffic and noise along 24<sup>th</sup> street inconveniencing all residents. Also the lack of parking at Whole Foods, will make their shoppers park outside their premises, taking parking spots that otherwise would have been used by residents shopping at the other local merchants. This will inconvenience residents further, and eventually hurt local businesses; therefore, we must protect the local merchants because this is what makes Noe Valley charming and attractive to its residents. Besides, there are already enough liquor stores in Noe Valley, this will cause a high concentration of stores that sell liquor in a small area.

I declare under penalty of perjury:

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

Name	Address	Signature	Date
43) NEIL MCKAY	1078 SANCHEZ ST	Neil McKay	8/6/2011
44) PATRICIA LARIZADEN	3866 24th St #3	P. Larizaden	8/6/2011
45) PABLO FERILLO	3866 24th St #3	P. Ferillo	8/6/2011
46) Chris Kenney	1104 Sanchez	Chris Kenney	8/7/2011
47) Roland Sando	3914 23 <sup>rd</sup> SFCA	Roland Sando	8/7/2011
48) CLEMENT O'DONNELL	3928 22 <sup>nd</sup> SFCA	C. O'Donnell	8/7/11
49) Cathy Erlwin	3432 26 <sup>th</sup> St SF CA	C. Erlwin	8-7-11
50) Kara Swanson	278 Jersey St SF CA	Kara Swanson	8/7/11

RECEIVED

AUG - 8 2011

Dept of Alcoholic Beverage Control  
 5. Department of Finance

Department of Alcoholic Beverage Control  
**PROTEST AGAINST ALCOHOLIC  
BEVERAGE LICENSE APPLICATION**

State of California

- Please refer to Form ABC-510, Instructions for Protesting an Alcoholic Beverage License Application, before completing and submitting your protest. The ABC-510 can be found at [www.abc.ca.gov](http://www.abc.ca.gov).
- Please print legibly or type. Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter regarding a hearing on your protest. You will need to attend the hearing to testify and/or present evidence to support your protest.
- A copy of your valid protest, including your name and address, will be provided to the applicant as a public record and a right of discovery for a protest hearing.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

Whole Foods noe-valley  
(Name(s) of Applicant(s))

For premises at:

24th noe-valley 3950  
(Exact address of proposed premises)

on the grounds that:

Re Whole Foods Market is already causing significant traffic problems in the area, and adding a full liquor license will surely add to the traffic problems. In addition, there are other small liquor stores already able to fulfill the liquor buying needs of the neighborhood.

Check here if additional sheets attached

I, GORDON I.M. RONALD, declare under penalty of perjury:  
PRINT (Name of Protestant)

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

Gordon I.M. Ronald

PROTESTANT'S TELEPHONE NUMBER (OPTIONAL)

SIGNED AT (City and state)

San Francisco, Cal

DATE SIGNED

8/4/11

PROTESTANT'S ADDRESS (Street number and name, city, state, zip code)

1046 SANCHEZ ST SF. CA 94114

RECEIVED

ABC-510-A (07/08)

AUG - 8 2011

Department of Alcoholic Beverage Control  
**PROTEST AGAINST ALCOHOLIC  
BEVERAGE LICENSE APPLICATION**

State of California

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I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

WHOLE FOODS

(Name(s) of Applicant(s))

For premises at:

3950

24th street NOE VALLEY

(Exact address of proposed premises)

on the grounds that:

I'm a noe valley resident for over 30 years, this neighborhood can not afford to have a big Super Market, ever since they move in the traffic is under no control, is not safe for our families, we do not need another business with a liquor license, we already have # 6 stores with liquor license, please consider this is a family NEIGHBORHOOD. We need to keep it as is.

Check here if additional sheets attached

I, PATRICIA LARIZADEN

(PRINT (Name of Protestant))

declare under penalty of perjury:

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

PROTESTANT'S TELEPHONE NUMBER (Optional)

415-264-5031

SIGNED AT (City and state)

S.F. CA

DATE SIGNED

8/6/11

PROTESTANT'S ADDRESS (Street number and name, City, state, zip code)

3866 24th st. S.F. CA. 94114

RECEIVED

ABC-510-A (07/06)

AUG - 8 2011

Dept of Alcoholic Beverage Control  
San Francisco

Department of Alcoholic Beverage Control  
**PROTEST AGAINST ALCOHOLIC  
BEVERAGE LICENSE APPLICATION**

- Please refer to Form ABC-510, Instructions for Protesting an Alcoholic Beverage License Application, before completing and submitting your protest. The ABC-510 can be found at [www.abc.ca.gov](http://www.abc.ca.gov).
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I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

Whole Foods Noe Valley  
(Name(s) of Applicant(s))

For premises at:

3950 24th ST San Francisco, CA, 94114

I'm the co-owner of St Clair's Liquors and property owner/partner at 3900 24<sup>th</sup> St. However, I'm protesting Whole Foods liquor license application as a concerned property owner.

Whole Foods in Noe Valley is already the main cause of congestion and noise on 24<sup>th</sup> St, because their parking lot is not big enough to handle all their customers. They hired a parking attendant to try to control the parking problem more efficiently, but that really doesn't alleviate congestion when the parking lot is full and cars overflowing to 24<sup>th</sup> st, which happens quite frequently. Congestion and noise on 24<sup>th</sup> is irritating and frustrating to nearby residents. It prevents the residents from the quiet enjoyment of their properties. Issuing Whole Foods a liquor license will make things go from bad to worse, causing public nuisance for residents in the immediate area.

Also Noe Valley's 24<sup>th</sup> St is commonly used by Firetrucks (Station 11 at 3880 26<sup>th</sup> St) and Ambulances responding to emergency calls, congestion on 24<sup>th</sup> St will slow down their respond time.

Whole Foods should not sell liquor, because there are already too many liquor stores in Noe Valley to satisfy its needs. Issuing a liquor license to Whole Foods will cause over concentration of liquor licenses in Noe Valley which might have unintended consequences such as an increase of crime, public drunkenness, and loitering. Those are common problems caused by over concentration of liquor licenses in other parts of San Francisco.

Please, don't issue Whole Foods a liquor license because their "premises no suitable" parking lot is small, and its close proximity to residents in the area. Besides, there are already over concentration of liquor licenses in such small neighborhood.

I, Maher Khouri, declare under penalty of perjury:  
PRINT (Name of Protestant)

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE <u>Maher Khouri</u>	PROTESTANT'S TELEPHONE NUMBER (Optional) <u>415-350-5960</u>
SIGNED AT (City and state) <u>San Francisco California</u>	DATE SIGNED <u>08/07/2011</u>
PROTESTANT'S ADDRESS (Street number and name, city, state, zip code) <u>3900 24th ST, SF, CA, 94114</u>	

RECEIVED

ABC-510-A (07/08)

Aug - 8 2011  
Dept of Alcoholic Beverage Control  
San Francisco

Department of Alcoholic Beverage Control  
**PROTEST AGAINST ALCOHOLIC  
BEVERAGE LICENSE APPLICATION**

State of California

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I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

Whole Foods Market  
(Name(s) of Applicant(s))

For premises at:

3950 24th St. S.F. Ca. 94114  
(Exact address of proposed premises)

on the grounds that:

This block has too much traffic already! Much of it is in/at the Whole Foods parking lot.

RECEIVED

AUG - 8 2011

There is also ~~more~~ <sup>Department of Alcoholic Beverage Control</sup> than enough places to purchase liquor already. No Thanks!

Check here if additional sheets attached

I, John P. Meggitt, declare under penalty of perjury:

PRINT (Name of Protestant)

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

PROTESTANT'S TELEPHONE NUMBER (Optional)

SIGNED AT (City and State)

DATE SIGNED

PROTESTANT'S ADDRESS (Street number and name, city, state, zip code)

San Francisco California  
39026 24th St. S.F. Ca. 94114

ABC-510-A (07/08)

Department of Alcoholic Beverage Control  
**PROTEST AGAINST ALCOHOLIC  
BEVERAGE LICENSE APPLICATION**

State of California

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I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

Whole Foods

(Name(s) of Applicant(s))

For premises at:

24<sup>th</sup> & Sanchez; 3950 24<sup>th</sup> St  
SF CA 94114

(Exact address of proposed premises)

on the grounds that:

If Whole Foods get a liquor license, then they will continue to hurt small businesses. The small businesses & sense of community are what draws me to Napa Valley.

Furthermore there are already enough liquor stores in Napa Valley.

Thank you,

Check here if additional sheets attached

I, Kara Swanson

(PRINT Name of Protester)

declare under penalty of perjury:

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to these matters I believe to be true.

PROTESTANT'S SIGNATURE

Kara Swanson

SIGNED AT (City and state)

SF CA

PROTESTANT'S TELEPHONE NUMBER (Optional)

(415) 994 8996

DATE SIGNED

7/30/11

PROTESTANT'S ADDRESS (Street number and name, city, state, zip code)

278 Jesus St, SF CA 94114

ABC-510-A (07/08)

RECEIVED

AUG - 8 2011

Department of Alcoholic Beverage Control

# PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

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I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

Whole Foods

(Name(s) of Applicant(s))

For premises at:

24th STREET IN NOE VALLEY

(Exact address of proposed premises)

on the grounds that:

AS A RESIDENT OF NOE VALLEY I STRONGLY OPPOSE WHOLE FOODS GETTING A LIQUOR LICENSE. THEY ARE AGAINST HAVING EMPLOYEES FROM UNIONIZED THEY HAVE ALSO HURT SMALL BUSINESSES. NOE VALLEY IS A GREAT COMMUNITY AND WE DON'T NEED A CORPORATE COMPANY TO CRIPPLE ARE LOCAL LIQUOR STORES. THERE ARE ALREADY 3 LIQUOR STORES IN THIS AREA OF 3 BLOCKS. WHOLE FOODS ALREADY CONGESTS THE NEIGHBORHOOD DAILY AS IS. I HAVE TO FIGHT THROUGH TRAFFIC EVERY TIME I PASS

Check here if additional sheets attached Whole Foods

I, \_\_\_\_\_

Jesse Castro

PRINT (Name of Protestant)

declare under penalty of perjury:

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

Jesse Castro

PROTESTANT'S TELEPHONE NUMBER (Optional)

415-368-6567

SIGNED AT (City and State)

SF, CA

DATE SIGNED

7-31-11

PROTESTANT'S ADDRESS (Street number and name, city, state, zip code)

278 Jersey St, SF CA 94114

ABC-510-A (07/08)

RECEIVED

AUG 8 2011

Department of Alcoholic Beverage Control

JB

State of California

Department of Alcoholic Beverage Control  
**PROTEST AGAINST ALCOHOLIC  
BEVERAGE LICENSE APPLICATION**

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I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

whole foods  
(Name(s) of Applicant(s))

RECEIVED

For premises at:

3950 24th St San Francisco, CA 94114  
(Exact address of proposed premises)

AUG - 8 2011

Dept of Alcoholic Beverage Control  
San Francisco

on the grounds that:

I'm property owner at 3900 24th st, I'm against Whole Food selling liquor in Noe Valley. Whole Foods in Noe Valley is a very busy store, attracting many customers from within Noe Valley and the surrounding communities. Their parking lot is small and always full. Cars are always overflowing their parking lot onto 24th st, between Noe st and Sanchez st, causing traffic (gridlock at times) and noise (when traffic stops at Whole Foods parking lot entrance when full, drivers honk their cars horn). Right now Whole Foods parking lot can't handle all their customers, especially in the evenings and weekends. Adding liquor into their product line, will make things worse, because more shoppers will be attracted to their store. More customers will translate into more traffic mess and noise along 24th st, inconveniencing and degrading the quality of life of the residents, in the immediate vicinity, even more. This is a public nuisance to say the least.

As a result of the lack of parking at Whole Foods, their shoppers will park in the neighborhood streets and along 24th st, taking away parking spots that, otherwise, would have been used by the local businesses shoppers. This will add stress on already tight parking situation along 24th st business corridor. Congestion, noise, and no parking will cause Noe Valley residents to avoid shopping and dining at their favorite neighborhood local shops on 24th St. This will inconvenience and frustrate Noe Valley residents who like to shop and support their neighborhood small local businesses. Lots of Noe Valley residents takes pride in supporting the local merchants.

As a property owner, I have responsibility to protect my neighborhood residents and merchants alike, from further damage by Whole Foods. Whole Foods is already thriving, giving a liquor license will allow them to thrive more at the expense of all Noe Valley residents, especially to those who resides in the immediate area, by the loss of quiet enjoyment of their properties. Therefore, Whole Foods should not be granted a liquor license.

Check here if additional sheets attached

I, Mazen Khouri, declare under penalty of perjury:  
PRINT (Name of Protestant)

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE <u>Mazen Khouri</u>	PROTESTANT'S TELEPHONE NUMBER (Optional)
SIGNED AT (City and state) San Francisco, California	DATE SIGNED 08/05/2011
PROTESTANT'S ADDRESS (Street number and name, city, state, zip code) 3900 24th St, San Francisco, CA 94114	

? property address

ABC-510-A (07/08) Home Address: 16 Vista Ct.  
South San Francisco, CA 94080  
530

You can reach me  
910 P 6699 956 415 P.015



JB

Department of Alcoholic Beverage Control  
**PROTEST AGAINST ALCOHOLIC  
BEVERAGE LICENSE APPLICATION**

State of California

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I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

Whole Foods

(Name(s) of Applicant(s))

For premises at:

3950 24<sup>th</sup> St. between Noe & Sanchez

(Exact address of proposed premises)

on the grounds that:

Whole Foods promised when they opened, to seek not to undermine the local small businesses. They are a very good store, but they would be seriously violating this commitment if they start selling hard liquor. There are many local stores including St. Clair's, Skutumpahack and others, who could have applied their use permit who did not, and whom they would be ~~forcing~~ forcing out of business if they proceed. AND they are a family-oriented grocery store - why must they sell ~~hard liquor~~?

Check here if additional sheets attached.

1. Peter Gabel

PRINT (Name of Protestant)

declare under penalty of perjury:

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

Peter Gabel

PROTESTANT'S TELEPHONE NUMBER (Optional)

415-692-9420

SIGNED AT (City and state)

386 Elizabeth St., SF CA 94114

DATE SIGNED

7/29/11

PROTESTANT'S ADDRESS (Street number and name, city, state, zip code)

586 Elizabeth St., SF CA 94114

ABC-510-A (07/08)

RECEIVED

JB

Department of Alcoholic Beverage Control

**PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION**

- Please refer to Form ABC-510, Instructions for Protesting an Alcoholic Beverage License Application, before completing and submitting your protest. The ABC-510 can be found at [www.abc.ca.gov](http://www.abc.ca.gov).
- Please print legibly or type. Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter regarding a hearing on your protest. You will need to attend the hearing to testify and/or present evidence to support your protest.
- A copy of your valid protest, including your name and address, will be provided to the applicant as a public record and a right of discovery for a protest hearing.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

WHOLE FOODS

(Name(s) of Applicant(s))

For premises at:

3950 24TH ST SAN FRANCISCO, CA 94114

(Exact address of proposed premises)

on the grounds that:

I'm a resident at 3902 24th St Apt A, and owner/partner of the mix-use building that contains my residence unit, at the corner of Sanchez St. I'm against issuing a liquor license to Whole Foods in Noe Valley. As a resident who lives close to Whole foods, I noticed an increased level of congestion and noise along 24th St since Whole Foods opened for business. Whole Foods is popular and always busy; their parking lot is small, and always packed. When the parking lot is full, which happens few times a day and more frequently on weekends, cars come to stand still at Whole Foods parking lot entrance on 24th st. holding traffic behind them on both directions, beyond Sanchez St on the eastern side and Noe St on the western side. After few minutes in a traffic, drivers become impatient and starts honking their horns, inconveniencing and frustrating all residents on 24th St. I believe if Whole Foods sells liquor that will increase the number of shoppers at their store. This will lead to more congestion; therefore, more noise for all residents in the immediate area. Unfortunately, our quality of life will be degraded. This is a public nuisance that would interfere in our quiet enjoyment of our properties. Please, don't issue a liquor license to Whole foods for the sake of the neighborhood and its residents.

Check here if additional sheets attached

MUHANNAD KHOURI

declare under penalty of perjury:

PRINT (Name of Protestor)

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

*Muhannad Khouri*

SIGNED AT (City and state)

SAN FRANCISCO, CA

PROTESTANT'S ADDRESS (Street number and name, city, state, zip code)

3902 24TH ST APT A SAN FRANCISCO, CA 94114

PROTESTANT'S TELEPHONE NUMBER (Optional)

415-350-8186

DATE SIGNED

08/02/2011

RECEIVED

AUG - 8 2011

## Whole Foods Market's Application - A Protest

My name is Edward Buzinky, and I have been a resident of San Francisco's Noe Valley for over twenty years. I recently noted the display of the ABC application to sell hard liquor on Whole Foods' glass façade, and hereby protest, on the basis of the public welfare, such application to sell hard liquor in addition to wine.

### 1. The health, vitality and vibrancy of Noe Valley's 24<sup>th</sup> Street commercial district is at stake.

Whole Foods has been very aggressive in stocking and selling popular foods and goods the surrounding (and much smaller) merchants stock and sell. Here are a few examples of the negative consequences this behavior has wrought:

- Whole Foods has expanded its offerings of ready-to-eat meals, and now it is my understanding that the Joe's 24<sup>th</sup> Street Cafe (3853 24<sup>th</sup> Street) and the Noe Valley Deli (4007 24<sup>th</sup> Street) are "for sale;"
- Whole Foods offers a wide variety of cheeses, and the 24<sup>th</sup> St. Cheese Co. (3893 24<sup>th</sup> Street) has seen its business decline;
- Whole Foods expands its cosmetics offerings, and it is my understanding Common Scents (3920 24<sup>th</sup> Street) is sold by its two owners for only shelving and inventory; and
- Whole Foods sells flowers, and the French Tulip (3903 24<sup>th</sup> Street) closes shop.

Where will this end? Will it end with a wildly-profitable Whole Foods surrounded by boarded-up store fronts? The health, vitality and vibrancy of 24<sup>th</sup> Street is at stake. This is our community; this is our public welfare.

I suggest the Department talk with merchants and hear their concerns about Whole Foods' attempt to corner the market on everything consumable, popular and for sale on 24<sup>th</sup>. I've asked and heard them. I've known these wonderful merchants for a generation! Enough is enough! Whole Foods knowingly leased a small store with limited parking, and I'm sure the store is wildly profitable for them and has been from the start. On balance, they must forgo hard liquor.

In addition, there are many stores in Noe Valley, perhaps too many, that already sell hard liquor. We do not need another for all the reasons discussed herein.

### 2. Expanding to hard liquor further increases Whole Foods' existing threat to the Public Welfare.

Whole Foods has a small parking lot and it is packed, with cars in both directions on 24<sup>th</sup> Street jockeying for position, blocking traffic, encroaching the sidewalk, talking on cell phones, watching the parking attendants, hearing horns honking from behind and waiting for an open space.

RECEIVED

AUG - 8 2011

TB

Department of Alcoholic Beverage Control  
**PROTEST AGAINST ALCOHOLIC  
BEVERAGE LICENSE APPLICATION**

State of California

- Please refer to Form ABC-510, Instructions for Protesting an Alcoholic Beverage License Application, before completing and submitting your protest. The ABC-510 can be found at [www.abc.ca.gov](http://www.abc.ca.gov).
- Please print legibly or type. Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter regarding a hearing on your protest. You will need to attend the hearing to testify and/or present evidence to support your protest.
- A copy of your valid protest, including your name and address, will be provided to the applicant as a public record and a right of discovery for a protest hearing.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

Whole Foods Market California Inc  
(Name(s) of Applicant(s))

For premises at:

3950 24th St, San Francisco CA 94114-3704  
(Exact address of proposed premises)

on the grounds that:

See the attached "Whole Foods Market's Application - A Protest," attached hereto and incorporated herein.

RECEIVED

AUG - 8 2011

Dept of Alcoholic Beverage Control  
San Francisco

Check here if additional sheets attached

I, Edward P. Buzinky, declare under penalty of perjury:  
PRINT (Name of Protestor)

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE *Edward P. Buzinky* (PROTESTANT'S TELEPHONE NUMBER (Optional))

SIGNED AT San Francisco CA DATE SIGNED 8/5/2011

PROTESTANT'S ADDRESS 4028 26th Street, San Francisco, CA 94131  
(Street number and name, city, state, zip code)

ABC-510-A (07/08)

The one thing these drivers are not doing is watching out for the pedestrians trying to walk safely on the sidewalk! I'm relatively nimble, and it's dangerous for me. Does the Department realize how many moms and babies and toddlers and carriages are out on 24<sup>th</sup> any given day? Many, many people walk the sidewalk in front of Whole Foods, and are forced, at risk to their safety and well-being, to weave between idling cars and distracted drivers encroaching the sidewalk.

This is a tragedy waiting to happen.

In addition, on Sunday, July 24<sup>th</sup>, I witnessed the fire chief's red SUV, siren blasting, stopped cold in front of Whole Foods due to the lack of a path resulting from auto congestion both ways. The street stops both ways, many times a day - a result of cars attempting to access the Whole Foods' parking lot.

Should SF Fire, Rescue, and Police find a route other than 24<sup>th</sup> Street to respond to emergencies?

Or should SF Fire, Rescue and Police just have to accept periodic and unpredictable delays in response time, and our citizens who require fire or medical attention or police protection just have to be more patient?

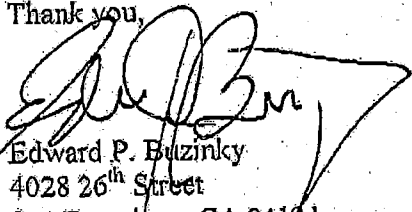
Obviously not, and I wouldn't want to stand idly by when the risks to public welfare are so obvious and demonstrable.

Selling hard liquor will only increase traffic to and around the store! These issues will only get worse.

The commercial, community, public and personal welfare is at risk.

**I therefore oppose this application and pray for its denial.**

Thank you,

  
Edward P. Butzinky  
4028 26<sup>th</sup> Street  
San Francisco, CA 94111

August 5, 2011

*Handwritten scribbles*

Department of Alcoholic Beverage Control

State of California

### PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

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- You will be notified by letter regarding a hearing on your protest. You will need to attend the hearing to testify and/or present evidence to support your protest.
- A copy of your valid protest, including your name and address, will be provided to the applicant as a public record and a right of discovery for a protest hearing.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

Whole Foods

(Name(s) of Applicant(s))

For premises at:

3950 24th St.

(Exact address of proposed premises)

on the grounds that I am a long-time resident of Noe Valley and I strongly believe 24<sup>th</sup> Street cannot absorb the increased traffic congestion that would be generated by granting Whole Foods permission to sell liquor at the 24<sup>th</sup> St. location. The parking lot at Whole Foods is most often at capacity and there is no room for expansion of that parking facility. Cars waiting to enter the parking lot on the narrow street cause back ups. In addition, street parking is extremely limited in the neighborhood already.

24<sup>th</sup> Street is a corridor for SF Muni and already, particularly at peak hours, there are back ups as cars wait to enter the small parking lot at Whole Foods. The street is only two lanes and if one lane heading west is backed, up as cars form a line to access the parking lot, it can result in long delays, increased noise (as drivers become impatient) and delays for SF Muni. If cars in both lanes are trying to enter the Whole Food parking lot, there is total and complete gridlock on the street.

24<sup>th</sup> Street is also a corridor for emergency vehicles and the added congestion would make it even more difficult for fire trucks, police and ambulances to reach their destinations.

Street parking is already at a premium in this neighborhood and adding a liquor license at Whole Foods would only aggravate that issue as additional customers look for street parking.

Check here if additional sheets attached

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I, Phyllis Van Hagen, declare under penalty of perjury:

(PRINT Name of Protestor)

AUG 12 2011

(1) That I am the protestant herein; (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are there stated on information and belief, and as to those matters I believe to be true.

Department of Alcoholic Beverage Control  
San Francisco

PROTESTANT'S SIGNATURE

Phyllis Van Hagen

SIGNED At (City and state)

San Francisco CA 94114

PROTESTANT'S ADDRESS (Street number and name, city, state, zip code)

4252 25th St. San Francisco CA 94114

PROTESTANT'S TELEPHONE NUMBER (Optional)

DATE SIGNED

8-10-11

**RECEIVED**

AUG 4 - 2011

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
TAC TEAM

**LIQUOR LICENSE REVIEW**

**TO:** Planning Department  
AnMarie Rodgers/CTYPLN/SFGOV  
Georgia Powell/CTYPLN/SFGOV@SFGOV  
Fax No.: 558-6409

**File:** 110789

*Block/Lot: 3654/041  
Zoning: 24th - Noe  
Quad: SW  
MB# 1101438*

**TO:** Inspector Dave Falzon  
Police Department  
Fax No.: 553-1463

**DATE:** August 4, 2011

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This item is scheduled to be heard at a meeting on September 26, 2011.  
**PLEASE EMAIL YOUR RESPONSE BY:** September 22, 2011, to Gail Johnson,  
Clerk, City Operations and Neighborhood Services Committee.  
**Gail.Johnson@sfgov.org - Fax No: 554-7714**

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**Applicant Name:** Roberta L. Lang  
**and Business Name:** Whole Foods Market (3950 24<sup>th</sup> Street)  
**Applicant Address:** 5980 Horton Street, Suite 200  
Emeryville, CA 94608  
**and Phone No.** (800) 400-1353 (Jay McPherson of CSA)

**PLANNING COMMENTS:**  Approval  Denial

*Type 21 ABC license is allowed  
in conjunction with a large retail  
grocery store, per Planning  
Code Section 790.55.*

*[Signature]* 9/16/11  
Approved Planning Dept. Adrien C. Putra

**POLICE COMMENTS:**  Approval  Denial

