

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

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|--------------------------------|---|--------------------|
| <hr/> |) | |
| |) | |
| Whole Foods Market Group, Inc. |) | |
| t/a Whole Foods Market |) | |
| |) | |
| Holder of a |) | License No. 76139 |
| Retailer's Class B License |) | Order No. 2008-310 |
| at premises |) | |
| |) | |
| 4530 40th Street N.W. |) | |
| Washington, D.C. 20003 |) | |
| <hr/> |) | |

Whole Foods Market Group, Inc. t/a Whole Foods Market, Applicant

Catherine Wiss, Chairperson, Advisory Neighborhood Commission 3F

BEFORE: Peter B. Feather, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Charles Brodsky, Member
Donald Brooks, Member
Herman Jones, Member

ORDER ON VOLUNTARY AGREEMENT

The official records of the Alcoholic Control Board (Board) reflect that Whole Foods Market Group, Inc., t/a Whole Foods Market (Licensee), holder of a Retailer's Class B license located at 4530 40th Street N.W., Washington D.C., and Catherine Wiss, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 3F, (collectively, the Parties) have entered into a Voluntary Agreement (Agreement) dated November 30, 2008 setting forth the terms and conditions that govern the operation of the Licensee's establishment.

The Agreement permits the Licensee to have wine tastings on the premises of the establishment. The Agreement has been reduced to writing and has been properly executed and filed with the Board. Both the Applicant and Commissioner Olson are signatories to the Agreement.

Whole Foods Market Group, Inc.
t/a Whole Foods Market
License No. 76139
Page Two

Accordingly, it is this 5th day of December 2008, **ORDERED** that:

1. The above-referenced Voluntary Agreement between Whole Foods Market Group, Inc. t/a Whole Foods Market located at 4530 40th Street, N.W., Washington, D.C., and ANC 3F to permit wine tastings on the Licensee's premises is **APPROVED**;
2. This Agreement is **INCORPORATED** as part of this Order; and
3. Copies of this Order shall be sent to the Licensee and to ANC 3F.

District of Columbia
Alcoholic Beverage Control Board



Peter B. Feather, Chairperson

Mital M. Gandhi, Member



Nick Alberti, Member

Charles Brodsky, Member



Donald Brooks, Member

Herman Jones, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 941 North Capitol Street, N.E., Suite 7200, Washington, D.C. 20002.

AGREEMENT

Made this 21st day of November 2008 by and between Whole Foods Market Group, Inc. t/a Whole Foods Market (the Applicant) and Advisory Neighborhood Commission 3F, North Cleveland Park, Forest Hills, and Tenleytown (ANC 3F).

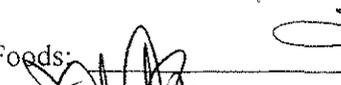
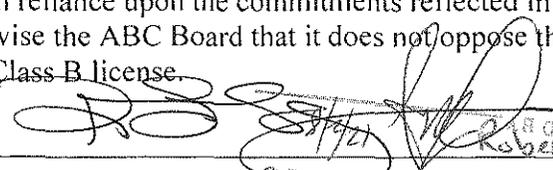
WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board is the Applicant's application to renew its Retailer's Class B License No. 76139, for premises at 4530 - 40th Street NW; and

WHEREAS, both the Applicant and ANC 3F ("the parties") desire to enter into an agreement commemorating certain understandings regarding the Applicant's operating plans:

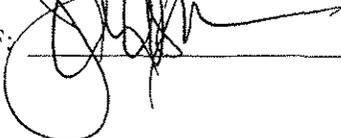
NOW, THEREFORE, in consideration of the premises set forth below, the parties agree as follows:

1. The Applicant operates a full service grocery store that meets the requirements of D.C. Code § 25-303(c)(1) through (3).
2. The Applicant's doors will be open to the public between the hours of:
 - a. 7:00 a.m. to 9:00 pm, Sunday.
 - b. 7:00 am to 10:00 pm, Monday through Saturday.
 - c. 7:00 am to 11 pm on the Tuesday and Wednesday immediately preceding Thanksgiving.
3. The Applicant's licensed hours of operation shall be:
 - a. 7:00 am to 9:30 pm, Sunday.
 - b. 7:00 am to 10:30 pm, Monday through Saturday.
 - c. 7:00 am to 11:30 pm on the Tuesday and Wednesday immediately preceding Thanksgiving.
4. The Applicant will hold periodic wine tastings.
5. An ABC licensed manager, conversant with all aspects of this agreement, shall be on site during all hours of sales of alcoholic beverages.
6. Any and all contemplated changes to the Applicant's hours of operation, as set forth herein, will be brought to the attention of ANC 3F prior to implementation and will only be implemented after modification of this Agreement or ABC Board approval, after notice to ANC 3F and placarding. Nothing in this Agreement shall preclude the Applicant from seeking a change in the hours set forth herein, provided, the Applicant files a request for a substantial change with the ABC Board and notice is given to ANC 3F.
7. In consideration of and in reliance upon the commitments reflected in paragraphs 1 through 7 above, ANC 3F will advise the ABC Board that it does not oppose the Applicant's pending renewal of its Retailer's Class B license.

For Whole Foods:

  Roberta Lang, President

For ANC 3F:

 Chair

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
REGULATION ADMINISTRATION
2008 DEC 30

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:)
)
Whole Foods Market Group, Inc.)
t/a Whole Foods Market)
)
Substantial Change Application for a)
Retailer's Class B License) License No. 76139
) Case No. 61180-08/009P
) Order No. 2008-014
at premises)
4530 40th Street, NW)
Washington, D.C.)
_____)

Whole Foods Market Group, Inc., t/a Whole Foods Market, Applicant

Catherine J. Wiss, Chairperson, on behalf of Advisory Neighborhood Commission 3F,
Protestant.

BEFORE: Peter B. Feather, Chairperson
Judy A. Moy, Member
Albert G. Lauber, Member
Mital M. Gandhi, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST

The Substantial Change Application to increase the Applicant's hours, having been protested, came before the Alcoholic Beverage Control Board (Board) on November 14, 2007, in accordance with D.C. Official Code § 25-601 (2001). Catherine J. Wiss, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 3F, filed timely opposition by letter.

The official records of the Alcoholic Beverage Control Board (Board) reflect that the Applicant and ANC 3F have reached an Agreement which has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the Agreement, dated November 30, 2007, the Protestant has agreed to withdraw its protest, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

Whole Foods Market Group, Inc.
t/a Whole Foods Market
License No. 76139
Case Nos. 61180-08/009P
Page Two

Accordingly, it is this 5th day of December 2007, **ORDERED** that:

1. The protest of Catherine J. Wiss, Chairperson, on behalf of ANC 3F, is **WITHDRAWN**;
2. The Substantial Change Application of Whole Foods Market Group, Inc., t/a Whole Foods Market, located at 4530 40th Street, Washington, D.C., to increase the Applicant's hours is **GRANTED**;
3. The Voluntary Agreement by and between Whole Foods Market Group, Inc., t/a , Whole Foods Market, 4530 40th Street, Washington, D.C., and ANC 3F is **APPROVED**;
3. The above-referenced Voluntary Agreement is **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to ANC 3F and the Applicant.

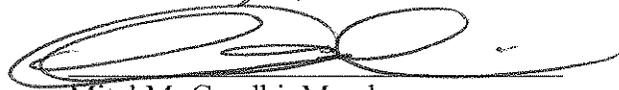
Whole Foods Market Group, Inc.
t/a Whole Foods Market
License No. 76139
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District of Columbia
Alcoholic Beverage Control Board


Peter B. Feather, Chairperson


Judy A. Moy, Member


Albert G. Lauber, Member


Mital M. Gandhi, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 941 North Capitol Street, N.E., Suite 7200, Washington, D.C. 20002.

VOLUNTARY AGREEMENT

Made this 30 day of November 2007, by and between Whole Foods Market Group, Inc., t/a Whole Foods Market (Applicant) and Advisory Neighborhood Commission 3F (ANC 3F), North Cleveland Park, Forest Hills, and Tenleytown,

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board is Applicant's application for a substantial change to its Retailer's Class B License, No. 76139, for premises at 4530 - 40th Street, N.W.; and

WHEREAS, both the Applicant and ANC 3F (the "parties") desire to enter into an agreement commemorating certain understandings regarding Applicant's operating plans:

NOW THEREFORE, in consideration of the premises set forth below, the parties agree as follows:

1. Applicant operates a full service grocery store that meets the requirements of D.C. Code § 25-303(c) (1) through (3).
2. The Applicant's doors will be open to the public between the hours of:
 - a. 7:00 am to 9:00 pm, Sunday.
 - b. 7:00 am to 10:00 pm, Monday through Saturday.
 - c. 7:00 am to 11 pm on the Tuesday and Wednesday immediately preceding Thanksgiving.
3. The Applicant's licensed hours of operation shall be:
 - a. 7:00 a.m. to 9:30 p.m., Sunday
 - b. 7:00 a.m. to 10:30 p.m. Monday through Saturday
 - c. 7:00 a.m. to 11:30 p.m., on the Tuesday and Wednesday immediately preceding Thanksgiving.
4. An ABC licensed manager, conversant in all aspects of this agreement, shall be on site during all hours of sales of alcoholic beverages.
5. Any and all contemplated changes to Applicant's hours of operation as set forth herein will be brought to the attention of the ANC prior to implementation and will only be implemented after modification of this Agreement or ABC Board approval, after notice to ANC 3F and placarding. Nothing in this agreement shall preclude Applicant from seeking a change in the hours set forth herein, provided, Applicant files a request for a substantial change with the ABC Board and notice is given to ANC 3F.
6. In consideration of and in reliance upon the commitments reflected in paragraphs 1 through 6 above, ANC 3F will advise the ABC Board that it does not oppose Applicant's pending application for a substantial change to retailer's Class B license

For Whole Foods:

For ANC 3F:

Catherine J. Will, Chair