February 2, 2012

Saeed Khan
dba “Jack in the Box”, Permit Holder
5920 Cutting Blvd.
El Cerrito, CA 94530

Appeal No(s): 12-009
Appeal Title: R.R. Assoc. & C.A.V.E.C. vs. EC
Permit Type(s): Extended Hours Premises
Permit No(s): EC-1080 EHP

Dear Permit Holder(s):

This is to notify you that an appeal has been filed with this office protesting the ISSUANCE of the above-referenced permit(s). Pursuant to Article I, § 8(i)(5) of the San Francisco Business & Tax Regulations Code, your permit(s) is/are hereby SUSPENDED until the Board of Appeals decides this matter and releases a notice of decision and order.

We are enclosing a copy of the Preliminary Statement(s) of Appeal for your information.

The hearing regarding this matter has been scheduled for Wednesday, February 29, 2012, 5:00 pm, City Hall, Room 416, One Dr. Carlton B. Goodlett Place. The Board encourages permit holders to meet with appellants prior to the hearing to clarify project plans and to narrow the issues. If you have any further questions, you may call this office at (415) 575-6880.

Sincerely,

BOARD STAFF

cc: Entertainment Commission c/o Jocelyn Kane & Nicolas King, & Appellant(s) w/o enclosures

Richmond Res. Assoc. & CAVEC, Appellants
c/o Lauren Quint, Attorney for Appellants
One Market Spear Street Tower, 32nd Floor
S.F., CA 94105
(415) 575-6880 FAX (415) 575-6885

1650 Mission Street, Room 304
San Francisco, CA 94103
Preliminary Statement of Appeal

I, We, Richmond Residents Assoc. & Chinese American Voters Education Comm., hereby appeal the following departmental action: Conditional Grant of Extended Hours Premises Permit by E.C., which was issued / became effective on: 11/29/12, to: 4649 Geary Blvd. for the property located at: Permit # EC-1080 EHP V Saeed Khan

Briefing Schedule:
The Appellant may, but is not required to, submit a one page supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: Feb. 16, 2012 (no later than three (3) Thursdays prior to the hearing date), up to 12 pages in length, double-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Respondent's / Other Parties' Brief is due on or before: Feb. 23, 2012 (no later than one (1) Thursday prior to the hearing date), up to 12 pages in length, double-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Only photographs and drawings may be submitted by the parties at hearing.

Hearing: Wednesday, Feb. 29, 2012, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place (formerly 301 Polk Street).

All parties to this appeal must adhere to the briefing schedule above; however, if the hearing date is changed, the briefing schedule is automatically changed to allow briefs on the same three Thursdays / one Thursday schedule.

Members of the public may submit letters of support/opposition no later than one (1) Thursday prior to hearing date by 4:00 p.m., with an original and 10 copies required of all documents submitted. Please note that names and home addresses included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880.

The reasons for this appeal are as follows:

We do not believe Jack in the Box can operate safely within the hours required by the permit between the hours of 2:00 AM + 4:00 AM. The restaurant's small size makes it impossible to prevent excessive noise, traffic & loitering. Statistics unambiguously demonstrate that after-hours patronage has caused an increase in violent crime. Furthermore, and created impermissible noise & litter in a residential area.

Signature of Appellant or Agent
David E. Lee
Executive Director
Chinese American Voters
Education Committee
838 Grant Avenue, #403
San Francisco, CA 94108
Tel: 415 397-8133
Fax: 415 397-8153
Email: cavec1@aol.com

VIA EMAIL VICTOR.PACHECO@SFGOV.ORG

San Francisco Board of Appeals
1650 Mission Street, Ste. 304
San Francisco, CA 94103
Attn: Victor Pancheco

Re:   Representation letter
      Appeal 12-009/4649 Geary Boulevard

Dear Mr. Pancheco

I am the current Executive Director of the Chinese American Voters Education Committee (CAVEC), and President of the Richmond Residents Association (RRA).

This letter authorizes Schiff Hardin LLP to act as the representative for CAVEC and RRA during all stages of our appeal to the San Francisco Board of Appeals.

Sincerely,

[Signature]

David Lee, on behalf of the Richmond Residents Association and the Chinese American Voters Education Committee

cc: Christopher J. Rillo
    Lauren E. Quint
    Jim Balich
February 1, 2012

Board of Appeals
1660 Mission Street, Room 3036
San Francisco, CA. 94103
Attn: Victor Pacheco

Re: 4649 Geary Boulevard Extended Hours Premises permit

The San Francisco Entertainment Commission granted a conditional Extended Hours Premises Permit on January 24, 2012 to Aslam Malik, dba Jack in the Box located at 4649 Geary Boulevard, San Francisco, CA.

Sincerely,

[Signature]
Nicolas King
Deputy Director
Entertainment Commission Permit
City and County of San Francisco; State of California

Extended Hours Premises

Permit Number: EC – 1080 EHP                                      Grant Date: January 24, 2012

Permit is hereby granted to: Gul Food Management, Incorporated

Location: 4649 Geary Boulevard, San Francisco, CA 94118

Business Name: Jack in the Box

Unless revoked or suspended by the Entertainment Commission during a current year or unless the permit is valid for only a specified time, it shall be deemed that application for a tax license renewal has been made at the end of each year and the original application granted under the conditions, limitations and obligations is unchanged.

This permit must be displayed at the above address in a conspicuous place. You are required to allow any Commission Permit Administrator or San Francisco Police Officer to inspect your premises (Municipal Code, Sec. 81). You shall not transfer this permit to another person or conduct a separate business at a different location other than that described on this permit (Municipal Code, Sec. 77).

ANY CHANGE IN OWNERSHIP OF THIS PERMITTED BUSINESS REQUIRES A NEW APPLICATION BE FILED WITHIN TEN DAYS OF THE DATE OF THE CHANGE. IF A PERMIT IS CONDITIONALLY GRANTED AND AN APPEAL IS FILED BY ANY PERSON WITHIN 10 DAYS OF THE ISSUANCE, THE PERMIT IS NOT VALID UNTIL THE APPEALS PROCESS IS CONCLUDED AND A FINAL DECISION IS RENDERED BY THE BOARD OF APPEALS.

Pertinent information regarding this permit:
- Permit holder shall conform to attached Entertainment Commission Good Neighbor Policy
- Permit holder may operate between 02:00 and 04:00 hours every day.
- At least one security guard shall work between 22:00 and 04:00 hours seven days per week. At least two guards shall work on Fridays and Saturdays between 22:00 and 04:00 hours.
- Employees shall dispose of discarded food and beverage containers and trash left by patrons within 50 feet of the premises, including the parking lot and surrounding sidewalks.
- The establishment shall provide outside lighting in a manner that would illuminate outside street, parking lot and sidewalks adjacent to the premises.
- Sufficient toilet facilities shall be available to patrons at all times within the establishment.
- Permit holder shall take all reasonable measures to insure the sidewalks adjacent to the premises are not blocked or unnecessarily affected by patrons or employees due to the operations of the premises and shall provide security whenever patrons gather outdoors.
- Security cameras shall be maintained and in good working order, and shall fully record the interior and exterior of the premises including the lobby, parking lot, and sidewalk adjacent to the premises. Signage inside and outside of the premises shall alert the public to these cameras.
- The outdoor seating area will close at midnight.
- Signage that makes it known that littering outside and in the parking lot is not permitted shall be maintained.
- Shift managers shall patrol the parking lot between 22:00 and 04:00 to help reduce noise and disturbances. Staff phone number shall be accessible to neighbors.

Failure to conduct your business in conformity with these regulations may subject your to a criminal citation or arrest and the revocation of your permit. This permit is accepted and subject to all legal obligations, requirements and the conditions set forth above.

Signature of Permittee:                                     Issued by:

                                                   Nicolas King,
                                                   Deputy Director, Entertainment Commission

Permit is not valid without current tax license.
(2) For each appeal from the granting or denial of a building demolition, or other permit (other than residential hotel conversion) the fee shall be $175.

(3) For each appeal from the imposition of a penalty only the fee shall be $300.

(c) Police Department Entertainment Commission.

(1) For each appeal from the denial or granting of a permit or license issued by the Police Department or Entertainment Commission to the owner or operator of a business the fee shall be $375; for each such permit or license issued to an individual employed by or working under contract to a business, the fee shall be $150.

(2) For each appeal from the revocation or suspension of a permit or license by the Police Department or Entertainment Commission the fee shall be $375 for an entity or individual.

(d) Department of Public Works. For each appeal from the decision of the Director of the Department of Public Works concerning street tree removal by a City agency, commission, or department the fee shall be $100.

(e) For each appeal from any other order or decision the fee shall be $300.

(f) For requests for rehearing under Section 16 of this Article the fee shall be $150.

(g) For requests for jurisdiction the fee shall be $150.

(h) An exemption from paying the full fee specified in Subsections (a), (b), (c), (d), (e), (f), and (g) herein may be granted upon the filing under penalty of perjury of a declaration of indigency on the form provided and approved by the Board. All agencies of the City and County of San Francisco are exempted from these fees.

(i) Additional Requirements.

(1) Notice of appeal shall be in such form as may be provided by the rules of the Board of Appeals.

(2) On the filing of any appeal, the Board of Appeals shall notify in writing the department, board, commission, officer or other person from whose action the appeal is taken of such appeal. On the filing of any appeal concerning a structural addition to an existing building, the Board of Appeals shall additionally notify in writing the property owners of buildings immediately adjacent to the subject building.

(3) The Board of Appeals shall fix the time and place of hearing, which shall be not less than 10 nor more than 45 days after the filing of said appeal, and shall act thereon not later than 60 days after such filing or a reasonable time thereafter. In the case of a fixed pedeslal newsrack permit, a place of entertainment permit or an extended-hours premises permit, the Board of Appeals shall set the hearing not less than 15 days after the filing of said appeal, shall act thereon not more than 30 days after such filing, and shall not entertain a motion for rehearing.

(4) With respect to any decision of the Board of Appeals related to any "dwelling" in which "protected class members" are likely to reside (each as defined in Administrative Code Chapter 87), the Board of Appeals shall comply with the requirements of Administrative Code Chapter 87.
CONTACT INFORMATION FOR PARTIES

APPELLANT(S)

Name: Richmond Residents Association + Chinese American Voters Education Committee

Phone Number: ______________________ Fax Number: ______________________

Email Address: _______________________________________________________

Mailing Address: _______________________________________________________

Street City State Zip

Names of Other Appellants: _____________________________________________

Agent for Appellant

Name: Lauren E Quint + Christopher J. Rilla

Phone Number: 415 901 8700 Fax Number: 415 901 8701

Email Address: lquint@schiffhardin.com

Mailing Address: One Market St, Spear St Tower 3nd, Fl SF, CA 94105

Other Party (Permit Holder, Variance Holder, Etc.)

Name: Saeeda Khan

Phone Number: 510 - 334 - 8220 Fax Number: ______________________

Email Address: khan.saeeda@sbcglobal.net

Mailing Address: 5920 Cutting Blvd El Cerrito CA 94530

Street City State Zip

Names of Other Parties: _____________________________________________

Agent for Other Party

Name: C/O Mr. Mazhan

Phone Number: 408-401-9571 Fax Number: ______________________

Email Address:_______________________________________________________

Mailing Address: _______________________________________________________

Street City State Zip