



February 2, 2012

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

Appeal No(s):	<b>12-009</b>
Appeal Title:	<b><u>R.R. Assoc. &amp; C.A.V.E.C. vs. EC</u></b>
Subj. Property:	<b>4649 Geary Blvd.</b>
Permit Type(s):	<b>Extended Hours Premises</b>
Permit No(s):	<b>EC-1080 EHP</b>

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, 32<sup>nd</sup> Floor  
S.F., CA 94105



City & County of San Francisco  
BOARD OF APPEALS

Date Filed:

BOARD OF APPEALS

FEB 02 2012

APPEAL # 12-009

**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.  
(Building Permit Application No.; ZA determination for variance decision; Dept. of Public Works Order No., etc.)  
which was issued / became effective on: 1/24/12, to: ~~G. Madala~~ dba "Jack in the Box"  
for the property located at: 4649 Geary Blvd.

**BRIEFING SCHEDULE:**

Permit # EC-1080 EHP ✓ Saeed Khan

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 <sup>two</sup> (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.

E.C. Permit Holder  
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 <sup>\* pursuant to art. 1, § 8(i)(3) of BTT Reg</sup> 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 rules required by the permit between the hrs 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-hrs  
patronage has caused an increase in violent crime  
+ created impermissible noise + litter in a  
residential area.

Lauren Quint  
Signature of Appellant or Agent  
Lauren Quint.

CAVEC

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](mailto:cavec1@aol.com)

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VIA E-MAIL VICTOR.PACHECO@SFGOV.ORG

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

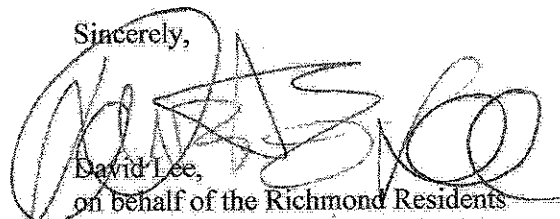
Re: Representation letter  
Appeal 12-009/ 4649 Geary Boulevard

Dear Mr. Pacheco

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,

  
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

SF0320145534.1



**Entertainment Commission**  
*City and County of San Francisco*

February 1, 2012

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

**FEB 02 2012**  
**APPEAL # 12-009**

**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,

A handwritten signature in dark ink, appearing to read "Nicolas King".

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 loitering 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.

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

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

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(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.

*Article 1, § 8(i)(3) of  
S.F. Bus. + Tax Reg's Code.*

(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 pedestal 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



Appeal No(s): 12-009

FEB 02 2012

APPEAL #

12-009

APPELLANT(S)

Name: Richmond Residents Association + Chinese American Voters Education

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Committee

Email Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street City State Zip

Names of Other Appellants: \_\_\_\_\_

Agent for Appellant

Name: Lauren E Quint + Christopher J. Rillo

Phone Number: 415 901 8700

Fax Number: 415 901 8701

Email Address: lquint@schiffhardin.com

Mailing Address: One Market St. Spear St. Tower 3rd. Fl SF, CA 94105  
Street City State Zip

OTHER PARTY (PERMIT HOLDER, VARIANCE HOLDER, ETC.)

Name: Saeed Khan  
Aslam Malik Adnan "Jack in the Box"

Phone Number: 510-334-8220

Fax Number: \_\_\_\_\_

Email Address: khensaeed@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