

**BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO**

Appeal of  
501 COLUMBUS LLC, \_\_\_\_\_ )  
Appellant(s) )  
vs. )  
PLANNING DEPARTMENT, \_\_\_\_\_ )  
Respondent

Appeal No. **21-007**

**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on February 1, 2021, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the DISAPPROVAL on February 1, 2021, of a Building Permit (Change from a limited use restaurant to a full use restaurant, no work) at 507 Columbus Avenue.

**APPLICATION NO. 2020/12/22/1551**

**FOR HEARING ON March 10, 2021**

Address of Appellant(s):

Address of Other Parties:

501 Columbus LLC, Appellant(s) c/o Nick Colla, Attorney for Appellant(s) 1561 Powell Street San Francisco, CA 94133	N/A
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Date Filed: February 1, 2021

**CITY & COUNTY OF SAN FRANCISCO  
BOARD OF APPEALS**

**PRELIMINARY STATEMENT FOR APPEAL NO. 21-007**

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I / We, **Shadi Zughayar**, hereby appeal the following departmental action: **Notice of Cancellation of Building Permit No. 2020/12/22/1551 issued by the Department of Building Inspection (Planning Department Disapproval)** which was issued or became effective on: **February 1, 2021**, for the property located at: **507 Columbus Avenue**.

**BRIEFING SCHEDULE:**

The Appellant may, but is not required to, submit a one page (double-spaced) 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: 4:30 p.m. on **February 18, 2021, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy should be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org) and [scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org).

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **March 4, 2021, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy should be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org) and [nick@collaray.com](mailto:nick@collaray.com).

The Board's physical office is closed to the public and hard copies of the brief do NOT need to be submitted.

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

Hearing Date: **Wednesday, March 10, 2021, 5:00 p.m.**, via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org). Please note that names and contact information 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 on the Board's website at [www.sfgov.org/boa](http://www.sfgov.org/boa). 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.

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**The reasons for this appeal are as follows:**

See attachment to preliminary statement of appeal.

**Appellant or Agent (Circle One):**

Signature: Via Email

Print Name: Nick Colla, Attorney for Appellant

February 1, 2021

Julie Rosenberg, Executive Director  
San Francisco Board of Appeals  
49 South Van Ness Ave., Suite 1475  
San Francisco, CA 94103  
[Julie.rosenberg@sfgov.org](mailto:Julie.rosenberg@sfgov.org)



Sent via Email

Re: Preliminary Statement: Board of Appeal Hearing Regarding Denial of Building Permit Application No. 202012221551

Dear Ms. Rosenberg:

I hereby submit this preliminary statement in support of appellant Shadi Zughayar's request to overturn the Department of Building Inspection's decision to cancel the above referenced building permit application (hereinafter, the "BPA"). The basis for the appeal is as follows:

In November of 2020, San Francisco Ordinance No. 182-20 was enacted, which allowed certain businesses in North Beach to apply for over the counter building permits to convert their business premises from "Limited Use Restaurants" to full "Restaurant" use. Mr. Zughayar, believing that his business at 507 Columbus Avenue ("Alimento") was eligible for conversion under this new legislation, submitted the BPA in hopes that it would allow him to apply to Alcoholic Beverage Control ("ABC") for a Type 41 Beer and Wine License. Unbeknownst to Mr. Zughayar, the City records reflect Alimento's authorized use as Specialty Grocery rather than Limited Use Restaurant. As such, DBI and Planning denied the BPA on the basis that Alimento was ineligible to utilize Ordinance No. 182-20 to add restaurant use as an authorized use of its premises.

We believe that, regardless of what City records reflect as authorized use, Alimento has been operating as a defacto Limited Use Restaurant since 2015 and should be treated as such. In 2015, Alimento submitted a conditional use application to convert to Restaurant use. Due to the costly and time-consuming conditional use process, the application was withdrawn. At that time, Alimento, which was serving hot food on-site and had permitted outdoor seating from DPW, fulfilled the criteria to be considered a Limited Use Restaurant. However, it would have been pointless to document the use with the City at the time because Limited Use Restaurants were prohibited from applying for ABC liquor licenses. Because no one had the foresight to know that documenting the change of use in 2015 would create a pathway to eligibility to apply for a Type 41 beer and wine license in 2020, we respectfully request that the Board of Appeals deem Alimento a Limited Use Restaurant that is eligible to change use under Ordinance No. 182-20.

Thank you,

Nick Colla



February 1, 2021

**NOTICE OF CANCELLATION**  
**Building Permit Application No: 202012221551**  
**Job Address: 507 Columbus Avenue**  
**Cancel Date: April 1, 2021**

501 COLUMBUS LLC  
535 COLUMBUS AVE, SUITE 22  
SAN FRANCISCO, CA 94133

Dear Applicant(s):

The above referenced application has been cancelled by the San Francisco Planning Department for the following reason(s):

- Existing business on site is a Specialty Grocer (2015-012815MIS) and is not eligible for change of use to Restaurant per PC Section 780.3 and Board of Supervisors action 200673/182-20.

If you have questions regarding this matter, please contact Claire Feeney from Planning at (628) 652-7313 within 60 days of this letter or else your permit application will be cancelled per 2019 SFBC 106A.3.8 on **April 1, 2021**.

You may appeal the cancellation of this building permit application to the Board of Appeals within fifteen (15) days of the date of this letter. To file an appeal, bring a copy of this letter to the Board of Appeals, Suite 1475 of 49 South Van Ness, San Francisco. If you have questions regarding the appeals process, please call the Board of Appeals at (628) 652-1150.

If you have further questions, please call the Department of Building Inspection, Permit Processing Center at (628) 652-3785.

Sincerely,

A handwritten signature in black ink, appearing to read "Natalie Lua".

Natalie Lua  
Permit Processing Center

J:\common\PPC\Cancellation Letters\2021\507 Columbus Av -202012221551

**CERTIFIED MAIL RETURN RECEIPT**

**CERTIFIED MAIL RETURN RECEIPT ON FILE**

**Permit Processing Center (PPC)**  
**49 South Van Ness Avenue – San Francisco CA 94103**  
**Office (628) 628-3200 – [www.sfdbi.org](http://www.sfdbi.org)**

# City and County of San Francisco

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- Plan Review
- Inspection Services
- Most Requested
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## Welcome to our Permit / Complaint Tracking System! Permit Details Report

Report Date: 3/5/2021 10:33:53 AM

Application Number: 202012221551  
 Form Number: 8  
 Address(es): 0117 / 005 / 0 507 COLUMBUS AV  
 Description: CHANGE OF USE FROM LIMITED USE RESTAURANT TO RESTAURANT, NO WORK  
 Cost: Not Specified  
 Occupancy Code:  
 Building Use: -

### Disposition / Stage:

Action Date	Stage	Comments
12/22/2020	TRIAGE	
12/22/2020	FILING	
12/22/2020	FILED	

### Contact Details:

### Contractor Details:

### Addenda Details:

#### Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Hold Description
1	CP-ZOC	12/22/20	12/22/20			1/6/21	FEENEY CLAIRE	628-652-7300	DENIED. Existing business on site is a Specialty Grocer (2015-012815MIS) and is not eligible for change of use to Restaurant per PC Section 780.3 and Board of Supervisors action 200673/182-20.
2	BLDG							628-652-3780	
3	CPB							628-652-3240	

### Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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### Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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### Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

[Online Permit and Complaint Tracking](#) home page.



## Technical Support for Online Services

If you need help or have a question about this service, please visit our [FAQ area](#).

[Contact SFGov](#)

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[Policies](#)

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# **BRIEF(S) SUBMITTED BY APPELLANT(S)**

1 Nicholas Colla (SBN 278792)  
Samuel Ray (SBN 308921)  
2 Colla & Ray LLP  
1561 Powell Street  
3 San Francisco, CA 94133  
415-579-1414  
4 nick@collaray.com  
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5

**Attorneys for Appellant Shadi Zughayar**

7 SHADI ZUGHAYAR;

8 Appellant,

9 vs.

10 SAN FRANCISCO DEPARTMENT OF  
11 BUILDING INSPECTION;

12 Respondent.

**APPELLANT SHADI ZUGHAYAR’S  
APPEAL BRIEF**

Appeal Date: March 10, 2021

Time: 5:00 PM

Place: Via Zoom

13  
14 **INTRODUCTION**

15 In November of 2020, San Francisco Ordinance No. 182-20 (the “Ordinance”) was  
16 enacted, which allowed certain “Bona Fide Eating Places” in North Beach to apply for over-the-  
17 counter building permits to convert their business premises from “Limited Use Restaurants” to  
18 full “Restaurant” use. Prior to the enactment of the Ordinance, such a conversion was prohibited.  
19 The only material difference between Limited Use Restaurants and full Restaurants, according to  
20 the San Francisco Planning Code, is that businesses with Limited Use Restaurant zoning  
21 designations may not hold title to an Alcoholic Beverage Control (“ABC”) liquor license.

22 Shadi Zughayar (“Appellant”) has owned and operated his business, Najwa, Inc. D/B/A  
23 Alimento (“Alimento”), at 507 Columbus Avenue (the “Premises”) for the past six years.  
24 Alimento operates as a deli and specialty grocery store that serves hot meals prepared onsite for



1 patrons dining in-house and for take-out. Appellant, believing that Alimento was eligible for  
2 conversion under the Ordinance, submitted Building Permit Application No. 202012221551 (the  
3 “BPA”) in hopes that it would allow him to apply to ABC for a Type 41 Beer and Wine License.  
4 Unbeknownst to Appellant, the City records reflect Alimento’s authorized use as Specialty  
5 Grocery only and do not include Limited Use Restaurant use. As such, DBI and Planning denied  
6 the BPA on the basis that Alimento was ineligible to utilize the Ordinance to add restaurant use  
7 as an authorized use of its premises.

### 8 STATEMENT OF FACTS

9 In June of 2015, Appellant’s predecessor in ownership of Alimento submitted a request  
10 for a legislative amendment to allow “Restaurant” use as a conditional use in addition to  
11 “Specialty Grocery” use at the Premises. Attached as **Exhibit A** is a true and correct copy of  
12 2015 Request for Legislative Amendment. Due to the tremendous burden of gaining support for  
13 the legislative amendment, which would not guarantee approval of the conditional use application  
14 to add the “Restaurant” component to the Premises, Appellant’s predecessor in ownership  
15 withdrew the request and sold the business to Appellant in late 2015.

16 Upon his taking ownership of Alimento, Appellant obtained a Permit to Operate from the  
17 San Francisco Department of Public Health (“DPH”) which classified Alimento as a “Food  
18 Preparation and Service Establishment.” Attached as **Exhibit B** is a true and correct copy of  
19 October 9, 2015 DPH Permit to Operate. Additionally, Appellant obtained a Tables and Chairs  
20 Permit from the Department of Public Works (“DPW”) to allow patrons to eat their meals and  
21 drink coffee on sidewalk adjacent tables outside the Premises. Attached as **Exhibit C** is a true  
22 and correct copy of Appellant’s renewed DPW Tables and Chairs Permit.

1 On August 31 2020, District Three Supervisor Aaron Peskin introduced legislation that  
2 would come to be enacted as the Ordinance. The stated purpose of the legislation was to allow a  
3 pathway for small businesses that qualify as “Bona Fide Eating Places” to sell beer and wine to  
4 offset the adverse financial impacts of the COVID-19 pandemic. Prior to the enactment of the  
5 Ordinance, community groups and staff from Supervisor Peskin’s Office encouraged Appellant  
6 to support the legislation and indicated that, because Alimento is a Bona Fide Eating Place, it  
7 would be eligible to take advantage of the benefits offered by the Ordinance. On that basis, after  
8 the enactment of the Ordinance, Appellant submitted the BPA in hopes that it would provide him  
9 a pathway towards obtaining a beer and wine license from ABC. However, on January 6, 2021,  
10 the Department of Building Inspection (“DBI”) denied the BPA was denied on the basis that  
11 Alimento’s authorized use as Specialty Grocery is not eligible to change use to Restaurant use  
12 under the Ordinance. In support of Appellant’s claim that Alimento has been operating as a Bona  
13 Fide Eating Place for several years, Appellant collected 102 letters of support from longtime  
14 patrons, community members, and neighboring residents attesting to Alimento’s status as a Bona  
15 Fide Eating Place and upstanding member of the local business community. Attached as **Exhibit**  
16 **D** are true and correct copy of said letters of support.

### 17 ANALYSIS

18 The Board of Appeals should exercise its discretion to overturn DBI’s denial of the BPA  
19 because doing so has the support of the North Beach community, is aligned with the spirit of the  
20 Ordinance, and is within the power of the Board of Appeals.

21 “[I]n the granting or denying of any permit, or the revoking or the refusing to revoke any  
22 permit, the granting or revoking power may take into consideration the effect of the proposed  
23 business or calling upon surrounding property and upon its residents, and inhabitants thereof; and

1 in granting or denying said permit, or revoking or refusing to revoke a permit, may exercise *its*  
2 *sound discretion* as to whether said permit should be granted, transferred, denied, or revoked.”  
3 (*San Francisco Business & Tax Regulations, Sec. 26(a)*). [emphasis added])

4 The legislative digest and specific findings make it clear that the Ordinance was enacted  
5 with the specific intent of benefitting Bona Fide Eating Places like Alimento. However, its narrow  
6 application as codified inadvertently excludes Alimento from capitalizing on the Ordinance’s  
7 benefits solely because the Premises’ authorized use does not include Limited Use Restaurant.  
8 As provided in Section 26(a) of the San Francisco Business & Tax Regulations, the Board of  
9 Appeals has the authority to grant the BPA by taking into account the following factors: (1)  
10 Alimento is a Bona Fide Eating Place that prepares and serves hot meals in-house and to go; (2)  
11 Alimento has seating for patrons to eat meals, drink coffee, and socialize like any other Restaurant  
12 or Limited Use Restaurant in North Beach; and (3) As evidenced by the letters in Exhibit D,  
13 Alimento has overwhelming support from neighboring residents and businesses as well as the  
14 greater North Beach community.

15 Additionally, Alimento has been operating as a de-facto Limited Use Restaurant since  
16 2015 and should be treated as such. Following the failed application to add “Restaurant” as a  
17 conditional use at the Premises, Alimento continued serving hot food on-site and provided on-  
18 site seating for patrons for the last six years, which fulfills the criteria to be considered a Limited  
19 Use Restaurant. Because it would have been painstaking and pointless to memorialize Alimento’s  
20 “Limited Restaurant Use” status prior to the enactment of the Ordinance (because it would not  
21 have allowed Alimento to apply for a beer and wine license), deeming Alimento ineligible to  
22 utilize the Ordinance at this point in time only runs counter to its legislative intent.

1 **CONCLUSION**

2 The Board of Appeals has the discretion to overturn the denial of the BPA and should do  
3 so because Alimento is a Bona Fide Eating Place that the Ordinance intended to benefit,  
4 Alimento's neighboring residents and business community members support this position. As  
5 such, a denial of this request would run counter to the intent of the Ordinance.

6 DATED: 2-18-2021

7 *Nicholas Colla*

8 

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Nick Colla, Esq.  
9 Colla & Ray LLP  
**Attorneys for Appellant Shadi Zughayar**

**EXHIBIT A**

CASE NUMBER:  
For Staff Use only

# APPLICATION FOR Legislative Amendment

## 1. Owner/Applicant Information

PROPERTY OWNER'S NAME:		
HELEN TAM		
PROPERTY OWNER'S ADDRESS:	TELEPHONE:	
507 Columbus Ave. SAN FRANCISCO, CA.	( 415 ) 676-8943	
	EMAIL:	
APPLICANT'S NAME:		
JALAL HEYDARI		Same as Above <input type="checkbox"/>
APPLICANT'S ADDRESS:	TELEPHONE:	
507 Columbus Ave. SAN FRANCISCO, CA. 94133	( 415 ) 726-8520	
	EMAIL:	507Alimento@gmail.com
CONTACT FOR PROJECT INFORMATION:		
ADDRESS:		Same as Above <input checked="" type="checkbox"/>
	TELEPHONE:	
	( )	
	EMAIL:	

## 2. Property Location and Classification

STREET ADDRESS OF PROJECT:		ZIP CODE:
507 Columbus Ave. San Francisco, CA.		
CROSS STREETS:		
Green Street		
ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):
0117/005 /	Premise 850 SQ FT.	
ZONING DISTRICT:	HEIGHT/BULK DISTRICT:	
NCD/SUD	40 ft. NCD	

## 3. Use and Associated Applications

PRESENT OR PREVIOUS USE:	
Restaurant/Deli	
PROPOSED USE:	
Restaurant/Deli with Type 41 Liquor License, Beer and Wine On-Sale, Bona Fide Eating Place	
ASSOCIATED BUILDING APPLICATION PERMIT NO(S):	DATE FILED:
2015-006403CUA	June 9, 2015
ASSOCIATED PLANNING ENTITLEMENT APPLICATION(S):	DATE FILED:

#### 4. Description of Proposed Legislative Amendments

TYPE OF LEGISLATIVE AMENDMENT (ZONING MAP, PLANNING CODE TEXT, OR GENERAL PLAN AMENDMENT)

PLANNING CODE SECTION PROPOSED FOR AMENDMENT:

Section 780.3 / of the Planning Code

ZONING MAP PAGE(S) PROPOSED FOR AMENDMENT:

GENERAL PLAN ELEMENT PROPOSED FOR AMENDMENT:

5. Please describe the proposed Legislative Amendment(s). Attach separate sheets or other information if needed.

Requesting an amendment to the Planning Code Section 780.3 to allow for the incorporation of a Type 41 Liquor License, Beer and Wine Off-Sale, Bona Fide Eating Place / for 507 Columbus Ave. dba Alimento Restaurant and Full Service Deli

6. Please describe the public purpose or necessity of the proposed Legislative Amendment(s). Per Planning Code Sections 302 and 340, the Board of Supervisors will have to make findings of public necessity, convenience and general welfare. Attach separate sheets or other information if needed.

Please find attached/enclosed a Public Convenience and Necessity Statement for 507 Columbus Avenue

## Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The subject project/business proposed enhancement will in-fact compliment greatly the neighborhood's retail serving uses, and future resident employment opportunities. The project sponsor conducted extensive community outreach both to residents, business-owners, and community groups, and hosted a Pre-Application meeting, all of which generated community support.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The existing neighborhood housing stock, and neighborhood character will not be impacted or disturbed by the subject business-enhancement project. And the economic diversity of the respective neighborhood will be improved and protected by the subject-business enhancement.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed business enhancement/improvement will in no way impact the City's affordable housing stock.

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

The subject business enhancement/improvement will not disrupt commuter traffic, or impede Muni transit service.



# Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;
2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;
3. That the City's supply of affordable housing be preserved and enhanced;
4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The subject business proposed enhancement will actually improve the diverse economic base, and is expected to create employment opportunities.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The subject business has an in-place earthquake preparedness strategy plan, and a plan to assist the respective community.

7. That landmarks and historic buildings be preserved; and

The subject project/business enhancement will in no way impact the city's historical buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development.

The subject project/business enhancement will in no way impact the City's parks and open space.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

7. That landmarks and historic buildings be preserved; and

8. That our parks and open space and their access to sunlight and vistas be protected from development.

CASE NUMBER:  
For Staff Use Only

# Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: David J. Villa-Lobos

Date: 6/24/2015

Print name, and indicate whether owner, or authorized agent:

David Villa-Lobos, CLA Consulting / Authorized Agent ( Authorization Document On File )  
Owner / Authorized Agent (circle one)

## Application Submittal Checklist

Applications listed below submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent and a department staff person.**

APPLICATION MATERIALS	CHECKLIST	NOTES:
Application, with all blanks completed	<input checked="" type="checkbox"/>	<input type="checkbox"/> Required Material. Write "N/A" if you believe the item is not applicable, (e.g. letter of authorization is not required if application is signed by property owner.)  <input checked="" type="checkbox"/> Typically would not apply. Nevertheless, in a specific case, staff may require the item.  <input type="checkbox"/> Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.
300-foot radius map, if applicable	<input checked="" type="checkbox"/>	
Address labels (original), if applicable	<input checked="" type="checkbox"/>	
Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/>	
Prop. M Findings	<input type="checkbox"/>	
Check payable to Planning Dept.	<input checked="" type="checkbox"/>	
Original Application signed by owner or agent	<input checked="" type="checkbox"/>	
Letter of authorization for agent	<input checked="" type="checkbox"/>	

Some applications will require additional materials not listed above. The above checklist does not include material needed for Planning review of a building permit. The "Application Packet" for Building Permit Applications lists those materials.

No application will be accepted by the Department unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials by the Department serves to open a Planning file for the proposed project. After the file is established it will be assigned to a planner. At that time, the planner assigned will review the application to determine whether it is complete or whether additional information is required in order for the Department to make a decision on the proposal.

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT B**



# PERMIT TO OPERATE

## AND CERTIFICATE OF SANITARY INSPECTION

# A 85097

Issued according to provisions of the San Francisco Health Code

AUTHORIZING conduct of the following class of

ISSUED: 10/9/15

### FOOD PREPARATION AND SERVICE ESTABLISHMENT

Type of Operation: Retail Food Markets with Food Prep under 5

Tax Code: H07    DPH Code: 1064    CERT No. 460076

Name and Address Below:

Owner:            Najwa, Inc.

DBA:              Alimento

Street Address: 507 Columbus Ave  
San Francisco, CA 94133

### DEPARTMENT OF PUBLIC HEALTH

Bureau of Environmental Health  
City and County of San Francisco

Valid only when accompanied by a receipt from the Tax Collector showing payment of current license fee. THIS PERMIT TO OPERATE MAY BE REVOKED OR SUSPENDED FOR CAUSE AND IS NOT TRANSFERABLE. CHANGE OF OWNERSHIP must be reported immediately.

Inspector

Director of Environmental Health

Principal Inspector

Director of Public Health

Display this Permit prominently. This margin may be trimmed for standard 6 x 8 frame.

## **EXHIBIT C**



**18TC-0260 (Original: 12TC-0053)  
 Renewed**

**Tables and Chairs Permit**

**Address : 507 COLUMBUS AVE                      Cost: \$288.50                      Block:0117 Lot: 005 Zip: 94133**

Pursuant to Article 5.2 of the Public Works Code, permission revocable at the will of the Director of Public Works to occupy a portion of the public right-of-way with cafe tables and chairs is granted to Permittee.

**Alimento**

**Name:**                      Alimento

**MANDATORY COORDINATION WITH CONFLICTING PERMITS IS REQUIRED. PERMIT HOLDER SHALL NOT COMMENCE WORK WITHOUT FIRST PROPERLY COORDINATING WITH EXISTING PERMIT HOLDERS AS NOTED ON THE EXCEPTION PAGE(S) OF THIS PERMIT. IF THIS PERMIT CONFLICTS WITH A CITY PROJECT OR OTHER APPROVED PERMIT, THE PERMIT HOLDER OF THIS PERMIT SHALL BE RESPONSIBLE FOR THE PROPER COORDINATION AND EVALUATION OF THE SITE PRIOR TO COMMENCING WORK.**

<b>Conditions</b>	<p>Four (4) tables and eight (8) chairs to occupy public right-of-way.          Mon-Sun: 10:00AM to 11:00PM</p> <p>Please be reminded that permit holder shall comply with all applicable rules and regulations including conforming to the approved site diagram. Businesses that are found to be non-compliant with the provisions of this permit and/or operate outside of the approved space per the approved site diagram may be issued a Notice of Violation in accordance with the appropriate sections of the Public Works Code.</p>
<b>Tables:</b>	4
<b>Chairs:</b>	8
<b>From the hour of:</b>	10:00AM
<b>To the hour of:</b>	11:00PM
<b>Square Feet:</b>	36
<b>From</b>	4/16/2018
<b>To</b>	04/15/2019

The undersigned Permittee hereby agrees to comply with all requirements and conditions noted on this permit

Insurance Expiration Date : 01/05/2019

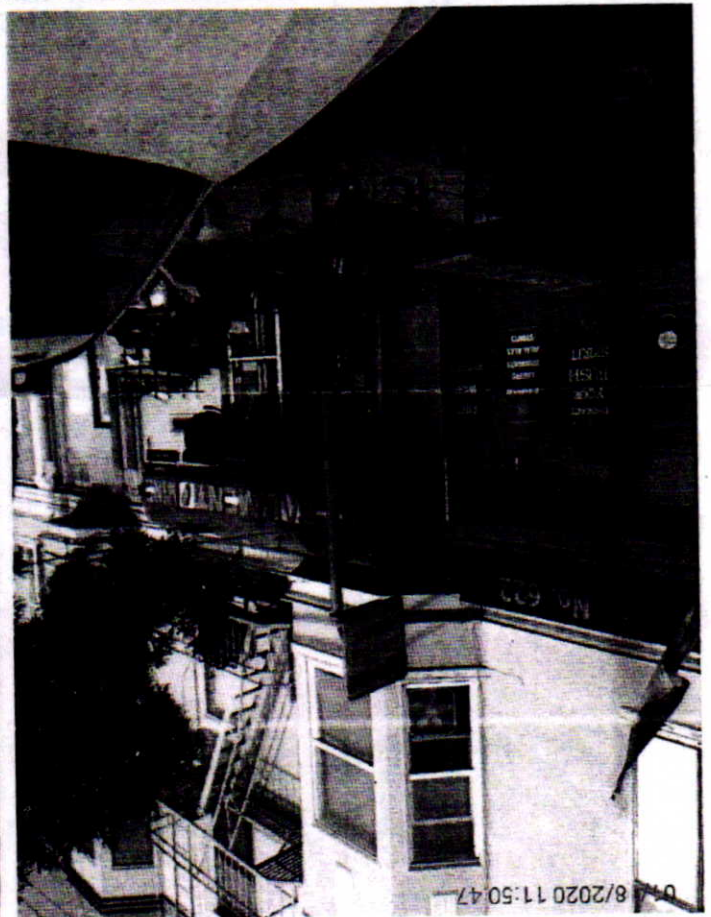
Approved Date : 04/13/2018

\_\_\_\_\_  
 Applicant/Permittee                      Date

Distribution:  
 Outside BSM: Planning Department  
 Inside BSM: Commercial Inspection

Printed : 4/13/2018 3:47:13 PM    Plan Checker                      Wilnieka Butler





## **EXHIBIT D**

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

I am one of the many patrons who purchases hot food and utilizes the outdoor seating at Alimento. As such, I have always considered it to be a restaurant. Alimento is an important neighborhood establishment and core business in North Beach; its owner is both supportive of and supported by the community and its members.

My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Mohamed Youssef Darragi

Date: 12 Feb

Signature:



I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Signature:

Georgio Ted Ali  


Date:

12/02/2021

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Signature:

Benjamin Jesus Chustene



Date:

02/12/2021

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Laydes Paul

Signature:



Date:

02/12/21

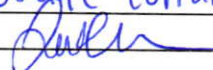
I am a

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: Jackie Curran  
Signature: 

Date: 2/12/21

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Aron Krantz

Signature:



Date:

2/12/2021



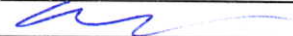
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: DAVE LEO  
Signature: 

Date: 2/12/21

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Brandi Donovan

Date:

2/12/21

Signature:

Brandi Donovan

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach


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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Lindsay Donovan

Signature:



Date:

2/12/21

I am a

*Check all that apply*

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

NICHAS OUSTROM

Signature:



Date:

12/2/2021

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

*Kerry Hogin*  
*Kerry Hogin*

Date: \_\_\_\_\_

*2/5/21*

I am a

Check all that apply

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

RAED STEWART

Signature:

Raed Stewart

Date:

05 February 2021

I am a

Check all that apply

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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Name:

Si Philip Pilon II

Signature:



Date:

2/5/2021

I am a

Check all that apply

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

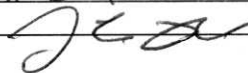
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

John E Ricci

Signature:



Date:

2/6/21



I am a

*Check all that apply*

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Jim Sommersen

Signature:



Date:

2/5/21

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
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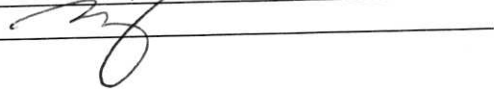
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Ryan Gumbory

Signature:



Date:

2/5/21

---

I am a

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

MAX SPANKO

Signature:



Date:

2/5/21

I am a

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Signature:

Lee Brewer  
[Signature]

Date:

2/11/21

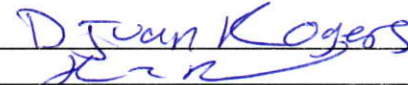
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: D Juan Rogers  
Signature: 

Date: 2/11/2021

I am a

*Check all that apply*

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- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*Dora Cruz +1's*



*02/11/2021*

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Riley Hilt  
*Riley Hilt*

Date: \_\_\_\_\_

*2/11/2021*

I am a

*Check all that apply*

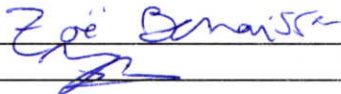
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Signature:

Zoe Benavista  


Date:

02/11/2021



I am a

*Check all that apply*

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- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

*Scott Williams*  
*[Handwritten Signature]*

Date: \_\_\_\_\_

*2/11/20*

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
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- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

PAUL SCHWEIBINZ

Signature:



Date:

2/11/2021

I am a

~~Check all that apply~~

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

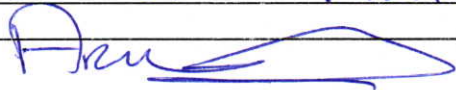
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Signature:

ANDRÉS RAMÍREZ



Date:

02/11/21

I am a

*Check all that apply*

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- Neighborhood Resident of North Beach
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: Bertie Alvarse  
Signature: [Handwritten Signature]

Date: 02/11/2021

I am a

*Check all that apply*

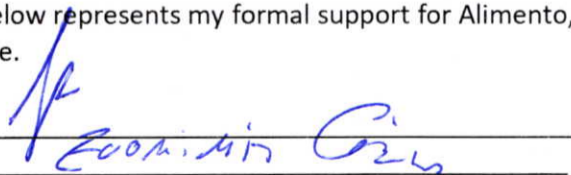
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

A handwritten signature in blue ink, appearing to read "Economic Club", written over a horizontal line.

Date: 4/12/2021

I am a

*Check all that apply*

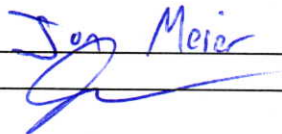
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

*Jon Meier*  


Date: \_\_\_\_\_

*2/11/21*

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

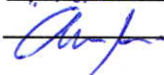
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

AARON HAUOIMAN

Signature:



Date:

2/12/21

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

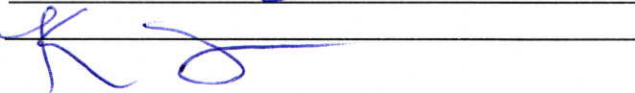
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Kristen Smith

Signature:



Date:

2/12/21



I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: Judy Alhamwi

Signature: 

Date: 2/12/2021

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Casey Wilson

Signature:

CASEY WILSON

Date:

2/12/21

Signature: \_\_\_\_\_

---

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: Edgar Ivan Mejia

Signature: 

Date: 2-11-21

I am a

*Check all that apply*

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Signature:

Simon Lopez  
Simon Lopez

Date:

2/12/21


I am a

*Check all that apply*

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: Travis Salle  
Signature: 

Date: 2/12/21

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
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- Community Member of North Beach

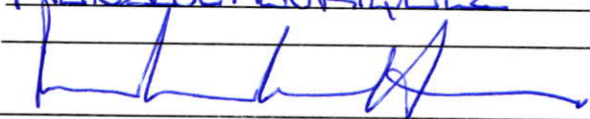
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

REINANDO HENRIQUEZ

Signature:



Date:

02/12/21

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
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- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: PAUL WEIN  
Signature: 1890, CLAY ST. S.F. CA 94109

Date: 04/12/21

Signature: \_\_\_\_\_

---

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: \_\_\_\_\_

Leo Kiam Ky

Signature: \_\_\_\_\_

[Handwritten Signature]

Date: \_\_\_\_\_

2/10/21



Signature: \_\_\_\_\_

---

I am a

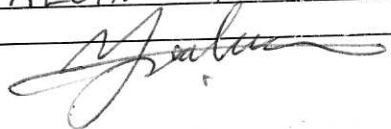
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: YALCIN TEMEL

Signature: 

Date: 02/10/2021

Signature: \_\_\_\_\_  
  
I am a

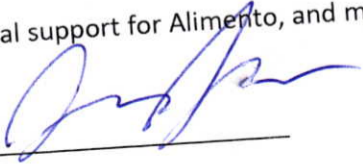
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: \_\_\_\_\_

Javier Pulido 

Date: \_\_\_\_\_

2/10/2021

I am a

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- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: LORENZO CHIOSINI *Louza*

Date: 02-10-2021

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

FELICE-A. FRANCAVILHA

Signature:

Felice A. Franco, CA

Date:

2-10-2021

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

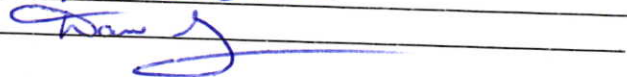
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Dane Greco

Signature:



Date: 2/10/21

---

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

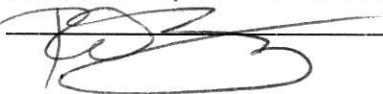
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Romalyn Schmaltz

Signature:



Date:

2-10-21

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

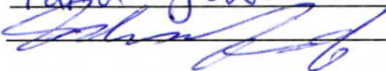
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Fazd Jawid

Signature:



Date: 02/09/20

I am a

*Check all that apply*

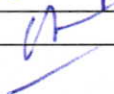
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

*Alimento 2020*  


Date: \_\_\_\_\_

*02/09/21*



I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Mary Naples

Signature:



Date:

2-7-21

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Monica Soto

Signature:

[Handwritten Signature]

Date:

02/09/21

I am a

*Check all that apply*

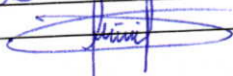
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Name:

Seydi Yasmin M. Gomez



Date: 02/09/21

I am a

*Check all that apply*

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- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Yousef Abdul Karim

Date: Feb. 9, 2021



I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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Name: \_\_\_\_\_

Signature: \_\_\_\_\_

*Khalid Suleiman*

Date: Feb. 9, 21

I am a

*Check all that apply*

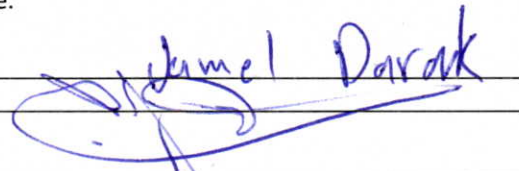
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- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_



Date: 2.9.21

I am a

*Check all that apply*

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- Neighborhood Resident of North Beach
- Community Member of North Beach

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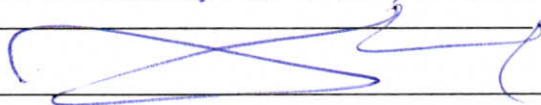
Name:

Said Pebrany

Date:

2.9.21

Signature:



I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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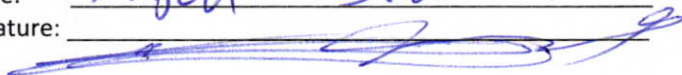
Name:

Majed Sulaiman

Date:

2.9.01

Signature:





I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

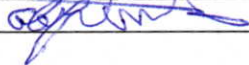
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Abel A

Signature:



Date:

2-9-21

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

*Gabriel*

*Alex*

Date: \_\_\_\_\_

*2/19/21*

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Jason Kromc

Date:

2/9/21

Signature:

[Handwritten Signature]

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Jorge Carras

Signature:

[Handwritten Signature]

Date:

02/09/21

I am a

*Check all that apply*

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- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Francovilla

Signature:



Date:

02/09/21

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

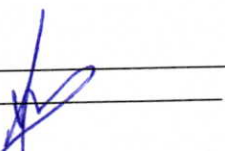
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Mohamed Aly

Signature:



Date:

02/09/21

I am a

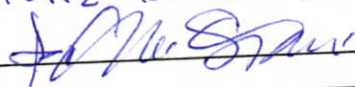
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

SALVATORE DI STEFANO

  
\_\_\_\_\_

Date: 02/09/202

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Curtis P. Helges

Signature:



Date:

2/9/21



I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Signature:

John Carter May

Date:

2/11/21

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Adil Shaikh

Signature:

Adil Shaikh

Date:

2/5/2021

Signature: \_\_\_\_\_

---

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: 2/5/11

Signature: \_\_\_\_\_

---

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach


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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: \_\_\_\_\_

*Sveta & Todd*

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

*Feb 5, 2021*

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: Monty Halim  
Signature: \_\_\_\_\_

Date: 2/5/21

Signature. \_\_\_\_\_

---

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Michael Todd Clayton

Signature:



Date:

2/5/21

I am a

*Check all that apply*

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- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Signature:

Tony Montoya  
Juniper

Date: 02/08/2021

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Angela Alexandra

Signature:

Angela Alexandrea

Date:

2/7/2021



I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

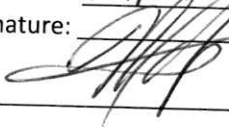
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

MARK RUFFO

Signature:



Date:

Feb 7, 2021

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Colin Stewart

Signature:



Date:

2/8/21

---

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

*Safe Woods*

Signature:

*[Handwritten signature]*

Date:

*2/8/2021*

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

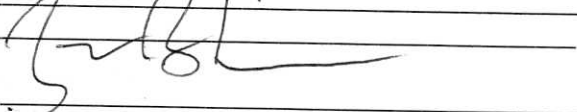
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Name:

RYAN BRICKER

Signature:



Date:

2/8/21

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

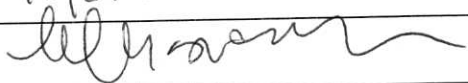
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Name:

Alyson Martinez

Signature:



Date:

2/8/21

I am a

*Check all that apply*

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Name:

Jenny Pencelinski

Signature:



Date:

2/5/21

I am a

*Check all that apply*

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Name:

Anna Maria Alioto

Signature:

Anna M. Alioto

Date: 2-10-2021

I am a

*Check all that apply*

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- Neighborhood Resident of North Beach
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Holly Marks

Signature:

Holly Marks

Date:

2/10/2021



I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
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Name:

Nathan Washburn

Signature:

Nathan Washburn

Date:

2-10-21

I am a

*Check all that apply*

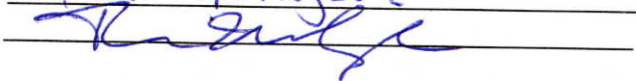
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Name:

Signature:

Tim Milojerich  


Date:

2/10/2021

I am a

*Check all that apply*


- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Signature:

Melanie Lowe  


Date: 2-10-2020

I am a

*Check all that apply*

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Signature:

SALVATOR ENEA III  
Salvatore Enea III

Date:

2-10-21

I am a

*Check all that apply*

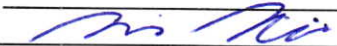
- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

I am one of the many patrons who purchases hot food and utilizes the outdoor seating at Alimento. As such, I have always considered it to be a restaurant. Alimento is an important neighborhood establishment and core business in North Beach; its owner is both supportive of and supported by the community and its members.

My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Signature:

Mari PinoHi  


Date: 02/10/21

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

William T Patsos

Signature:



Date:

2/10/2021

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
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- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Chirag Pali



Date:

02/10/2021

I am a

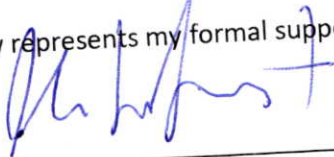
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: \_\_\_\_\_



Date: 10 Feb, 2021



I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Celeste L.

Date:

2/10/21

Signature: \_\_\_\_\_

---

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

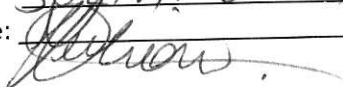
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

JULIANO DA LEVE

Signature:



Date:

07/10/21


I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: JOHN BREMAN  
Signature: 

Date: 2/9/2020

I am a

*Check all that apply*

- Frequent/Long-Time Patron of Alimento
- Neighborhood Resident of North Beach
- Community Member of North Beach

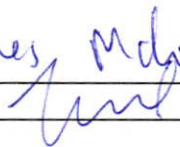
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

James McNeal

Signature:



Date:

2/9/21

I am a

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- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: Savannah Wardle  
Signature: [Handwritten Signature]

Date: 2/10/21

I am a

*Check all that apply*

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- Neighborhood Resident of North Beach
- Community Member of North Beach

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Name:

Karl Yee  


Date:

2/10/2021

I am a

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- Neighborhood Resident of North Beach
- Community Member of North Beach

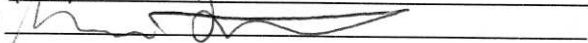
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Name:

FRANK ZORRZO

Signature:



Date:

2/9/21

I am a

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- Community Member of North Beach

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

MARIO BASILE

Signature:



Date: 02.09.2021



I am a

*Check all that apply*

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- Community Member of North Beach

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Name:

Kenin Xecom

Signature:



Date:

02/09/21

A

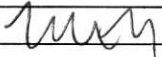
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: MICHAEL VICTOR TIRON GONZALEZ  
Signature: 

Date: 8/9/21

I am a

*Check all that apply*

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: Maryanne Bull

Signature: 

Date: 2/1/2021

I am a

*Check all that apply*

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- Community Member of North Beach

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Name:

Signature:

Fernando Carrera  
[Signature]

Date:

2/9/2021

---

I am a

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: Patrick Schneider  
Signature: 

Date: 2/10/2021

---

I am a

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

John Ricci

Signature:

[Handwritten Signature]

Date:

2/10/21

Signature: \_\_\_\_\_

---

I am a

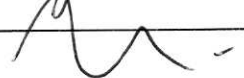
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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name: Misty Xicum Ku

Signature: 

Date: 2/10/21

I am a

*Check all that apply*

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My signature below represents my formal support for Alimento, and my truthful attestation to the statement above.

Name:

Math Baraja

Signature:



Date:

2/5/21



**BRIEF(S) SUBMITTED BY RESPONDENT DEPARTMENT(S)**



# Board of Appeals Brief

**Date:** March 4, 2021  
**Hearing Date:** March 10, 2021  
**Appeal No.:** 21-007  
**Address:** 507 Columbus Avenue  
**Block/Lot:** 0117 / 005  
**Zoning/Height:** North Beach Neighborhood Commercial District (NCD)  
40-X Height and Bulk District  
**Staff Contact:** Scott Sanchez, (628) 652-7320 or [scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)

## INTRODUCTION

On February 1, 2021, Nick Colla on behalf of Shadi Zughayar (Appellant) filed Appeal No. 21-007 on the Planning Department's denial of Building Permit Application No. 202012221551 (Permit) for 507 Columbus Avenue (Property). The Permit sought a "change of use from a limited restaurant to a restaurant" as provided in Ordinance No. 182-02 and was denied because the existing business is a Specialty Grocery use and is not eligible for conversion under Ordinance No. 182-20.

## PROPERTY INFORMATION

The Property is located at 507 Columbus Avenue within the North Beach Neighborhood Commercial District (NCD), North Beach Special Use District (SUD) and North Beach Limited Financial Special Use District (SUD). The subject building was constructed in 1907 and contains 24,678 sf of commercial/residential uses on 3 stories (per Assessor's records). The Property is at the corner of Columbus Avenue and Green Street and contains multiple ground floor commercial units (fronting on both streets) with dwelling units on the second and third floors. The commercial unit at 507 Columbus Avenue is approximately 850 square feet and is currently occupied by a Specialty Grocery use (dba Alimento).

## BACKGROUND

Planning Department records of past Health Permit Referrals (Exhibit A) indicate that a grocery use was first established on the Property as early as 1976 (Sergio Maranghi and Pietro Carlo Chiodo – Fisherman’s Market). Subsequent records from 2008 to present indicate the continued operation of a Specialty Grocery use on the Property (dba Alimento) albeit under different owners.

Under the Planning Code, a Specialty Grocery (as defined below) may provide limited on-site food preparation for off-site consumption (Take Out Food Use) as an accessory use provided that it occupies no more than 1/3 the total floor area of the use per Planning Code Section 703(d). Such accessory use is allowed as part of the underlying Specialty Grocery use and is separate and distinct from a Limited Restaurant or Restaurant use.

Planning Code Section 102 defines Specialty Grocery as follows:

*Grocery, Specialty.* A Retail Sales and Services Use that:

- (a) Offers specialty food products such as baked goods, pasta, cheese, confections, coffee, meat, seafood, produce, artisanal goods, and other specialty food products, and may also offer additional food and non-food commodities related or complementary to the specialty food products;
- (b) May provide beer, wine, and/or liquor sales for consumption off the premises with a California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-sale general) which occupy less than 15% of the Occupied Floor Area of the establishment (including all areas devoted to the display and sale of alcoholic beverages);
- (c) May prepare minor amounts of food on site for immediate consumption off-site with no seating permitted; and
- (d) Markets the majority of its merchandise at retail prices.
- (e) Such businesses that provide food or drink per subsections (b) and (c) above shall operate with the specified conditions in Section [202.2\(a\)\(1\)](#).

On September 22, 2020, the Board of Supervisors adopted Ordinance No. 182-20 (Exhibit B) “to allow certain Limited Restaurants in the North Beach Special Use District to convert to Restaurants that may apply for liquor licenses.” On November 2, 2020, this ordinance became effective and provided six months for “a Limited Restaurant that existed as of March 1, 2020” to apply for a permit to convert to Restaurant use.

On December 22, 2020, the Appellant submitted Building Permit Application No. 202012221551 for “change of use from a limited restaurant to a restaurant” citing Ordinance No. 182-20.

On January 6, 2021, the Planning Department denied the Permit because the existing business is a Specialty Grocery use and is not eligible for conversion under Ordinance No. 182-20.

## **ISSUES ON APPEAL**

On February 18, 2021, the Appellant submitted a brief; however, the Appellant failed to provide any evidence that the Planning Department’s denial of the Permit was in error.

The Appellant argues that they have “been operating as a de-facto Limited Use Restaurant since 2015 and should be treated as such”; however, they fail to provide any evidence that a Limited Restaurant use was legally established on the property.

On September 21, 2015, the Appellant initially sought to establish a Limited Restaurant on the Property through their Health Permit Referral (end of Exhibit A); however, at the time such change of use (from Specialty Grocery to Limited Restaurant) required a Conditional Use Authorization (CU). On October 27, 2015, the Planning Department issued a Notice of Planning Department Requirements (NOPDR) to the Appellant informing them of the Conditional Use requirement (Exhibit C). The NOPDR outlined two options for the Appellant, they could either 1) seek the CU to establish the Limited Restaurant use or 2) continue to operate the Specialty Grocery with a limited amount of Take-Out Food use (no more than 1/3 the floor area or 283 square feet). The Appellant ultimately chose to maintain the Specialty Grocery use and the Health Permit Referral was approved on April 27, 2016 noting “continuation of existing use as a General/Specialty Grocery is permitted, Take Out Food use limited to 1/3 floor area or 283 square feet.”

The Appellant argues that their Permit to Operate (Appellant’s Exhibit B) authorizes a Limited Restaurant because it states “Food Preparation and Service Establishment”; however, they fail to highlight the second line which states “Type of Operation: Retail Food Markets with Food Prep.” A “Retail Food Market”

is separate and distinct from a “restaurant.” This Permit to Operate does not authorize a restaurant nor could it have because such use had never been approved at the Property. The Permit to Operate in combination with the previously mentioned Health Permit Referral demonstrate that the use was authorized as a Specialty Grocery with accessory Take Out Food use, not a Limited Restaurant.

If the Appellant has been operating as a “de-facto Limited Use Restaurant since 2015” as stated in their brief, then they have been operating in violation of the Planning Code since 2015 and are subject to enforcement and administrative penalties of up to \$250 per day per Planning Code Section 176.

The Appellant argues that Ordinance No. 182-20 was enacted “with the specific intent of benefitting Bona Fide Eating Places like Alimento” and that “its narrow application as codified inadvertently excludes Alimento from capitalizing on the Ordinance’s benefits solely because the Premises’ authorized use does not include Limited Use Restaurant”; however, Appellant fails to provide any evidence to support this claim. This argument fails to properly acknowledge the plain language of the ordinance which implements a very specific and limited goal (allowing conversion of certain Limited Restaurants to Restaurants). Even the title (“Conversion of Limited Restaurants to Restaurants”) leaves little to the imagination. Had the legislative intent been to apply this conversion process to a larger group of uses (such as Specialty Grocery uses); the Planning Department fully expects that this goal would have been articulated in the ordinance and wouldn’t have been “inadvertently” omitted by the legislative sponsor (Supervisor Peskin).

The Appellant argues that Article 1, Section 26(a) of the Business and Tax Regulations Code allows the Board of Appeals to overturn the denial of the Permit even if it violates the Planning Code. While the Planning Department respects the broad authority and power of the Board of Appeals, the Planning Department respectfully submits that the Board of Appeals is also responsible for enforcing the requirements of the Planning Code and can only allow approval of permits that comply with the City’s Municipal Codes. As demonstrated above, the Permit does not comply with the Planning Code and therefore must be disapproved.

Board of Appeals Brief  
Appeal No. 21-007  
507 Columbus Avenue  
Hearing Date: March 10, 2021

## **CONCLUSION**

In light of the foregoing, the Planning Department respectfully requests that the Board of Appeals deny the appeal and uphold the Planning Department's denial of Building Permit Application No. 202012221551.

### **Attachments:**

Exhibit A: Planning Department Records (Health Permit Referrals – 1976, 2008, 2009, 2012 and 2015)

Exhibit B: Ordinance No. 182-20

Exhibit C: Notice of Planning Department Requirements (October 27, 2015)

**Cc:** Nick Colla, Colla & Ray LLP (by email) – Attorney for Appellant

CITY AND COUNTY OF SAN FRANCISCO  
DEPARTMENT OF PUBLIC HEALTH

CENTRAL OFFICE  
101 GROVE STREET  
94102

June 8, 1976

Department of City Planning  
100 Larkin Street  
San Francisco, California 94102

Attention: Zoning Division

Gentlemen:

Application has been filed with this Department for a permit to conduct the following named business at the following address:

**BUSINESS:** Sergio Maranghi & Pietro Carlo Chiodo  
**FISHERMEN'S MARKET (fish retail)**

**LOCATION:** 507 Columbus Ave

\_\_\_\_\_ Change of Ownership      XXXX New Establishment

Hearing on this application will be held at 10:00 a.m. on \_\_\_\_\_.  
Would you please advise us prior to that time whether or not the premises are properly zoned for the proposed business.

Very truly yours,

*Francis J. Curry, M.D.*

FRANCIS J. CURRY, M.D.  
Director of Public Health

*Jack E. Coyne*  
JACK E. COYNE, Chief  
Bureau of Environmental  
Health Services

Zoning: C-2 Limitations (if any): \_\_\_\_\_

Approved: Yes Disapproved: \_\_\_\_\_

Date: JUN 20 1976 City Planner (Sig.): R Develin



Health Permit Application Zoning Referral

FOR HEALTH DEPARTMENT USE ONLY	
Date Application Filed: 5/27/08	HC: 1 2 3 (4) 5 6 CO
Date to Zoning: MAY 29 2008	Inspector: A. Saam 252-3811
Date from Zoning:	FPS (FPM) OTHER

TO BE COMPLETED BY APPLICANT  
Applicant must complete both pages of this referral as indicated. Accurate information is required,  
False or misleading information may result in denial of the application.

1. NAME OF BUSINESS: Alimento

2. BUSINESS STREET ADDRESS: 507 Columbus Avenue SF 94133  
What floor(s) will the business occupy? Check appropriate floor(s) below.

Basement Level  Street Level  1<sup>st</sup> Floor  2<sup>nd</sup> Floor  3<sup>rd</sup> Floor  Other Floor(s) \_\_\_\_\_

3. IS THE BUSINESS A RETAIL CHAIN? Does the establishment have eleven or more locations throughout the U.S. per Planning Code Section 703.3 & 703.4?

YES  NO

Existing Use of This Space:

Special Note: If any other room or building is to be used in connection with this application: OR, if any part of the proposed operation is not located within or connected to address above, please attach an explanation sheet.

Applicant's Name: Jalal Heydari  
Mailing Address: 507 Columbus Avenue  
City: San Francisco, CA Zip Code: 94133  
Applicant's Daytime phone: (415) 726-8520  
Floor Plans and Explanation Sheet attached? Yes No

MB0800551

FOR DEPARTMENT OF CITY PLANNING USE ONLY	
ZONING: North Beach NCD	BLK / LOT: 0117 / 005
Limitations or Conditions (if any): Grocery store permitted per section 722.40	
APPROVED: <i>[Signature]</i>	DATE: 6/19/08
(Planner's Signature)	
DISAPPROVED:	DATE:
(Planner's Signature)	

APPLICANT: THIS IS PAGE 1 OF 2A or 2B -COMPLETE PAGE 2A ONLY IF THE BUSINESS IS A FOOD / BEVERAGE OR OTHER ESTABLISHMENT. COMPLETE PAGE 2B ONLY IF THE BUSINESS IS A MASSAGE, ACUPRESSURE, OR REFLEXOLOGY ESTABLISHMENT AND/OR SHOULD THE BUSINESS OFFER MASSAGE, ACUPRESSURE. OR REFLEXOLOGY AS AN ACCESSORY COMPONENT TO A BUSINESS.

WHITE: Establishment File Copy · YELLOW: Zoning File Copy · PINK: Interim copy

507 Columbus Ave





HEALTH PERMIT APPLICATION ZONING REFERRAL
FOOD AND OTHER ESTABLISHMENTS PAGE 2A

APPLICANT: THIS IS PAGE 2 OF 2 PAGES-COMplete BOTH PAGES

Applicant: For more information regarding types of establishments, zoning, and Planning Code questions, you may go on-line at www.sfgov.org/site/planning or call the Planning Information Counter at 415.558.6377 for more information.

DBA ADDRESS: 507 Columbus Avenue dba: Alimento

1. CHECK THE TYPE OF ESTABLISHMENT AND ANSWER YES OR NO TO THE FOLLOWING QUESTIONS:

Table with 2 columns and 4 rows. Row 1: A. FULL SERVICE RESTAURANT vs E. LARGE FAST FOOD RESTAURANT. Row 2: B. SMALL SELF SERVICE RESTAURANT/FAST-FOOD RESTAURANT vs F. RETAIL BEVERAGE SHOP. Row 3: C. RETAIL GROCERY STORE / SPECIALITY GROCERY STORE vs G. FULL BAR WITH OR WITHOUT MEALS SERVICE. Row 4: D. RETAIL GROCERY STORE / SPECIALITY GROCERY STORE\* vs H. OTHER TYPE OF USE.

Description:

- 2. CHANGE OF OWNERSHIP? YES [ ] NO [X] CHANGE OF USE?: YES [ ] NO [ ]
3. NEW ESTABLISHMENT? (Prior use not licensed by Health Department) YES [ ] NO [ ]
4. DO YOU PROPOSE TO ALTER THE INTERIOR OR EXTERIOR OF THE ESTABLISHMENT? (A building permit is required for alterations, including for new signage. Please contact DBI for information regarding building permits at 415-558-6088). [ ] YES [X] NO (If yes, please describe the type of alteration:
5. IS ESTABLISHMENT NOW VACANT? YES [X] NO [ ] (if yes, how long? 2 YRS months). WAS THE ESTABLISHMENT VACATED BY ANOTHER EATING OR DRINKING ESTABLISHMENT? [ ] Yes [ ] No
6. TOTAL GROSS SQUARE FOOTAGE OF ESTABLISHMENT 900 sq. ft. (Section 102.10) Including other uses or business in the same space
7. IS THE PROPOSED BUSINESS WITHIN ANOTHER BUSINESS, OR SHARING SPACE WITH ANOTHER BUSINESS? (i.e. a restaurant within a hotel, a deli counter at a grocery store, etc) IF SO, PLEASE EXPLAIN: (see note in box below) NO

\* If the proposed establishment is a SPECIALTY GROCERY WITH ACCESSORY FOOD TAKE-OUT or a BUSINESS WITHIN ANOTHER BUSINESS, then the following is required to be submitted to the Planning Department, building permit application and complete floor plans drawn to scale of 1/4 inch showing the entire footprint of the store and clearly designating all areas used for food take away operations. Please note that the area devoted for take out food within a retail grocery or specialty grocery use is limited to a maximum of 100 square feet and does not permit table and chairs.

X Signature of Applicant / Agent Date Signed 5/21/08
(Reviewed /Initialed by Supervisor Date 5/28/08)

# Exhibit A



CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH  
ENVIRONMENTAL HEALTH SECTION  
1390 Market St., Ste 210, San Francisco, CA 94102

## APPLICATION FOR PERMIT TO OPERATE OR CERTIFICATE OF SANITATION

Type Of Business: Convenience Store Date of Application: 5/27/08  
 Ownership Change  New Installation  Reclassification  Record Purpose

BUSINESS NAME AND ADDRESS: Alimento 507 Columbus Avenue San Francisco, CA 94133  CROSS STREET: <u>V/ Green</u>	BUSINESS PHONE NO.(S): (415) 726-8520  MAIN CONTACT: Jalal Heydari
---	---

Sole Owner  Partnership  Corporation  LLC

Permit to be Issued in Name(s) of: <b>Specify Business Name, Business Owner or Principal Officers. (Print)</b>	<b>Owner/Corporation Mailing Address (Print)</b>
Seyed Jalal Heydari Alimento 507 Columbus Avenue San Francisco, CA 94133	Seyed Jalal Heydari same 2095 California St. #305 San Francisco, CA 94109

Emergency Contact & Phone No.: 415 726-8520 Owner Phone No. same  
No. of Toilets: 1 Sq.Ft. of Establishment: 900 Alternate Phone No. \_\_\_\_\_

\* SIGNATURE(S) OF APPLICANT(S)

\_\_\_\_\_  
X  
\_\_\_\_\_  
X

\* If Partnership, all partners must sign. If Corporation, authorized Officer must sign.

### FOR OFFICE USE ONLY

Special Notes: 5/27/08 Receipt # 07300 Check # 563

laundry machines	
total no.:	washers:
dryers:	extractors:

Food Safety Certificate Required:  Yes  No Certifying Agency: \_\_\_\_\_

Certificate No.: \_\_\_\_\_ Certified person: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Filing Fee \$248 Advertising and Posting Fee \_\_\_\_\_ Fire Department Referral 5/27/08  
Zoning Referral \$108 5/27/08 DBI Referral \_\_\_\_\_ Out of Business Notification \_\_\_\_\_

### INSPECTOR'S REPORT

To the Director of Public Health:  
After having made a careful inspection in the above case on \_\_\_\_\_, 20\_\_\_\_  
I RECOMMEND the issuance of a New Permit to operate   
I DISAPPROVE the issuance of a New Permit to operate  for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
PRINCIPAL INSPECTOR

\_\_\_\_\_  
INSPECTOR

DISTRICT NO. <u>4</u>	CENSUS TRACT <u>107A</u>	PERMIT NO.	TYPE OF PERMIT/CLASSIFICATION	LOC ID:
--------------------------	-----------------------------	------------	-------------------------------	---------

RECEIVED

Department of Public Health  
Environmental Health Management  
1390 Market Street, Suite 210  
San Francisco, CA 94102



JAN 14 2009

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
Health Permit Application Zoning Referral

FOR HEALTH DEPARTMENT USE ONLY	
Date Application Filed: 1-9-09	HC: 1 2 3 (4) 5 6 CO
Date to Zoning: JAN 14 2009	Inspector: A. Saam 252-3811
Date from Zoning:	(FPS) FPM OTHER

TO BE COMPLETED BY APPLICANT  
Applicant must complete both pages of this referral as indicated. Accurate information is required,  
False or misleading information may result in denial of the application.

1. NAME OF BUSINESS: Alimento, LLC

2. BUSINESS STREET ADDRESS: 507 Columbus Ave, SF, CA 94113  
What floor(s) will the business occupy? Check appropriate floor(s) below.

Basement Level  Street Level  1<sup>st</sup> Floor  2<sup>nd</sup> Floor  3<sup>rd</sup> Floor  Other Floor(s) \_\_\_\_\_

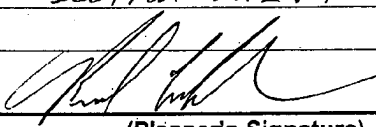
3. IS THE BUSINESS A RETAIL CHAIN? Does the establishment have eleven or more locations throughout the U.S. per Planning Code Section 703.3 & 703.4?  
YES  NO

Existing Use of This Space:  
Special Note: If any other room or building is to be used in connection with this application: OR, if any part of the proposed operation is **not** located within or connected to address above, **please attach an explanation sheet.**

Applicant's Name: Mahtab Sadrameli  
Mailing Address: 2095 California St #411  
City: SF Zip Code: 94133  
Applicant's Daytime phone: (415) 336-0767  
Floor Plans and Explanation Sheet attached?  Yes  No

NE

MB0900056

FOR DEPARTMENT OF CITY PLANNING USE ONLY	
ZONING: <u>NO. BEACH</u>	BLK/LOT: <u>0117 005</u>
Limitations or Conditions (if any): <u>Continuation of Specialty Grocery permitted per P Code Section 722.4</u>	
APPROVED:  (Planner's Signature)	DATE: <u>2/10/09</u>
DISAPPROVED: _____ (Planner's Signature)	DATE: _____

APPLICANT: THIS IS PAGE 1 OF 2A or 2B - COMPLETE PAGE 2A ONLY IF THE BUSINESS IS A FOOD / BEVERAGE OR OTHER ESTABLISHMENT. COMPLETE PAGE 2B ONLY IF THE BUSINESS IS A MASSAGE, ACUPRESSURE, OR REFLEXOLOGY ESTABLISHMENT AND/OR SHOULD THE BUSINESS OFFER MASSAGE, ACUPRESSURE, OR REFLEXOLOGY AS AN ACCESSORY COMPONENT TO A BUSINESS.

RECEIVED



HEALTH PERMIT APPLICATION ZONING REFERRAL
FOOD AND OTHER ESTABLISHMENTS PAGE 2A

JAN 14 2009

APPLICANT: THIS IS PAGE 2 OF 2 PAGES-COMplete BOTH PAGES

CITY & COUNTY OF S.F. PLANNING DEPARTMENT

Applicant: For more information regarding types of establishments, zoning, and Planning Code questions, you may go on-line at www.sfgov.org/site/planning or call the Planning Information Counter at 415.558.6377 for more information.

DBA ADDRESS: Alimento 507 Columbus Ave, SF, CA, 94133

1. CHECK THE TYPE OF ESTABLISHMENT AND ANSWER YES OR NO TO THE FOLLOWING QUESTIONS:

Table with 2 columns and 4 rows describing establishment types: A. FULL SERVICE RESTAURANT, B. SMALL SELF SERVICE RESTAURANT/FAST-FOOD RESTAURANT, C. RETAIL GROCERY STORE / SPECIALITY GROCERY STORE, D. RETAIL GROCERY STORE / SPECIALITY GROCERY STORE\*, E. LARGE FAST FOOD RESTAURANT, F. RETAIL BEVERAGE SHOP, G. FULL BAR WITH OR WITHOUT MEALS SERVICE, H. OTHER TYPE OF USE.

Description: Grocery / yogurt, ice cream, sandwiches

- 2. CHANGE OF OWNERSHIP? YES [X] NO [ ] CHANGE OF USE?: YES [ ] NO [X]
3. NEW ESTABLISHMENT? (Prior use not licensed by Health Department) YES [ ] NO [X]
4. DO YOU PROPOSE TO ALTER THE INTERIOR OR EXTERIOR OF THE ESTABLISHMENT? (A building permit is required for alterations, including for new signage. Please contact DBI for information regarding building permits at 415-558-6088). [ ] YES [X] NO (If yes, please describe the type of alteration: \_\_\_\_\_)
5. IS ESTABLISHMENT NOW VACANT? YES [ ] NO [X] (if yes, how long? \_\_\_\_\_ months). WAS THE ESTABLISHMENT VACATED BY ANOTHER EATING OR DRINKING ESTABLISHMENT? [ ] Yes [X] No
6. TOTAL GROSS SQUARE FOOTAGE OF ESTABLISHMENT 850 sq. ft. (Section 102.10) Including other uses or business in the same space
7. IS THE PROPOSED BUSINESS WITHIN ANOTHER BUSINESS, OR SHARING SPACE WITH ANOTHER BUSINESS? (i.e. a restaurant within a hotel, a deli counter at a grocery store, etc) IF SO, PLEASE EXPLAIN: (see note in box below) NO

\* If the proposed establishment is a SPECIALTY GROCERY WITH ACCESSORY FOOD TAKE-OUT or a BUSINESS WITHIN ANOTHER BUSINESS, then the following is required to be submitted to the Planning Department, building permit application and complete floor plans, drawn to scale of 1/4 inch showing the entire footprint of the store and clearly designating all areas used for food take away operations. Please note that the area devoted for take out food within a retail grocery or specialty grocery use is limited to a maximum of 100 square feet and does not permit table and chairs.

X Signature of Applicant / Agent M. Nader

Date Signed 1-9-09

(Reviewed /Initialed by Supervisor AD TD)

Date 1/9/09



FEB 16 2012

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT

Health Permit Application Zoning Referral

FOR HEALTH DEPARTMENT USE ONLY	
Date Application Filed: 2/14/12	HC: 1 2 3 (4) 5 6 CO
Date to Zoning: 2/15/12 FEB 16 2012	Inspector: Sojatta Khim (252-3868)
Date from Zoning: 507 Columbus Ave	<del>GFPS</del> (FPM) OTHER

TO BE COMPLETED BY APPLICANT

Applicant must complete both pages of this referral as indicated. Accurate information is required, False or misleading information may result in denial of the application.

- NAME OF BUSINESS: ALIMENTO LLC
- BUSINESS STREET ADDRESS: 507 COLUMBUS AVE S.F CA 94133  
What floor(s) will the business occupy? Check appropriate floor(s) below.  
Basement Level  Street Level  1st Floor  2nd Floor  3rd Floor  Other Floor(s)
- IS THE BUSINESS A RETAIL CHAIN? Does the establishment have eleven or more locations throughout the U.S. per Planning Code Section 703.3 & 703.4?  
YES  NO

Permit # 1200655

Existing Use of This Space:

Special Note: If any other room or building is to be used in connection with this application: OR, if any part of the proposed operation is not located within or connected to address above, please attach an explanation sheet.

Applicant's Name: SEYED SAJAL HEYDARI  
Mailing Address: 1095 CALIFORNIA ST #305  
City: SAN FRANCISCO, CA Zip Code: 94133  
Applicant's Daytime phone: 415-726-8520  
Floor Plans and Explanation Sheet attached?  Yes  No

FOR DEPARTMENT OF CITY PLANNING USE ONLY	
ZONING: <u>NO. BEACH</u>	BLK / LOT: <u>01171 005</u>
Limitations or Conditions (if any): <u>permitted per Plache Section 722.40</u>	
APPROVED: <u>[Signature]</u>	CONTACT NO: <u>5586358</u> DATE: <u>2/17/12</u>
(Planner's Signature) <u>RICK CRANFORD</u>	
DISAPPROVED:	CONTACT NO: DATE:
(Planner's Signature)	

APPLICANT: THIS IS PAGE 1 OF 2A or 2B -COMPLETE PAGE 2A ONLY IF THE BUSINESS IS A FOOD / BEVERAGE OR OTHER ESTABLISHMENT. COMPLETE PAGE 2B ONLY IF THE BUSINESS IS A MASSAGE, ACUPRESSURE, OR REFLEXOLOGY ESTABLISHMENT AND/OR SHOULD THE BUSINESS OFFER MASSAGE, ACUPRESSURE, OR REFLEXOLOGY AS AN ACCESSORY COMPONENT TO A BUSINESS.

48 507 Columbus Avenue



# Exhibit A

DPH-Environmental Health Management-1390 Market Street, Ste. 210 San Francisco, CA 94102

## HEALTH PERMIT APPLICATION ZONING REFERRAL RECEIVED FOOD AND OTHER ESTABLISHMENTS PAGE 2A

APPLICANT: THIS IS PAGE 2 OF 2 PAGES-COMplete BOTH PAGES FEB 16 2012

Applicant: For more information regarding types of establishments, zoning, and Planning Code questions, you may go on-line at [www.sfgov.org/site/planning](http://www.sfgov.org/site/planning) or call the Planning Information Counter at 415.558.6377 for more information. CITY & COUNTY OF S.F. PLANNING DEPARTMENT TAC TEAM

DBA ADDRESS: 507 COLUMBUS AVE S.F. CA 94133

1. CHECK THE TYPE OF ESTABLISHMENT AND ANSWER YES OR NO TO THE FOLLOWING QUESTIONS:

<b>A. FULL SERVICE RESTAURANT (Section 790.92)</b> Waiter service with seating. Guests typically order and receive food/beverage while seated at tables and pay for meals after meal is consumed.	<b>E. LARGE FAST FOOD RESTAURANT (Section 790.90)</b> Food is ordered and served at a customer service counter at establishments such as delicatessens, sandwich shops, and bakeries with a gross floor area of more than 1000 square feet.
<b>B. SMALL SELF SERVICE RESTAURANT/FAST-FOOD RESTAURANT (Section 790.92 &amp; 790.91)</b> Food is ordered and served at a customer service counter at establishments such as delicatessens, sandwich shops, and bakeries with less than 50 seats and a gross floor area of less than 1000 square feet.	<b>F. RETAIL BEVERAGE SHOP (Section 790.102)</b> Provides a limited menu of beverages prepared on the premises and able to be quickly prepared for consumption on or off the premises. A retail beverage use is not permitted to cook, reheat food or prepare meals, additional limits apply to seating.
<b>C. RETAIL GROCERY STORE / SPECIALITY GROCERY STORE (Section 790.102)</b> Sales of non complimentary food items at retail prices such as cheese, confections, coffee, meat, produce, personal items and dry goods.	<b>G. FULL BAR WITH OR WITHOUT MEALS SERVICE (Section 790.22)</b> Provides on-site alcoholic beverage sales for drinking on the premises, including bars serving beer, wine and/or liquor. A wine bar is included in this type of use
<input checked="" type="checkbox"/> <b>D. RETAIL GROCERY STORE / SPECIALITY GROCERY STORE* (Section 790.102 / 703.2)</b> Sales of non complimentary food items at retail prices such as meat, cheese, coffee, confections, and serves prepared or cooked food for take out. See note at bottom of page.	<b>H. OTHER TYPE OF USE:</b> Please describe below or attach a written description of the business that describes the business operation and the hours of operation. If the business includes massage, acupuncture, or reflexology as part of its operation, please use Page 2B:

Description: RETAIL GROCERY STORE / SPECIALITY STORE  
FOOD / BEVERAGE / SANDWICH / REGIONAL CATALAN

2. CHANGE OF OWNERSHIP? YES  NO  CHANGE OF USE?: YES  NO
3. NEW ESTABLISHMENT? (Prior use not licensed by Health Department) YES  NO
4. DO YOU PROPOSE TO ALTER THE INTERIOR OR EXTERIOR OF THE ESTABLISHMENT? (A building permit is required for alterations, including for new signage. Please contact DBI for information regarding building permits at 415-558-6088). YES  NO  (If yes, please describe the type of alteration: \_\_\_\_\_)
5. IS ESTABLISHMENT NOW VACANT? YES  NO  (if yes, how long? \_\_\_\_\_ months). WAS THE ESTABLISHMENT VACATED BY ANOTHER EATING OR DRINKING ESTABLISHMENT? YES  NO
6. TOTAL GROSS SQUARE FOOTAGE OF ESTABLISHMENT 850 sq. ft. (Section 102.10) Including other uses or business in the same space
7. IS THE PROPOSED BUSINESS WITHIN ANOTHER BUSINESS, OR SHARING SPACE WITH ANOTHER BUSINESS? (i.e. a restaurant within a hotel, a deli counter at a grocery store, etc) IF SO, PLEASE EXPLAIN: (see note in box below) NO

\* If the proposed establishment is a SPECIALTY GROCERY WITH ACCESSORY FOOD TAKE-OUT or a BUSINESS WITHIN ANOTHER BUSINESS, then the following is required to be submitted to the Planning Department, building permit application and complete floor plans, drawn to scale of 1/4 inch showing the entire footprint of the store and clearly designating all areas used for food take away operations. Please note that the area devoted for take out food within a retail grocery or specialty grocery use is limited to a maximum of 100 square feet and does not permit table and chairs.

X Signature of Applicant/Agent \_\_\_\_\_ Date Signed 02/10/12  
\_\_\_\_\_  
(Reviewed/Initialed by Supervisor) \_\_\_\_\_ Date 2/13/12

556  
507 Columbus Ave

CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH  
ENVIRONMENTAL HEALTH SECTION  
1390 MARKET ST., STE 210, SAN FRANCISCO, CA 94102

APPLICATION FOR FOOD PERMIT TO OPERATE OR CERTIFICATE OF SANITATION

Applicant or new owner must complete items 1-18. Accurate information is required, false or misleading information may result in delay or denial of the application. Obtain prior approval if you intend to change your food operation.

DATE OF APPLICATION: 02/10/12 Your email address: Jalal.heydari@gmail.com  
 1) Bus. Address: 507 COLUMBUS AVE  Yes, mailing address 2) Bus. Name: Alimento LLC  
 3) Type of Transaction:  Ownership Change  New Installation  Reclassification  Record Purposes  
 4) Type of ownership: (check one)  Sole Owner  Partnership  Corporation  LLC  
 5) Name of Owner(s) or Corporation: SEYED JALAL HEYDARI  
 If corp. or LLC, list major officers: Alimento  
 6) Owner Home or Corp. office address: 2095 CALIFORNIA ST #305 <sup>94109</sup>  Yes, mailing address  
 7) Business Ph # 415-296-9463 8) Home & Emergency Ph. #s: 415-726-8528 and  
 9) General Type of Food Business: DELI / ICE CREAM 10) Sq. Ft. of Establishment: 850 FT  
 11) Will this operation prepare food or beverages?  Y  N 12) Will you be cooking food? Y  N If yes, list types of cooking equipment: BLUE FLAME  
 12) Will you warm or reheat food?  Y  N If yes, list warming equipment: TURBO AUVEN  
 13) Do you have patron seating?  Y  N If yes, no. of seats 14 14) Number of toilets rooms: 1

15) \* SIGNATURES OF ALL OWNER(S) AND OFFICER(S):  
 [Signature]  \_\_\_\_\_  \_\_\_\_\_  \_\_\_\_\_  
 \* Prior to Application Approval, the applicant shall provide the following:  
 16) Proof of Workers Compensation Insurance \_\_\_\_\_  
 17) If preparing food, a menu or listing of all foods served. \_\_\_\_\_  
 18) A drawing of premises depicting all rooms with new and existing equipment. \_\_\_\_\_

FOR DPH OFFICE USE ONLY

Filing Fee \$308 Zoning Ref. Fee \$124 Out 2/15/12 In \_\_\_\_\_ SFFD Ref. Fee \$110 Out 2/15 In \_\_\_\_\_  
 Receipt# 37973 Previous Owner Out Business Notification \_\_\_\_\_ Other specify \_\_\_\_\_  
 Special Application or facility notes: 2/14/12 - Check #0991 (\$542)

Inspector's report to the Director of Public Health:  
 After having made careful inspection in the above case on \_\_\_\_\_ 20\_\_\_\_, I recommend:  
 APPROVAL OF A NEW PERMIT TO OPERATE  
 DISAPPROVAL OF A NEW PERMIT TO OPERATE FOR THE REASONS: \_\_\_\_\_

\_\_\_\_\_ PRINCIPAL INSPECTOR  \_\_\_\_\_ INSPECTOR

District # <u>4</u>	Census Tract <u>107A</u>	Permit# <u>SK</u>	Type of Permit/ Classification / Limitations	Location ID <u>68487</u>
------------------------	-----------------------------	----------------------	--	-----------------------------

Date Application Filed:	9-21-15	Health District:	2 3 <u>4</u> 5 OTHER:
Date to Zoning:	9-22-15	Inspector:	K. CHAN KC
Date from Zoning:		Supervisor Initials:	W
		Phone:	252-3837
		Date:	9-22-15

closed  
9/24/15



CITY AND COUNTY OF SAN FRANCISCO  
 DEPARTMENT OF PUBLIC HEALTH, ENVIRONMENTAL HEALTH  
 1390 Market Street, Suite 210, San Francisco, CA 94102



# Zoning Referral for Health Permit

## 1. Business Information

BUSINESS STREET ADDRESS:  
 507 COLUMBUS AVE SF CA 94133

NAME OF BUSINESS:  
 Alimento

CITY & COUNTY OF SF  
PLANNING DEPARTMENT

TOTAL GROSS SQUARE FEET (GSF) OF AREA (includes storage and bathroom areas):  
 850

OUTDOOR SEATING AREA?  
 Yes  No

WHAT FLOOR OF THE BUILDING WILL THE BUSINESS OCCUPY?  
 Ground (First) Level  Second Level  Third Level  Other Level: 2015-012815 MIS

- 1a. Change of Use (depending of the zoning of the property, neighborhood notification may be required):  Yes  No  
 If yes, what is the existing use? \_\_\_\_\_
- 1b. Change of Ownership?  Yes  No  
 If not a change of ownership, then is it a new establishment?  Yes  No
- 1c. Is the establishment vacant?  Yes  No  
 If yes, how long was the establishment vacant? \_\_\_\_\_
- 1e. Do you proposed to alter the interior or exterior of the establishment?  Yes  No  
 If yes, what is the Building Permit Application Number? \_\_\_\_\_
- 1f. Is the business a Formula Retail Chain with 12 or more locations within the U.S.?  Yes  No  
 If yes, a Formula Retail Affidavit is **required**. (Formula Retail - P.C. Sec. 703.3 & 703.4)

NE

## 2. Type of Operation

Please indicate the type of operation (summary descriptions on reverse):

Restaurant 790.91  ~~Restaurant~~ Limited Restaurant 790.90

Bar 790.22  General / Specialty Grocery 790.102(a) and (b)

Other:

If Other, please describe more about this type of operation:

2a. Accessory Use (Business within another business)?  Yes  No  
 If yes, plans are **required**.

2b. Days / Hours of Operation: 7 DAYS 9 AM TO 12 PM

## 3. Applicant's Affidavit

NAME: Shadi ZUGHAYAR  Property Owner  Authorized Agent

MAILING ADDRESS: (STREET ADDRESS, CITY, STATE, ZIP)  
 507 COLUMBUS AVE SF CA 94133

PHONE: (415) 609 2793 EMAIL: Shadi SF 2000 @ Yahoo .com

- 1. I am the owner or authorized agent of the owner of this property.
- 2. The information presented on this application is true and correct to the best of my knowledge.
- 3. Additional information or applications may be required in order to render this application complete.

Applicant's Signature: Date: 9/17/15

PLEASE SUBMIT THIS FORM TO: Department of Public Health, Environmental Health  
 1390 Market Street, Suite 210  
 San Francisco CA 94102  
 (415) 252-3800

S5297



# Exhibit A

PLANNING DEPARTMENT USE ONLY			
BLOCK / LOT: <b>0117/005</b>	ZONING: <b>NCD</b>	RUD / SUD:	LCU / NCU:
ZONING REFERRAL NUMBER:	OFFICIAL SITE ADDRESS (if different):		
BPA NUMBER:	312 NOTICE COMPLETE: <input type="checkbox"/> Yes <input type="checkbox"/> No	PRELIMINARY SCREENING? <input type="checkbox"/> Yes <input type="checkbox"/> No	
CASE NO.:	MOTION NO.:	EFFECTIVE DATE:	CONDITIONS: <input type="checkbox"/> Yes <input type="checkbox"/> No
OTHER:			
ADDITIONAL DOCUMENTS REQUIRED: <input type="checkbox"/> SITE PLAN <input type="checkbox"/> MESSAGE DOCS <input type="checkbox"/> OTHER:			

RECOMMENDATION:	Per Planning Code Section:
<input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL	<b>722.40</b>
CONDITIONS OF APPROVAL: <b>CONTINUATION OF EXISTING USE AS A GENERAL/SPECIALTY GROCERY IS PERMITTED. TAKE OUT FOOD USE IS LIMITED TO ITS FLOOR AREA, OR 283 SQUARE FEET.</b>	
COMMENTS: <b>GENERAL/SPECIALTY GROCERY IS PRINCIPALLY PERMITTED IN THE NORTH BEACH NCD PER PC SECTION 722.40</b>	
AUTHORIZATION:	
Signature:	Date: <b>4/27/16</b>
Printed Name: <b>CARYN GREEN</b>	Phone: <b>(415) 575-9139</b>

**Restaurant** <sup>790.91</sup>: A retail eating and/or drinking use which serves prepared, ready-to-eat cooked foods to customers for consumption on or off the premises and which has seating. It may have a Take-Out Food<sup>790.122</sup> as a minor and incidental use. It may provide on-site alcohol sales for drinking on the premises (ABC Types 41, 47, 49, 59, or 75); however, if it does it is required to operate as a Bona Fide Eating Place<sup>790.142</sup>. It is not required to operate within an enclosed building per Section 703.2(b)(1) so long as it is also a Mobile Food Facility<sup>102.34</sup>. Any outdoor seating and/or dining area is subject to regulation as an Outdoor Activity Area.

**Limited Restaurant** <sup>790.90</sup>: A retail eating and/or drinking use which serves ready-to-eat foods and/or drinks to customers for consumption on or off the premises, that may or may not have seating. It may provide off-site beer and/or wine sales for consumption off the premises with an ABC Type 20 license within the accessory use limits of Section 703.2(b)(1)(C)(vi).

**Bar** <sup>790.22</sup>: A retail use which provides on-site alcoholic beverage sales for drinking on the premises. ABC License Types include: 42, 48, or 61 (no minors permitted on premises) and 42 or 60 (minors permitted on premises).

**General Grocery** <sup>790.102(a)</sup>: A retail food establishment that offers a diverse variety of unrelated, non-complementary food and non-food commodities. May provide beer, wine, and/or liquor sales for consumption off the premises with ABC Type 20 or 21 within the accessory use limits of Section 703.2(b)(1)(C)(vi). May prepare minor amounts or no food on-site for immediate consumption

**Specialty Grocery** <sup>790.102(b)</sup>: A retail food establishment that offers specialty food products, such as baked goods, pasta, cheese, confections, coffee, meat, seafood, produce, artisanal goods and other specialty food products, and may also offer additional complementary food and non-food commodities. May provide beer, wine, and/or liquor sales for consumption off the premises with ABC Type 20 or 21 within the accessory use limits of Section 703.2(b)(1)(C)(vi). May prepare minor amounts or no food on-site for immediate consumption.

**Other may include:** **Massage Establishment** <sup>790.60</sup>, **Tobacco Paraphernalia Establishment** <sup>790.123</sup>, **Medical Cannabis Dispensary** <sup>790.141</sup>, **Service, Personal** <sup>790.116</sup>, **Take-out Food** <sup>790.122</sup>

For more information regarding types of establishments, zoning, and Planning Code questions, you may go on-line to [www.sfplanning.org](http://www.sfplanning.org) or contact the Planning Information Center (PIC) for more information:

**Planning Information Center (PIC)**

1660 Mission Street, First Floor  
San Francisco CA 94103-2479  
TEL: **415.558.6377**

*Planning staff are available by phone and at the PIC counter. No appointment is necessary.*

# Exhibit B

AMENDED IN COMMITTEE

FILE NO. 200673

8/31/2020 ORDINANCE NO. 182-20

1 [Planning Code - Conversion of Certain Limited Restaurants to Restaurants - North Beach  
2 Neighborhood Commercial District Special Use District]

3 **Ordinance amending the Planning Code to allow certain Limited Restaurants in the**  
4 **North Beach Neighborhood Commercial- Special Use District to convert to Restaurants**  
5 **that may apply for liquor licenses; and affirming the Planning Department's**  
6 **determination under the California Environmental Quality Act; and making findings of**  
7 **consistency with the General Plan and the eight priority policies of Planning Code**  
8 **Section 101.1.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
12 **Board amendment additions** are in double-underlined Arial font.  
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
14 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
15 subsections or parts of tables.

16 Be it ordained by the People of the City and County of San Francisco:

17 Section 1. The Board of Supervisors of the City and County of San Francisco hereby  
18 finds and determines that:

19 (a) Environmental and Planning Code Findings.

20 (1) The Planning Department has determined that the actions contemplated  
21 in this ordinance comply with the California Environmental Quality Act (California Public  
22 Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the  
23 Board of Supervisors in File No. 200673, and is incorporated herein by reference. The Board  
24 affirms this determination.

25 (2) On August 27, 2020, the Planning Commission, in Resolution No. 20779,  
adopted findings that the actions contemplated in this ordinance are consistent, on balance,

## Exhibit B

1 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
2 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
3 the Board of Supervisors in File No. 200673, and is incorporated herein by reference.

4 (3) On August 27, 2020, the Planning Commission, in Resolution No. 20779,  
5 approved this legislation, recommended it for adoption by the Board of Supervisors, and  
6 adopted findings that it will serve the public necessity, convenience and welfare. Pursuant to  
7 Planning Code Section 302, the Board adopts these findings as its own. A copy of said  
8 Resolution is on file with the Clerk of the Board of Supervisors in File No. 200673, and is  
9 incorporated herein by reference herein.

10 (b) Specific Findings.

11 (1) The COVID-19 pandemic has created unprecedented challenges for  
12 small businesses in San Francisco, including for food establishments that fall under the  
13 definitions for Restaurants and Limited Restaurants under the Planning Code. The City has  
14 responded with multiple policies to provide food establishments and other small businesses  
15 with grants, low- and no-interest loans, and allow innovative uses of the public realm through  
16 the Shared Spaces program.

17 (2) The North Beach neighborhood has among the highest concentrations of  
18 liquor licenses of any neighborhood in San Francisco, and has long restricted new liquor  
19 licenses as well as adopted policies to decrease the number of liquor licenses in the  
20 neighborhood through various attrition mechanisms. That said, surveys by restaurant industry  
21 stakeholders now suggest that the financial impacts of the COVID-19 pandemic many have  
22 long-lasting effects on the restaurant industry, potentially prompting as many as 50% of  
23 restaurants in San Francisco to close entirely, and many to dramatically alter their business  
24 models as they seek ways to adapt to the new economic conditions.

25

# Exhibit B

1           (3)    The actions contemplated in this ordinance aim to provide relief to Limited  
2 Restaurants that also operate as Bona Fide Eating Places in the North Beach Special Use  
3 District but that have nevertheless been precluded from acquiring liquor licenses due to the  
4 aforementioned high concentration of liquor licenses and resulting policies to reduce the  
5 number of liquor licenses in the neighborhood. This narrow relief is intended to apply to  
6 Limited Restaurants that have provided meal service to patrons and otherwise have met the  
7 definition of Bona Fide Eating Places under the Planning Code, even though the definition of  
8 Limited Restaurants also includes specialty food establishments like gelaterias and specialty  
9 bakeries that do not provide meal service.

10  
11           Section 2. The Planning Code is hereby amended by revising Sections 722 and 780.3,  
12 to read as follows:

13  
14           **SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

15           \* \* \* \*

16           (6) NORTH BEACH LIQUOR LICENSES FOR RESTAURANTS (Section 780.3): A  
17 Restaurant Use may only add ABC license types 02, 23, 41, 47, 49, 59 or 75 as a Conditional  
18 Use on the First Story if, in addition to the criteria set forth in Section 303, the Planning  
19 Commission finds that the Restaurant is operating as a Bona Fide Eating Place as defined in  
20 Section 102. Should a Restaurant fail to operate as a Bona Fide Eating Place for any length of  
21 time, the Conditional Use authorization shall be subject to immediate revocation. To verify that  
22 the Restaurant is continuing to operate as a Bona Fide Eating Place, records of the  
23 Restaurant's gross receipts, showing that a minimum of 51% of its gross receipts within the  
24 last year is from food sales prepared and sold to guests on the premises, shall be provided to  
25

1 the Department upon request. All records and information shall be submitted to the  
2 Department under penalty of perjury.

3

4 **SEC. 780.3. NORTH BEACH SPECIAL USE DISTRICT.**

5 \* \* \* \*

6 (c) Controls. The following provisions shall apply within such District:

7 \* \* \* \*

8 (2) Alcohol Licenses.

9 (A) A Restaurant may provide on-site beer, wine, and/or liquor sales  
10 for drinking on the premises (with ABC license types 02, 23, 41, 47, 49, 59 or 75) as a  
11 Conditional Use on the First Story if, in addition to the criteria set forth in Section 303, the  
12 Planning Commission finds, based on information submitted to the Department by the  
13 applicant, that the Restaurant is and will continue to operate as a Bona-Fide Eating Place as  
14 defined in Section 102. Should a Restaurant fail to operate as a Bona-Fide Eating Place for  
15 any length of time, the Conditional Use authorization shall be subject to immediate revocation  
16 per Planning Code Section 303(f). To verify that the Restaurant is continuing to operate as a  
17 Bona-Fide Eating Place, records of the Restaurant’s gross receipts, showing that a minimum  
18 of 51% of its gross receipts within the last year preceding the Department’s request is from  
19 food sales prepared and sold to guests on the premises, shall be provided to the Department  
20 upon request. All records and information shall be submitted to the Department under penalty  
21 of perjury.

22 (B) Subject to the requirements set forth in this subsection (B), a Limited  
23 Restaurant that existed as of March 1, 2020, may apply for a permit to convert to Restaurant use within  
24 three ~~three~~ six months after the effective date of the ordinance in Board File No. 200673.

25



# Exhibit B

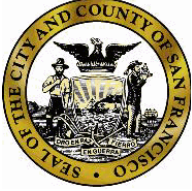
1           Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
5 additions, and Board amendment deletions in accordance with the “Note” that appears under  
6 the official title of the ordinance.

7 APPROVED AS TO FORM:  
8 DENNIS J. HERRERA, City Attorney

9 By:           /s/ Andrea Ruiz-Esquide            
10       ANDREA RUIZ-ESQUIDE  
11       Deputy City Attorney

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**City and County of San Francisco**  
**Tails**  
**Ordinance**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 200673

**Date Passed:** September 22, 2020

Ordinance amending the Planning Code to allow certain Limited Restaurants in the North Beach Special Use District to convert to Restaurants that may apply for liquor licenses; and affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

August 31, 2020 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

August 31, 2020 Land Use and Transportation Committee - CONTINUED AS AMENDED

September 14, 2020 Land Use and Transportation Committee - RECOMMENDED AS COMMITTEE REPORT

September 15, 2020 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

September 22, 2020 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee



**Exhibit B**

File No. 200673

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/22/2020 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo  
Clerk of the Board



London N. Breed  
Mayor

10.2.20

Date Approved



# SAN FRANCISCO PLANNING DEPARTMENT

## Notice of Planning Department Requirements #1

October 27, 2015

Shadi Zughayar  
Via Email: [shadisf2000@yahoo.com](mailto:shadisf2000@yahoo.com)

**RE: Zoning Referral (2015-012815MIS)**

**D.B.A.:** Alimento  
**Proposed Use:** Limited Restaurant  
**Address:** 507 Columbus Street  
**Assessor's Block/Lot:** 0117/005  
**Zoning District:** North Beach Neighborhood Commercial

This letter is in response to a Department of Public Health, Environmental Health Zoning Referral for Health Permit request that was received by the Planning Department. Such applications are referred to the Planning Department to ensure that the proposed use is consistent with San Francisco's zoning regulations.

At this time, the Planning Department has determined that a Conditional Use authorization is required for the change of use from a Specialty Grocery to a Limited Restaurant use at the proposed location due to the following reasons:

1. **North Beach Neighborhood Commercial Zoning District:** Planning Code Section 722.43 requires a Conditional Use Authorization for a Limited Restaurant use in the North Beach Neighborhood Commercial Zoning District.

Alternatively, a limited amount of Take-Out Food use is permitted as an accessory use to a Grocery Use per Section 703.2(b)(1)(C)(iii). Take-Out Food use is limited to 1/3 of the total floor area of the specialty grocery. This Take-Out Food use includes areas devoted to food preparation and excludes storage and waiting areas.

The plans submitted via fax on October 27, 2015 is not drawn to scale, and does not include area calculations. Since the existing grocery is 850 square feet, **the Take-Out Use is limited to 283 square feet.** To verify that the Take-Out Food Use is compliant with the Planning Code, please provide the following :

1. **Scaled Floor Plan.** A floor plan that is drawn to scale, and includes area of the Take-Out Uses (including the gelato and ice cream counter, deli, grab and go, and food prep area.

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## Exhibit C

NOPDR #1 sent to:  
Shadi Zughayar  
Shadisf2000@yahoo.com

October 27, 2015  
2015-0129815MIS  
507 Columbus Street

**Please submit an application for Conditional Use Authorization or a Scale Floor Plan to the Planning Department within thirty (30) days.** The application will be disapproved and sent back to the Department of Public Health for cancellation if we do not receive the requested information in this time. Please note that further comment may follow review of the requested information.

Planning Department Applications and Publications are available at the Planning Information Center, 1660 Mission Street, 1<sup>st</sup> floor or via the Department website: [www.sfplanning.org](http://www.sfplanning.org).

Please direct any questions concerning this notice to the assigned planner, **Carly Grob at (415) 575-9138 or [carly.grob@sfgov.org](mailto:carly.grob@sfgov.org)**. Contact the assigned planner to set up a meeting, should one be necessary. Please do not come to the Planning Department to discuss this notice without an appointment.

Thank you for your attention to this notice. An early and complete response on your part will help expedite our review of your application.

Encl:  
Conditional Use Authorization Application

CC: Department of Public Health, Environmental Health, Inspector K. Chan