

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

Appeal of  
THE JUG SHOP, \_\_\_\_\_ )  
Appellant(s) )  
vs. )  
DEPARTMENT OF PUBLIC HEALTH, \_\_\_\_\_ )  
Respondent

Appeal No. **23-040**

**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on August 30, 2023, 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 ISSUANCE, on August 18, 2023, to the Jug Shop, of a Notification of Tobacco Permit Denial (EHD ID No. 11992) (denial of a Retail Tobacco Sales Permit) at 1648 Pacific Avenue.

**APPLICATION NO. EHD ID No. 11992**

**FOR HEARING ON October 11, 2023**

Address of Appellant(s):

Address of Other Parties:

The Jug Shop, Appellant(s) c/o Michael Priolo, Agent for Appellant(s) 1648 Pacific Avenue San Francisco, CA 94109	N/A
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Date Filed: August 30, 2023

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

**PRELIMINARY STATEMENT FOR APPEAL NO. 23-040**

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I / We, **The Jug Shop**, hereby appeal the following departmental action: **Denial** of a **Retail Tobacco Sales Permit (EHD ID No. 11992)** by the **Department of Public Health** which was issued or became effective on: **August 18, 2023**, for the property located at: **1648 Pacific Avenue**.

**BRIEFING SCHEDULE:**

Appellant's Brief is due on or before: 4:30 p.m. on **September 21, 2023, (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 shall be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org), and [henry.lifton@sfcityatty.org](mailto:henry.lifton@sfcityatty.org).

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **October 5, 2023, (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 doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org), [michael@jugshop.com](mailto:michael@jugshop.com) and [dawn@jugshop.com](mailto:dawn@jugshop.com).

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, October 11, 2023, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely 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 changes 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 hard copy of the hearing 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 the Preliminary Statement of Appeal.

**Appellant or Agent:**

Signature: Via Email

Print Name: Michael Priolo, agent for appellant

The Jug Shop is appealing the denial for the tobacco permit at 1648 Pacific Ave. The Jug Shop is family owned legacy business established in 1965 selling fine wines, spirits and cigarettes. Due to the landlord of 1590 Pacific redeveloping the building, The Jug Shop was forced to move temporarily down the street to a location with no parking lot and reduced visibility. This was always a temporary move for The Jug Shop. They hope to be back at 1590 Pacific in October of 2023. Originally they thought that they would be able to return by June 2023 but the completion deadline for the building was delayed.

The Jug Shop moved to 1648 Pacific in June of 2021. We submitted the paper work to change the address for the regulatory licenses in 2021, but there was a glitch and the tobacco license never got processed. On 2-14-2323 we were notified that we did not have a valid tobacco license for 1648 Pacific Ave. . After several conference calls and emails with the SF health department, we were asked to resubmit the application. We mailed the new application and payment on 3-20-23. On 8-18-23 we received a denial letter. When The Jug Shop moved, Aaron Peskin created legislation to allow The Jug Shop to temporarily move to 1648 Pacific and not need new permits, see attached. The Jug Shop did not close the permit for the 1590 Pacific location, and we are not sure how it was closed. The loss of our ability to sell cigarettes will severely impact our alcohol sales because our cigarette customers will find another store that offers both cigarettes and alcohol.



City and County of San Francisco  
London N. Breed, Mayor

## San Francisco Department of Public Health

Grant Colfax, MD  
Director of Health

### Notification of Tobacco Permit Denial

**EFFECTIVE DATE:** August 18, 2023

**FACILITY NAME (DBA):** The Jug Shop

**FACILITY ADDRESS & ZIP:** 1648 Pacific Av, 94109

**LEGAL OWNER NAME:** The Jug Shop, Inc.

**RESPONSIBLE PERSON NAME:** Michael Priolo

**Mailing Address, City, State, Zip:** 1648 Pacific Ave, San Francisco, CA 94109

**EHD ID#:** 11992

**Supervisory District:** 3

**Number of Tobacco Permits:** 96

Dear The Jug Shop, Inc [c/o Michael Priolo]:

You are hereby notified that your application for San Francisco Department of Public Health ("SFDPH") Retail Tobacco Sales Permit at 1648 Pacific Avenue ("Establishment") has been **denied**, in accordance with Article 19H of the San Francisco Health Code ("SFHC") and the SFDPH Rules and Regulations for Retail Tobacco Sales, on the following basis:

Reportedly, the Establishment was formerly located at 1590 Pacific Ave and relocated to 1648 Pacific Ave because of a redevelopment project. The Owner/Operator, The Jug Shop, Inc., closed all San Francisco Treasurer and Tax Collector's licenses related to 1590 Pacific Ave, including the H-31 Tobacco License ("H-31 license") and the H-86 Bar License ("H-86"). Because the H-31 license was closed by the Owner/Operator, SFDPH staff closed the Tobacco Permit for the former location. The SFDPH Tobacco Permit does not transfer without exception.

On March 17, 2023, SFDPH received the Application for the Sale of Tobacco Products ("Tobacco Application") from The Jug Shop, Inc. ("Applicant"). On the Tobacco Application, the Applicant completed the Establishment Type as "Liquor Store". However, SFDPH records indicate that the Establishment also operates an on-site beer and wine tasting at 1648 Pacific Ave.

#### Reasons for Denial of Retail Tobacco Sales Permit:

1. According to SFHC 19H.4(f)(4), no new permit shall be issued if the Applicant will be located within 500 feet of the nearest point of the property line of an existing Establishment as measured by a straight line from the nearest point of the property line on which the Applicant's Establishment will be located to the nearest point of the property line of the existing Establishment. (Please see the attached map)  
**The Establishment is located within 500 feet of 2 other Establishments that have a valid SFDPH Retail Tobacco Sales Permit.**
2. According to SFHC 19H.4(f)(5) and 19H.5(a), no new permit shall be issued in any Supervisory District that has 45 or more Establishments with SFDPH Tobacco Sales Permits.  
**The Establishment is in Supervisory District 3 which currently has 96 valid SFDPH Retail Tobacco Sales Permits.**
3. According to SFHC 19H.4(f)(4), no new permit shall be issued if the Applicant will be located within 500 feet of the nearest point of the property line of an existing Establishment as measured by a

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The mission of the San Francisco Department of Public Health is to protect and promote the health of all San Franciscans.

We shall ~ Assess and research the health of the community ~ Develop and enforce health policy ~ Prevent disease and injury ~  
~ Educate the public and train health care providers ~ Provide quality, comprehensive, culturally-proficient health services ~ Ensure equal access to all

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grant.colfax@sfdph.org ♦ (415) 554-2526 ♦ 101 Grove Street, Room 308, San Francisco, CA 94102

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straight line from the nearest point of the property line on which the Applicant's Establishment will be located to the nearest point of the property line of the existing Establishment. (Please see the attached map)

**The Establishment is located within 500 feet of 2 other Establishments that have a valid SFDPH Retail Tobacco Sales Permit.**

4. According to SFHC 19H.4(f)(8), no new permit shall be issued for a location not previously occupied by a permitted Establishment.

**The Establishment is at a location that was not previously occupied by an Establishment with a SFDPH Retail Tobacco Permit.**

5. **Seismic Retrofitting Relocation.** According to SFHC 19H.6(d), a Retail Food Store Establishment or Tobacco Shop Permittee as of January 18, 2015, which must relocate from their Establishment due to seismic retrofitting under Chapter 34B of the Building Code may apply for a Tobacco Sales Permit for their Establishment. The Permittee's application is subject to further review including confirmation of seismic retrofitting by the Department of Building Inspection.

**According to Department of Building Inspection, the Applicant's former location at 1590 Pacific Ave is not listed on the soft-story seismic retrofitting requirement. Moreover, the seismic retrofitting relocation exception only applies to Retail Food Store Establishment or Tobacco Shop.**

**Additionally, we reviewed all six remaining exceptions under the SFHC Section 19H.6, where SFDPH determined that the Applicant does not qualify for any exception.** If you believe that you do qualify for one of the below exceptions, you are able to submit a new tobacco application with the \$120 (one hundred twenty dollars) nonrefundable processing fee.

#### SFHC Section 19H.6. Exceptions for Certain New Permits

1. **New Buyer of a Retail Food Store Establishment or Tobacco Shop.** The owner of a Retail Food Store Establishment or Tobacco Shop who holds a SFDPH Retail Tobacco Sales permit and has been in business at the location continuously from January 18, 2010 through January 18, 2015, submits an affidavit to the Director that attests to (a) ownership of the business at the same location; (b) under the same SFDPH Tobacco Sales permit for five (5) consecutive years immediately preceding submission of the affidavit; and (c) the owner is in negotiations with a specific buyer for the Retail Food Store Establishment or Tobacco Shop at that location, then that buyer ("New Buyer") may apply for, and the Director may issue, a Tobacco Sales permit to the New Buyer for the Retail Food Store Establishment or Tobacco Shop at that location, on a one-time basis.

**There is no record of a SFDPH Tobacco Permit being issued at the Establishment's 1648 Pacific Ave location. Therefore, the Applicant, The Jug Shop, is not a New Buyer in direct negotiation with a previous owner with a SFDPH Tobacco Permit at the same location.**

2. **Subsequent Buyer of a Retail Food Store or Tobacco Shop.** A Retail Food Store Establishment or Tobacco Shop New Buyer may submit an affidavit to the Director attesting to: (a) their ownership of the Establishment; (b) under the same Tobacco Sales Permit; and (c) for at least ten (10) years. Upon submission of the New Buyer's affidavit, a Subsequent Buyer may apply for a Tobacco Sales Permit for the New Buyer's Retail Food Store Establishment or Tobacco Shop. A Subsequent Buyer applying for a new Tobacco Sales Permit must acquire a 100% ownership interest in the Establishment.

**There is no record of a SFDPH Tobacco Permit being issued at the Establishment's 1648 Pacific Ave location. Moreover, the Applicant, The Jug Shop, is not a Subsequent Buyer in direct negotiation with a New Buyer with a SFDPH Tobacco Permit at the same location.**

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3. **Child of the Permit Holder (“Permittee”).** A child of a Retail Food Store Establishment or Tobacco Shop Permittee may apply for a Tobacco Sales Permit for their parent’s Establishment if their parent holds a Tobacco Sales Permit as of January 2015.  
**There is no record of a SFDPH Tobacco Permit being issued at the Establishment’s 1648 Pacific Ave location.**
  
  4. **New Buyer of a Tavern.** A Tavern Permittee since January 18, 2010, that seeks to demonstrate previous compliance with Section 1009.23(d) of Article 19F of SFHC (prohibition against smoking in enclosed areas), shall submit a copy of their previously approved SFDPH application which establishes that an area within the Tavern is a historically compliant semi-enclosed smoking room. Additionally, the Tavern Permittee may submit an affidavit to the Director attesting to: (a) their ownership of the Establishment; (b) under the same Tobacco Sale Permit; (c) for at least five (5) consecutive years immediately before the submission of the affidavit; and (d) Direct Negotiations. Upon submission of the Tavern Permittee’s affidavit, a New Buyer may apply for a Tobacco Sales Permit for the Permittee’s Tavern.  
**The Establishment is not a Tavern in compliance with SFHC Section 1009.23(d) and there is no record of a SFDPH Tobacco Permit being issued at the Establishment’s 1648 Pacific Ave location.**
  
  5. **Subsequent Buyer of a Tavern.** A New Buyer of a Tavern may submit an affidavit to the Director attesting to: (a) their continuous ownership of the Establishment; (b) under the same Tobacco Sales Permit; and (c) for at least ten (10) years. Upon submission of a New Buyer’s affidavit, a Subsequent Buyer may apply for a Tobacco Sales Permit for the New Buyer’s Tavern. A Subsequent Buyer applying for a new Tobacco Sales Permit must acquire 100% ownership of the Establishment.  
**The Establishment is not a Tavern in compliance with SFHC Section 1009.23(d) and there is no record of a SFDPH Tobacco Permit being issued at the Establishment’s 1648 Pacific Ave location.**
  
  6. **Death or Divorce.** A spouse or domestic partner may acquire the ownership from the Permittee of an Establishment through the death or divorce. The spouse or domestic partner applying for a new Tobacco Sales Permit must have a 100% ownership interest in the Establishment.  
**There is no record of a SFDPH Tobacco Permit being issued at the Establishment’s 1648 Pacific Ave location.**

**Appeal Process.** You have the right to appeal this decision to deny your application for a tobacco retailer permit. *(Pursuant to Section 19H.24 and Article 1 of the San Francisco Business and Tax Regulations Code). Appeals must be filed in person with the San Francisco Board of Appeals within 15 calendar days of the date of this notice. The Board of Appeals is located at: 49 South Van Ness Ave., Suite 1475 (Telephone #: (628) 652-1150).*

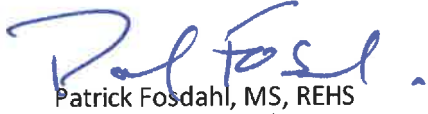
**The failure to file an appeal will waive your right to a hearing and shall deem SFDPH decision to deny your tobacco permit as final.**

**Cease and Desist All Tobacco Products Sales.** Immediately discontinue the sales of tobacco products, including but not limited to, cigarettes, cigars, cigarillos, tobacco shisha, electronic smoking devices and juices, smokeless tobacco, and nicotine-containing products. No person may engage in or allow tobacco sales in any establishment without a valid SFDPH tobacco sales permit. *(Pursuant to SFHC §§ 19H.3, 19N.3, and 19N.5(a)).*

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**Imposition of Administrative Fines and Penalties.** Selling tobacco products without a valid permit may result in an administrative penalty of up to five hundred dollars (\$500.00) per day for each day that tobacco product sales occur without a valid permit. *(Pursuant to SFHC §§ 19H.17(a), 19H.20, 19N.3(b)).*

Sincerely,



Patrick Fosdahl, MS, REHS  
Director of Environmental Health  
Environmental Health Branch  
SFDPH – Population Health Division

Cc: SFDPH – CHEP Branch  
SFDPH – EHB – Health District

## Longaway, Alec (BOA)

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**From:** DPH-dawn  
**Sent:** Wednesday, August 30, 2023 11:57 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** FW: Permit to Sale Tobacco Products Denial Letter  
**Attachments:** Denial Letter-SFDPH Tobacco Permit.pdf  
  
**Importance:** High

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

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**From:** Young, Janine (DPH) <janine.young@sfdph.org>  
**Sent:** Friday, August 18, 2023 2:20 PM  
**To:** Michael Priolo <Michael@jugshop.com>; Dawn McHugh <Dawn@jugshop.com>  
**Cc:** Rodriguez, Maribel (DPH) <maribel.rodriguez@sfdph.org>  
**Subject:** Permit to Sale Tobacco Products Denial Letter  
**Importance:** High

Dear The Jug Shop Inc:

Your application for a San Francisco Department of Public Health (SFDPH) Tobacco Permit has been **denied** for The Jug Shop Inc located at 1648 Pacific Avenue.

Attached to this email is the Notification of Tobacco Permit Denial for The Jug Shop Inc located at 1648 Pacific Avenue. Please read all three pages of this document carefully. Also attached to this email is the Tobacco Permit Density Map regarding this location.

The attached documents have also been mailed to the following locations via Certified Mail through the United States Postal Service (USPS):

The Jug Shop, Inc. at 1648 Pacific Avenue

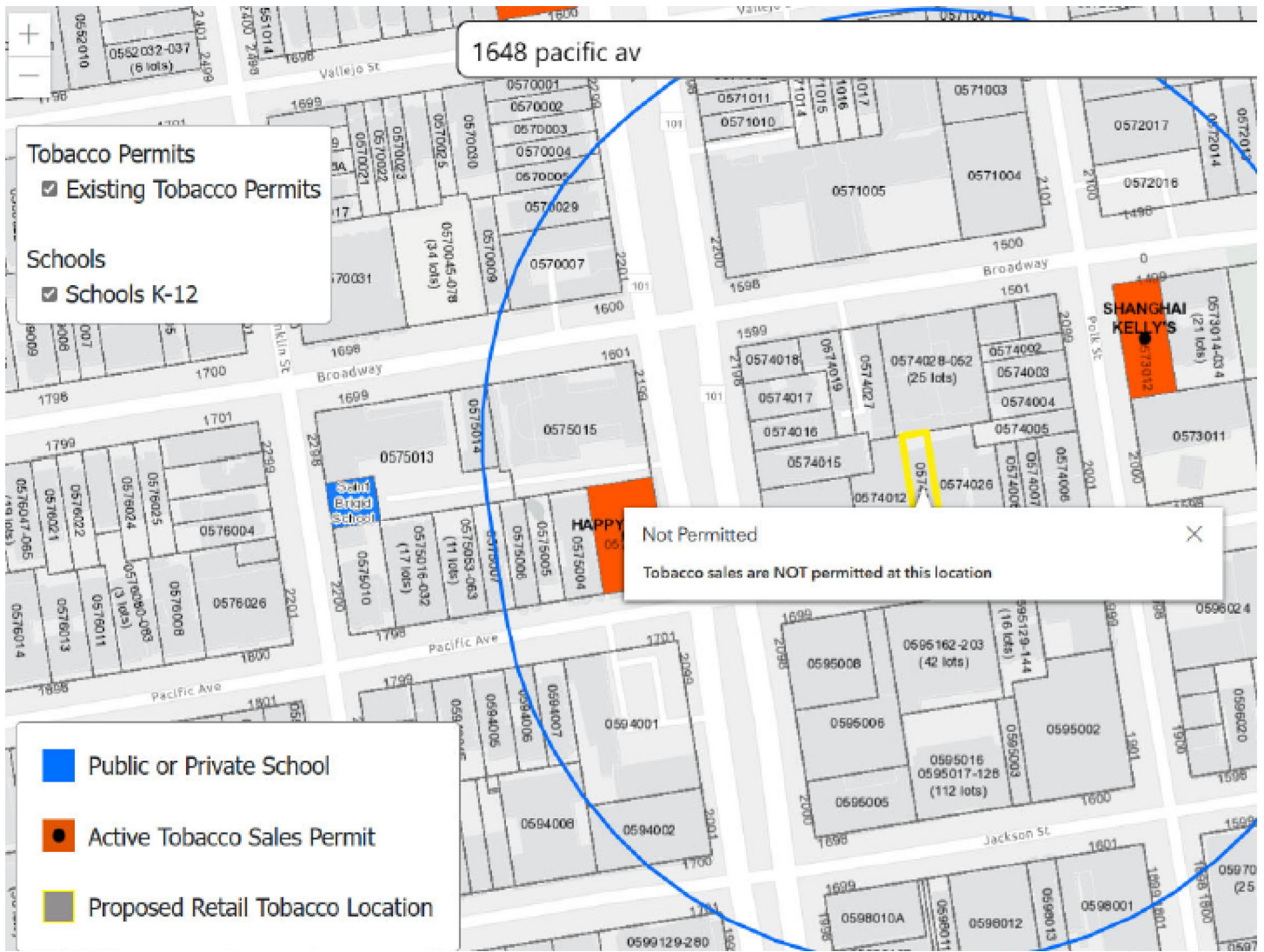
You have the right to appeal this decision to deny your application for a tobacco retailer permit. Appeals must be filed with the San Francisco Board of Appeals within 15 calendar days of the date of this notice.

The San Francisco Board of Appeals is located at 49 South Van Ness Ave., Suite 1475 (Telephone ff:(628) 652-1150).

The failure to file an appeal will waive your right to a hearing and shall deem SFDPH decision to deny your tobacco permit as final.

If you have any questions, please feel free to contact me at (415) 252-3903 or [janine.young@sfdph.org](mailto:janine.young@sfdph.org)





Sincerely,

Janine Young, Senior Health Inspector  
Retail Tobacco and Smoking Program

Office or Field Hours: Tuesday - Friday, 7:30 AM - 6 PM

Environmental Health Branch

Population Health Division, San Francisco Department of Public

49 South Van Ness Ave, Suite 600 | San Francisco, CA 94103

415.252.3903 (direct)

415.252.3984 (fax)

## REACH -for- Results, Equity, and Accountability for Community Health

Our Mission: Drawing upon community wisdom and science, we support and develop evidence-based policies, practices, and partnerships that protect and promote health, prevent disease and injury, and create sustainable environments and resilient communities.

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APPELLANT DID NOT SUBMIT A BRIEF

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

1 SAN FRANCISCO

2 BOARD OF APPEALS

3 49 South Van Ness Avenue, Suite 1475  
4 San Francisco, CA 94103

5 THE JUG SHOP,

6 Appellant,

7 vs.

8 DEPARTMENT OF PUBLIC HEALTH,

9 Respondent.

Appeal No. 23-040

**RESPONDENT’S OPPOSITION BRIEF**

Hearing Date: October 11, 2023

Time: 5:00 p.m.

Place: City Hall, Room 416

10  
11  
12 **INTRODUCTION**

13 In order to promote the public health and ensure that San Francisco businesses operate in  
14 compliance with applicable laws regulating tobacco, Respondent, the Department of Public Health  
15 (“Department”), is charged with evaluating Tobacco Sales permit applications, conducting thorough  
16 investigations to ensure that business operators are qualified to operate Tobacco Sales establishments,  
17 and issuing Tobacco Sales permits when such establishments meet all requirements in Article 19H of  
18 the San Francisco Health Code (“Health Code”).

19 In the instant appeal, The Jug Shop, Inc. (“Appellant”) applied for a Tobacco Sales permit for a  
20 liquor store located at 1648 Pacific Avenue, San Francisco, California 94109. The Department denied  
21 Appellant’s permit application because the Health Code prohibits the Department from issuing a  
22 Tobacco Sales permit to an establishment that, like Appellant’s, is located within 500 feet of another  
23 permitted tobacco sales establishment, is a location that was not previously occupied by a permitted  
24 tobacco establishment, and exceeds the Density Cap for the applicable supervisorial district. (Health  
25 Code § 19H.4(f).) Neither the Department nor the Board have discretion to issue a permit. For these  
26 reasons, the Board must uphold the Department’s denial of the Tobacco Sales permit.

## FACTUAL BACKGROUND

1  
2 On February 26, 2008, the Department issued a Tobacco Sales permit to Appellant to sell  
3 tobacco products at the property located at 1590 Pacific Avenue. (*See* Declaration of Janine Young in  
4 Support of Respondent DPH’s Opposition Brief [hereinafter “Young Decl.”] ¶ 3; Ex. A.) At some  
5 point, Appellant moved locations to 1648 Pacific Avenue due to redevelopment work occurring in and  
6 around the permitted location.

7 On March 17, 2023, Appellant applied for a new Tobacco Sales permit at 1648 Pacific  
8 Avenue. (*Id.* ¶ 4; Ex. B.) The Department’s Senior Health Inspector, Janine Young, examined  
9 Appellant’s eligibility for a Tobacco Sales permit, including by reviewing the Department’s records,  
10 as well as records from the City Office of the Treasurer and Tax Collector, the California Department  
11 of Tax and Fee Administration, and the California Secretary of State. (*Id.* ¶ 5.) Inspector Young also  
12 determined that Appellant is located in Supervisorial District 3 and that the District had 96  
13 establishments with a Tobacco Sales permit. (*Ibid.*) Inspector Young also consulted the San  
14 Francisco Planning Department’s GIS tool to determine whether 1648 Pacific Avenue is located  
15 within 500 feet of another tobacco sales establishment or school. (*Id.* ¶ 6.) The San Francisco  
16 Planning Department map disclosed that 1648 Pacific Avenue is within 500 feet of two permitted  
17 tobacco establishments, Happy Donuts located at 2101 Van Ness Avenue and The Buccaneer located  
18 at 2155 Polk Street. (*Id.*, Ex. C.) Inspector Young also determined that no permitted tobacco  
19 establishment had operated from 1648 Pacific Avenue and that no exception applied. (*Id.* ¶¶ 7–9.)

20 On August 18, 2023, the Director of the Department’s Environmental Health Branch issued a  
21 Notification of Tobacco Permit Denial to Appellant. (*Id.* ¶ 10; Ex. F.) The Department denied  
22 Appellant’s application for a Tobacco Sales permit because Health Code section 19H.4(f) bars  
23 issuance of the permit since Appellant’s establishment is located within 500 feet of two establishments  
24 with a valid Tobacco Sales permit, 1648 Pacific Avenue was not previously occupied by a permitted  
25 tobacco establishment, and there were more than 45 permitted establishments in the supervisorial  
26 district. (*Ibid.*) Appellant did not meet any applicable exceptions under section 19H.6. (*Ibid.*)

27 On August 30, 2023 Appellant filed a notice of appeal (“Appeal Letter”).  
28

1 **ARGUMENT**

2 **I. The Department Lacks the Authority to Issue Appellant a Tobacco Sales Permit Under**  
3 **Article 19H.**

4 A Tobacco Sales permit may not be transferred to a new location. (Health Code § 19H.8.) As  
5 set forth in Business and Tax Regulations Code Section 77, “no license granted or issued under any of  
6 the provisions of any ordinance shall be in any manner assignable or transferable, or authorize any  
7 person other than is therein mentioned or named to do business or authorize any other business than is  
8 therein mentioned or named to be done or transacted, at any place other than is therein mentioned or  
9 named.”

10 Here, Appellant disclosed in its application that it moved its business from 1590 Pacific  
11 Avenue to 1648 Pacific Avenue and applied for a Tobacco Sales permit for a new location at 1648  
12 Pacific Avenue. Appellant cannot, as a matter of law, transfer its existing Tobacco Sales permit from  
13 1590 Pacific Avenue to 1648 Pacific Avenue. Accordingly, Article 19H required the Department to  
14 evaluate Appellant’s application under the criteria for a new Tobacco Sales permit.

15 Health Code Section 19H.4(f) lays out eight separate grounds for which the Department must  
16 deny a new permit. The Department determined that three separate provisions in subsection (f)  
17 required denial of a new permit.

18 **A. Appellant’s Place of Business is Located in a Supervisorial District with more than**  
19 **45 Establishments with Tobacco Sales Permits.**

20 Health Code section 19H.4(f)(5) states that “[n]o new permit shall be issued in any  
21 supervisorial district that has 45 or more Establishments with Tobacco Sales permits.” (Health Code  
22 § 19H.4(f)(5).) Here, the Department determined that, at the time Appellant submitted its March 2023  
23 application, there were 96 establishments with Tobacco Sales permits in Supervisorial District 3, the  
24 district in which Appellant is located. (Young Decl. ¶ 5.) The Density Cap allows only forty-five  
25 permitted Tobacco Sales Establishments in each supervisorial district and District 3 well exceeds this  
26 number. (Health Code § 19H.5(a).) Appellant has not challenged this finding.

1           **B.     Appellant’s Place of Business is Within 500 Feet of Two Tobacco Sales**  
2           **Establishments with Valid Tobacco Sales Permits.**

3           Health Code section 19H.4(f)(4) provides: “No new permit shall be issued if the Applicant will  
4 be located within 500 feet of the nearest point of the property line of an existing Establishment . . . .”  
5 (Health Code § 19H.4(f)(4).) The San Francisco Planning Department’s map confirmed that there are  
6 two permitted tobacco establishments, Happy Donuts located at 2101 Van Ness Avenue and The  
7 Buccaneer located at 2155 Polk Street. (Young Decl. ¶¶ 6, 8; Ex. C.) Appellant has not challenged  
8 this finding.

9           **C.     1648 Pacific Avenue Has Not Previously been Occupied by a Permitted**  
10           **Establishment**

11           Health Code section 19H.4(f)(8) provides: “No new permit shall be issued for a location not  
12 previously occupied by a permitted Establishment.” (Health Code § 19H.4(f)(8).) According to the  
13 Department’s records, no tobacco establishment has ever been permitted at 1648 Pacific Avenue.  
14 (Young Decl. ¶ 7.) Appellant has not challenged this finding.

15           **D.     Appellant Does Not Qualify for Any Applicable Exception Under Section 19H.6.**

16           Section 19H.6 outlines certain one-time permit exceptions for new Tobacco Sales permits.  
17 (See Health Code § 19H.6.) These exceptions are applicable only to certain establishments, such as  
18 retail food store establishments as defined in the Planning Code or Tobacco Shops, which are tobacco  
19 retailers whose principal business is selling tobacco products. (See, e.g., *id.* § 19H.6(a); see also  
20 § 19H.2 [definition of “Tobacco Shop”].) And, the Director has discretion to issue a permit under any  
21 applicable exception. (See § 19H.6 [“[T]he Director may issue . . . .”].) Finally, the exceptions apply  
22 only to denials based on subsections (f)(3)–(5), (7) of Section 19H.4 and Section 19H.5, but not to  
23 denials based on subsections (f)(1)–(2), (6), and (8) of Section 19H.4. (*Ibid.*)

24           Here, since the Department denied the permit application based on Section 19H.4(f)(8),  
25 Appellant cannot obtain an exception under Section 19H.6, which is only available for denials based  
26 on subsections (f)(3), (4), (5), and (7) and Section 19H.5. Nor does Appellant argue that any  
27 exception applies. Even if Appellant had sought such an exception, none applies because there is no  
28 change of ownership and Inspector Young contacted the S.F. Department of Building Inspection to



1 confirm the relocation was not due to seismic retrofitting under Chapter 34B of the Building Code.  
2 (*See Young Decl.* ¶ 8; Ex. D.)

3 Since no exception applies, the Director is bound by Health Code section 19H.4(f)'s  
4 requirement to deny the Tobacco Sales permit since three separate provisions required such denial.

5 **II. Appellant's Appeal Letter Does Not Merit Overturning the Department's Denial.**

6 Appellant's Appeal Letter offers two reasons to overturn the Department's denial of the permit  
7 application; neither are meritorious. First, Appellant contends that it submitted paperwork to change  
8 the address for regulatory licenses in 2021, but there was some "glitch and the tobacco license never  
9 got processed." (Appellant Letter, at 3.) As explained above, permittees cannot transfer a tobacco  
10 permit to a new location. (Health Code § 19H.8; Bus. & Tax Regs. Code § 77.)

11 Second, Appellant argues that the Board of Supervisors enacted legislation that allowed  
12 Appellant to temporarily move to 1648 Pacific and not need new permits. In May 2021, the Board  
13 enacted Ordinance No. 76-21 that allowed existing liquor stores in the Polk Street Neighborhood  
14 Commercial District to temporarily relocate within the commercial district. The ordinance removed  
15 the requirement for conditional use authorization for temporary relocation of a liquor store and  
16 determined that relocation is not considered an abandonment of the original liquor stores use under  
17 Planning Code Section 178. (Planning Code § 723, n.9.) By its own terms, Ordinance No. 76-21  
18 applied only to conditional use under the Planning Code and in no way discussed or applied to tobacco  
19 permits issued under the Health Code. Accordingly, the ordinance cannot serve as a basis to waive  
20 Article 19H.

21 In sum, the Board of Appeals is bound by the same laws of the City and County of San  
22 Francisco as the Department and may not grant a permit that is not otherwise authorized by the  
23 Municipal Code. (*City & Cnty. of San Francisco v. Bd. of Permit Appeals* (1989) 207 Cal.App.3d  
24 1099, 1109–10 ["[T]he board is not a lawmaking body and has no power to disregard or amend the  
25 ordinances which define its authority."].) While the Department is cognizant of the burden on small  
26 businesses to comply with the requirements of the Health Code, the Department lacks discretion in this  
27 instance. Moreover, the Board of Supervisors has found and declared that tobacco use is the leading  
28 cause of preventable death in the United States. (Health Code § 19H.1(a).) Higher tobacco retail

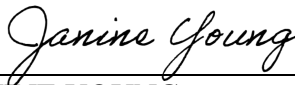
1 density encourages smoking by making cigarettes more accessible and available, by normalizing  
2 tobacco use, and through increasing environmental cues to smoke. (*Id.* § 19H(i).) Accordingly, the  
3 Board found that “it is in the City’s interest to reduce the disproportionate exposure to tobacco outlets  
4 that exists among supervisorial districts and to minimize exposure in all supervisorial districts by  
5 limiting the number of new tobacco permits issued.” (*Id.* § 19H.1(k).)

6 **CONCLUSION**

7 The Department therefore respectfully requests that the Board uphold the Department’s denial  
8 of The Jug Shop, Inc.’s application for a Tobacco Sales permit at 1648 Pacific Avenue.

9  
10 Dated: October 4, 2023

11 DEPARTMENT OF PUBLIC HEALTH

12  
13 By:   
14 JANINE YOUNG  
15 Senior Health Inspector  
16 Department of Public Health  
17  
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1 **PROOF OF SERVICE**

2 I, LILY KANG, declare as follows:

3 I am a citizen of the United States, over the age of eighteen years and not a party to the above-  
4 entitled action. I am employed at the City Attorney’s Office of San Francisco, Fox Plaza Building,  
1390 Market Street, Fifth Floor, San Francisco, CA 94102.

5 On October 5, 2023, I served the following document(s):

6 **RESPONDENT’S OPPOSITION BRIEF**

7 on the following persons at the locations specified:

8 The Jug Shop, Appellant(s)  
9 Michael Priolo, Agent for Appellant(s)  
10 1648 Pacific Avenue  
11 San Francisco, CA 94109  
michael@jugshop.com  
dawn@jugshop.com

12 in the manner indicated below:

13  **BY ELECTRONIC MAIL:** Based on a court order or an agreement of the parties to accept electronic  
14 service, I caused the documents to be sent to the person(s) at the electronic service address(es) listed above. Such  
document(s) were transmitted *via* electronic mail from the electronic address: lily.kang@sfcityatty.org  in  
15 portable document format ("PDF").

16 I declare under penalty of perjury pursuant to the laws of the State of California that the  
foregoing is true and correct.

17 Executed October 5, 2023, at San Francisco, California.

18 *Lily Kang*

19 \_\_\_\_\_  
20 LILY KANG

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SAN FRANCISCO

BOARD OF APPEALS

49 South Van Ness Avenue, Suite 1475  
San Francisco, CA 94103

THE JUG SHOP,

Appellant,

vs.

DEPARTMENT OF PUBLIC HEALTH,

Respondent.

Appeal No. 23-040

**DECLARATION OF JANINE YOUNG IN  
SUPPORT OF RESPONDENT'S OPPOSITION  
BRIEF**

Hearing Date: October 11, 2023  
Time: 5:00 p.m.  
Place: City Hall, Room 416

I, JANINE YOUNG, declare as follows:

1. I have personal knowledge of the facts stated in this declaration, and if called upon to testify, I could and would testify competently as the truth of the facts stated herein.
2. I am an Environmental Health Senior Inspector at the San Francisco Department of Public Health's Environmental Health Branch (the "Department"). I work in the Department's Retail Tobacco and Smoking Program, where I review and process applications for Sale of Tobacco Product Permits and conduct inspections to confirm compliance with Article 19H of the San Francisco Health Code.
3. On February 26, 2008, the Department issued a Tobacco Sales permit to The Jug Shop, Inc. ("Appellant") located at 1590 Pacific Avenue, San Francisco, California 94109. A true and correct copy of the Tobacco Sales permit for 1590 Pacific Avenue is attached hereto as **Exhibit A**.
4. On March 17, 2023, Appellant submitted an application for a Tobacco Sales permit to sell tobacco products at a liquor store located at 1648 Pacific Avenue. A true and correct copy of the application is attached hereto as **Exhibit B**.

1           5.       I evaluated Appellant’s application for a Tobacco Sales permit at 1648 Pacific Avenue.  
2 I personally investigated Appellant’s eligibility for a Tobacco Sales Permit through a review of  
3 Department files and other the agencies including files from the City & County of San Francisco’s  
4 Office of the Treasurer and Tax Collector, California Department of Tax and Fee Administration, and  
5 California Secretary of State. I determined that Applicant had applied for a new location  
6 notwithstanding its previously issued Tobacco Sales permit for 1590 Pacific Avenue. I also  
7 determined that the permit must be denied based on the City’s “Density Cap” law. Under the “Density  
8 Cap” law enacted by the Board of Supervisors in December 2014, the Department may not issue new  
9 tobacco sales permits to businesses that are located in supervisorial districts that have 45 or more  
10 existing permitted establishments. I determined that there were 96 establishments with Tobacco Sales  
11 permits in Supervisorial District 3, where 1648 Pacific Avenue is located.

12           6.       I searched the San Francisco Planning GIS tool available at  
13 <https://sfplanninggis.org/tobaccopermits/> to determine that 1648 Pacific Avenue was within 500 feet  
14 of two permitted tobacco establishments, Happy Donut located at 2101 Van Ness Avenue and  
15 Shanghai Kelly’s located at 2064 Polk Street. Article 19H also does not allow a permit to be issued to  
16 businesses that are located within 500 feet of another permitted tobacco sales establishment. A true  
17 and correct copy of the Retail Tobacco Sales Permit Density Map is attached hereto as **Exhibit C**.

18           7.       I reviewed the Department’s records to determine that 1648 Pacific Avenue has never  
19 been previously occupied by a permitted tobacco establishment.

20           8.       I also evaluated whether any exceptions to the “Density Law” rules (19H.6(a)-(g))  
21 applied and determined that Appellant did not qualify. I contacted the Department of Building  
22 Inspection to determine whether 1590 Pacific Avenue was undergoing soft-story seismic retrofit under  
23 Chapter 34B of the Building Code. Ken Hu from the Department of Building Inspection informed me  
24 that 1590 Pacific Avenue was not subject to the soft story seismic retrofit program. A true and correct  
25 copy of emails of our conversation is attached hereto as **Exhibit D**.

26           9.       I processed Appellant’s application using the Department’s Tobacco Application  
27 Review Checklist, a true and correct copy of which is attached hereto as **Exhibit E**. That checklist  
28

1 demonstrates that Appellant does not meet all of the Density Law requirements since Appellant is in a  
2 Supervisorial District with at least 45 permitted establishments and within 500 feet of two permitted  
3 establishments. I used the Retail Tobacco Sales Permit Density Map, included in Exhibit C, to help  
4 determine the proximity of other permitted establishments.

5           10. Because Appellant moved locations and Tobacco Sales permits are non-transferrable,  
6 Appellant was still considered a new applicant requiring a new Tobacco Sales permit. On August 18,  
7 2023, the Department issued a Notification of Tobacco Permit Denial to Appellant because Appellant  
8 was disqualified under the Density Cap provisions and no exception applied. A true and correct copy  
9 of the denial letter is attached hereto as **Exhibit F**.

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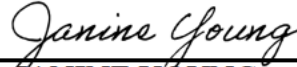
25 ///

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1 I declare under penalty of perjury and the laws of the State of California that the foregoing is  
2 true and correct and that this document was executed on the 3rd of October 2023, in San Francisco,  
3 California.

4  
5   
6 

---

 JANINE YOUNG

# EXHIBIT “A”



# PERMIT TO OPERATE

## AND CERTIFICATE OF SANITARY INSPECTION

Issued according to the provisions of the San Francisco Health Code

T- 01801

AUTHORIZING conduct of the following class of  
**TOBACCO PRODUCT SALES ESTABLISHMENT**

ISSUED ON:

February 26, 2008

OPERATOR: The Jug Shop Inc.  
Phil Priolo and Dante Ravetti

DBA: The Jug Shop

ADDRESS: 1590 Pacific Avenue  
San Francisco, CA 94109

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.

### DEPARTMENT OF PUBLIC HEALTH

Environmental Health Section  
City & County of San Francisco

H31-001773  
4/28/08

DUPPLICATE

\_\_\_\_\_  
Inspector

\_\_\_\_\_  
Director of Consumer Protection Programs

*Wor O. Mason*  
\_\_\_\_\_  
Principal Inspector

\_\_\_\_\_  
Director of Public Health

# EXHIBIT “B”



City and County of San Francisco  
 Department of Public Health Population Health Division  
 Environmental Health Branch  
 49 South Van Ness Ave. Suite 600 San Francisco, CA 94103  
 (415) 252-3800  
<https://www.sfdph.org/dph/EH/Tobacco/default.asp>



## Application for the Sale of Tobacco Products

<b>Application Date:</b> 3-17-23		<b>First Date of Tobacco Sales:</b> 8-1-21	
<b>Business Information</b> Official correspondence from SFDPH will be sent to the mailing address on record with the San Francisco Office of the Treasurer and Tax Collector (SFTTX)			
<b>Business Name (DBA):</b> The Jug Shop		<b>San Francisco Business Account # (BAN):</b> 0015092	
<b>Business Address including zip code:</b> 1648 Pacific Ave. San Francisco CA 94109		<b>CDTFA Cigarette Retailer License #:</b> 241716544 <i>gjs</i>	
<b>Establishment Type:</b> a) <input type="checkbox"/> Grocery/Market    b) <input checked="" type="checkbox"/> Liquor Store    c) <input type="checkbox"/> Tobacco/Vape Shop d) <input type="checkbox"/> Gas/Service Station    e) <input type="checkbox"/> Restaurant/Bar    f) <input type="checkbox"/> Gift/Novelty Store    g) <input type="checkbox"/> Other _____			
<b>Legal Owner Information</b> Legal Owner Structure: <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Other _____			
<b>Legal Owner Name:</b> Michael Priolo, The Jug Shop		<b>Legal Owner Email Address:</b> michael@jugshop.com	
<b>Legal Owner Address including zip code:</b> 1648 Pacific Ave. SF CA 94109		<b>Legal Owner Phone Number:</b> 707-327-8813	
<b>List all Owners or Principal Officers and Ownership Percentages:</b> (Print Name(s)) Attach additional sheets if necessary			
Philip Priolo	40 %	Dale Jordan & Katie Bimrose	33.3%
Michael Priolo	10 %	Denise McKinley	16.6%
<b>Main Contact's Name:</b> Michael Priolo		<input checked="" type="checkbox"/> Same as Legal Owner <input type="checkbox"/> Manager <input type="checkbox"/> Legal Agent <input type="checkbox"/> Other _____	
<b>Main Contact's Email:</b> michael@jugshop.com		<b>Main Contact's Phone Number:</b> 707-327-8813	
<b>Incomplete applications cannot be processed and will be returned to the Applicant.</b> The application will be deemed abandoned if the Applicant fails to submit a complete and accurate application with all required documentation within 30 days from the date the application is returned to the Applicant. After 30 days, the Applicant will be required to submit a new application and non-refundable processing fee.			
<b>Signature of Applicant(s): All Owners and Corporate Officers must sign. Attach additional sheets if necessary.</b>			
I/We declare under penalty of perjury the information on this application and in other materials submitted in support of this application are true and correct. I/We hereby consent to all necessary inspections made pursuant to the SF Health Code and incidental to the issuance of any exception, permit, and operation of this business. I/We understand that once submitted, the application processing fee is nonrefundable. I/We acknowledge that I am/we are responsible for complying with all local, state, and federal laws, codes, and rules and regulations relating to tobacco products, tobacco control, and the prohibition of smoking in enclosed establishments and certain unenclosed areas. If SFDPH staff discovers false or misleading information, I/we understand that the tobacco permit may be denied or revoked by SFDPH. <b>I/We may not sell any tobacco products, including but not limited to, cigarettes, electronic nicotine delivery systems, and nicotine-containing products without first obtaining a valid SFDPH Tobacco Sales Permit.</b> I/We understand selling tobacco products without a valid SFDPH permit may result in the denial of a SFDPH Tobacco Sales Permit.			
X <i>Michael Priolo</i>	Date: 3-18-23	X _____	Date: _____
X _____	Date: _____	X _____	Date: _____



City and County of San Francisco  
 Department of Public Health Population Health Division  
 Environmental Health Branch  
 49 S Van Ness Ave. Suite 600 San Francisco, CA 94103  
 (415) 252-3800  
<https://www.sfdph.org/dph/EH/Tobacco/default.asp>

POPULATION HEALTH DIVISION  
 SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH

P91

**Application for the Sale of Tobacco Products**

Application Date: 8-1-21		First Date of Tobacco Sales: 8-1-21	
<b>Business Information</b> Official correspondence from SFDPH will be sent to the mailing address on record with the San Francisco Office of the Treasurer and Tax Collector (SFTTX)			
Business Name (DBA): The Jug Shop, Inc.		San Francisco Business Account # (BAN): 0015092	
Business Address including zip code: 1648 Pacific Ave. San Francisco CA 94109		CDTA Cigarette Retailer License #: 241716544	
<b>Establishment Type:</b> a) <input type="checkbox"/> Grocery/Market b) <input checked="" type="checkbox"/> Liquor Store c) <input type="checkbox"/> Tobacco/Vape Shop d) <input type="checkbox"/> Gas/Service Station e) <input type="checkbox"/> Restaurant/Bar f) <input type="checkbox"/> Gift/Novelty Store g) <input type="checkbox"/> Other			
<b>Legal Owner Information</b> Legal Owner Structure: <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Other			
Legal Owner Name: The Jug Shop, Inc.		Legal Owner Email Address: michael@jugshop.com	
Legal Owner Address including zip code: 1648 Pacific Ave. San Francisco CA 94109		Legal Owner Phone Number: 415-885-2922	
List all Owners or Principal Officers and Ownership Percentages: (Print Name(s)) Attach additional sheets if necessary ①			
Phil Priolo 40%		Denise McKinley 16.66%	
Michael Priolo 10%		Dale Jordan 16.67%	
<b>Main Contact's Name:</b> Michael Priolo <input checked="" type="checkbox"/> Same as Legal Owner <input type="checkbox"/> Manager <input type="checkbox"/> Legal Agent <input type="checkbox"/> Other			
Main Contact's Email: michael@jugshop.com		Main Contact's Phone Number: 707-327-8813	
Incomplete applications cannot be processed and will be returned to the Applicant. The application will be deemed abandoned if the Applicant fails to submit a complete and accurate application with all required documentation within 30 days from the date the application is returned to the Applicant. After 30 days, the Applicant will be required to submit a new application and non-refundable processing fee.			
<b>Signature of Applicant(s): All Owners and Corporate Officers must sign. Attach additional sheets if necessary.</b> I/We declare under penalty of perjury the information on this application and in other materials submitted in support of this application are true and correct. I/We hereby consent to all necessary inspections made pursuant to the SF Health Code and incidental to the issuance of any exception, permit, and operation of this business. I/We understand that once submitted, the application processing fee is nonrefundable. I/We acknowledge that I am/we are responsible for complying with all local, state, and federal laws, codes, and rules and regulations relating to tobacco products, tobacco control, and the prohibition of smoking in enclosed establishments and certain unenclosed areas. If SFDPH staff discovers false or misleading information, I/we understand that the tobacco permit may be denied or revoked by SFDPH. I/We may not sell any tobacco products, including but not limited to, cigarettes, electronic nicotine delivery systems, and nicotine-containing products without first obtaining a valid SFDPH Tobacco Sales Permit. I/We understand selling tobacco products without a valid SFDPH permit may result in the denial of a SFDPH Tobacco Sales Permit.			
② X Michael Priolo		Date: 8-5-21	X Denise McKinley
X Dale Jordan		Date: 8-5-21	X Dale Jordan
		Date: 8-9-21	Date: 8-9-21

① KATIE BIMROSE 16.67%  
 SIGNATURE ② X Katie Bimrose 8/9/21

## Instructions for the Application for the Sale of Tobacco Products

**Application Date:** The date the legal owner submits the application.

**First Date of Tobacco Sales:** The date the legal owner intends to begin selling tobacco products. If tobacco sales have occurred prior to the submittal of the application, put the date of the first tobacco sale. If the applicant is only amending the permit, you may leave this blank.

### Legal Owner Information

**Legal Owner Structure:** If the legal owner structure is not a sole proprietorship (one person owned), the ownership percentages must be disclosed. Legal documentation providing the ownership percentages and signatures of all owners must be submitted with this application. An application will be considered incomplete if this legal documentation is not submitted.

**Legal Owner Name:** The legal owner is the applicant and the entity that the Permit to Operate will be issued to. The legal owner name must be the same name used with the San Francisco Office of the Treasurer and Tax Collector (SFTTX) and the California Department of Tax and Fee Administration (CDTFA).

**Legal Owner Email, Address, and Phone Number:** Official correspondence from SFDPH will be sent through these points of contact.

**List all Owners or Principal Officers and Ownership Percentages:** The owners/principal officers must match the corporate records filed with the California Secretary of State.

### Business Information

**Business Name (DBA):** The name of the establishment where tobacco sales will take place. The business name must be the same with SFTTX and CDTFA.

**Business Address:** The address of the establishment where tobacco sales will take place. This address must be the same with SFTTX and CDTFA.

**CDTFA Cigarette Retailer License #:** To sell tobacco products in the City and County of San Francisco, an establishment must have both a Cigarette Retailer License from the CDTFA and a Permit to Operate a Tobacco Sales Establishment from SFDPH. SFDPH will not issue a Permit to Operate without a valid CDTFA Cigarette Retailer License. **This is not the same as the Seller's Permit from the CDTFA.**

**San Francisco Business Account # (BAN):** Your account with SFTTX. Once your tobacco permit is approved, SFTTX will bill you through this account to pay for the H31 Tobacco License. The annual H31 Tobacco License validates your SFDPH Tobacco permit.

**Establishment Type:** Based on the San Francisco Zoning Code, provide the business establishment primary business type and operation.

**Main Contact's Name:** The primary point of contact between SFDPH and the business.

**Relation to Legal Owner:** Title of Responsible Person in relation to the Legal Owner.

**Main Contact's Email and Phone Number:** Official correspondence from SFDPH will be sent through these points of contact.

**Signature of Applicant(s):** The application will be signed by all Legal Owners and/or Principal Officers under penalty of perjury that the information provided is complete, true, accurate and correct.

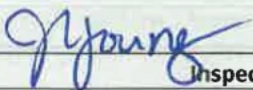
### For Department of Public Health Office Use Only

Final Review	Required Items Submitted with Application:
<input type="checkbox"/>	Non-refundable Processing Fee
<input type="checkbox"/>	Declaration of Healthy and Safe Working Conditions
<input type="checkbox"/>	Proof of Partnership or Incorporation (if applicable)
<input type="checkbox"/>	Retail Tobacco Permit Affidavit (if applicable)
<input type="checkbox"/>	19H.6 Exception Documentation (if applicable)

Information from CDTFA and SFTTX match what is on this application? <input type="checkbox"/> Yes <input type="checkbox"/> No	Filing Fee Amount: <b>\$ 115.00</b>	Payment Date: <b>3/27/2023</b>	Receipt Number: <b>032723-OTC 1</b>
Applicant Qualifies as:	Owner Type: <input type="checkbox"/> Original Owner <input type="checkbox"/> Subsequent Buyer <input type="checkbox"/> New Owner <input type="checkbox"/> Owner under Density	Permit Type: <input type="checkbox"/> Amended Permit <input type="checkbox"/> New Permit	

**To the Director of Public Health, after reviewing this application on** **8/10/2023**

I recommend the issuance of a Permit to Operate.  I disapprove the issuance of a Permit to Operate (Note: See attached review and/or letter).

  
Inspector

  
Principal Inspector

Location ID: <b>11992</b>	Permit #: T-	Type of Permit/Classification: <b>H31</b>
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**Declaration of Healthy and Safe Working Conditions**  
**Declaración de Condiciones de Trabajo Sanas Y Seguras**  
**健康及安全工作條件聲明**  
**Deklarasyon ng Mabuti at Ligtas na Kondisyon sa Trabaho**

The Department of Public Health is responsible for ensuring healthy and safe conditions for those working and living in San Francisco. Establishments permitted by the Department must remain compliant with all laws.

*El Departamento de Salud es responsable de asegurar condiciones saludables y seguras para las personas que trabajan y viven en San Francisco. Establecimientos permitidos por el Departamento deben cumplir con todas las leyes.*

衛生署是負責確保於三藩市工作及居住的人士有一健康和安全的環境。從衛生署取得許可營運的設施/場所必須保持遵守所有法律。

Ang Kagawaran ng Pamublikong Kalusugan ay may pananagutan para sa pagtiyak ng mabuti at ligtas na mga kondisyon para sa mga nagtatrabaho at naninirahan sa San Francisco. Ang mga establisyemento na pinahihintulutan ng Kagawaran ay dapat manatiling sumusunod sa lahat ng mga batas.

Owner/Operator:	<u>The Jug Shop</u>		
DBA/Name of Business:	<u>The Jug Shop</u>		
Business Address:	<u>1648 Pacific Ave.</u>	<u>San Francisco, CA 941 09</u>	

**翻譯及你的簽署聲明在本頁後面。**

*¡Ojo! La traducción y firma de su declaración se encuentra en la parte posterior de esta página.*

**Ang pagsasalin at paglagda ng iyong deklarasyon ay nasa likod ng pahinang ito.**

1. I understand that this business must comply with all local, state, and federal labor laws in order to obtain and maintain a valid Permit To Operate from the Department. I affirm that as an operator of the above business, I am aware of and agree to comply with the following laws when applicable to my business:			
• San Francisco Labor Codes	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/> No
• California Labor Code Division 4—Have and maintain Workers Compensation Insurance or be self-insured)	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/> No
• California Labor Code Division 2—Employment Regulation and Supervision	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/> No
• California Labor Code Division 5—Occupational Health and Safety	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/> No
• All other federal, state, and local labor codes	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/> No
2. I will request my provider of Workers Compensation Insurance to designate as a “Certificate Holder” the SF Environmental Health Branch at 49 South Van Ness Ave, #600, San Francisco, CA 94103.			
	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/> No

I am the owner or authorized agent of the owner of this business. I declare under penalty of perjury that the information on this Declaration of Healthy and Safe Working Conditions is true and correct.

Michael Priolo		3-17-23
Print Name	Signature	Date

**I acknowledge that failure to comply with all applicable federal, state, and local labor laws may result in suspension or revocation of my Permit To Operate issued by the San Francisco Department of Public Health or a referral to the applicable federal, state, or local agency for enforcement.**

Michael Priolo		3-17-23
Print Name	Signature	Date



BA20220649143

B1006-9031 08/11/2022 10:29 AM Received by California Secretary of State



**STATE OF CALIFORNIA**  
*Office of the Secretary of State*  
**STATEMENT OF INFORMATION**  
**CORPORATION**

California Secretary of State  
 1500 11th Street  
 Sacramento, California 95814  
 (916) 653-3516

For Office Use Only

**-FILED-**

File No.: BA20220649143

Date Filed: 8/11/2022

Entity Details			
Corporation Name	JUG SHOP, INC.		
Entity No.	0496249		
Formed In	CALIFORNIA		
Street Address of Principal Office of Corporation			
Principal Address	1590 PACIFIC AVENUE SAN FRANCISCO, CA 94109		
Mailing Address of Corporation			
Mailing Address	JOHN MCKINLEY 3031 WEST MARCH LANE, SUITE 230 STOCKTON, CA 95219		
Attention			
Street Address of California Office of Corporation			
Street Address of California Office	1590 PACIFIC AVENUE SAN FRANCISCO, CA 94109		
Officers			
Officer Name	Officer Address	Position(s)	
MICHAEL PRIOLO	1590 PACIFIC AVENUE SAN FRANCISCO, CA 94109	Chief Executive Officer, Secretary, Chief Financial Officer	
Additional Officers			
Officer Name	Officer Address	Position	Stated Position
None Entered			
Directors			
Director Name	Director Address		
Michael Priolo	1590 Pacific Avenue San Francisco, CA 94109		
The number of vacancies on Board of Directors is: 2			
Agent for Service of Process			
Agent Name	JOHN H MCKINLEY		
Agent Address	3031 WEST MARCH LANE, SUITE 230 STOCKTON, CA 95219		
Type of Business			
Type of Business	ALCOHOLIC BEVERAGE RETAIL SALE		
Email Notifications			
Opt-in Email Notifications	No, I do NOT want to receive entity notifications via email. I prefer notifications by USPS mail.		
Labor Judgment			
No Officer or Director of this Corporation has an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code.			

Electronic Signature

By signing, I affirm that the information herein is true and correct and that I am authorized by California law to sign.

*Kimberly Riggile*

Signature

*08/11/2022*

Date





## Menu

[Home](#) [Verify a permit, license or account](#)

### Search Criteria

Which taxable activity type information are you searching for?

Cigarette Retailer License

Identification Number

241-716544

**This is a valid Cigarette Retailer License.**

Owner Name

THE JUG SHOP INC.

DBA Name

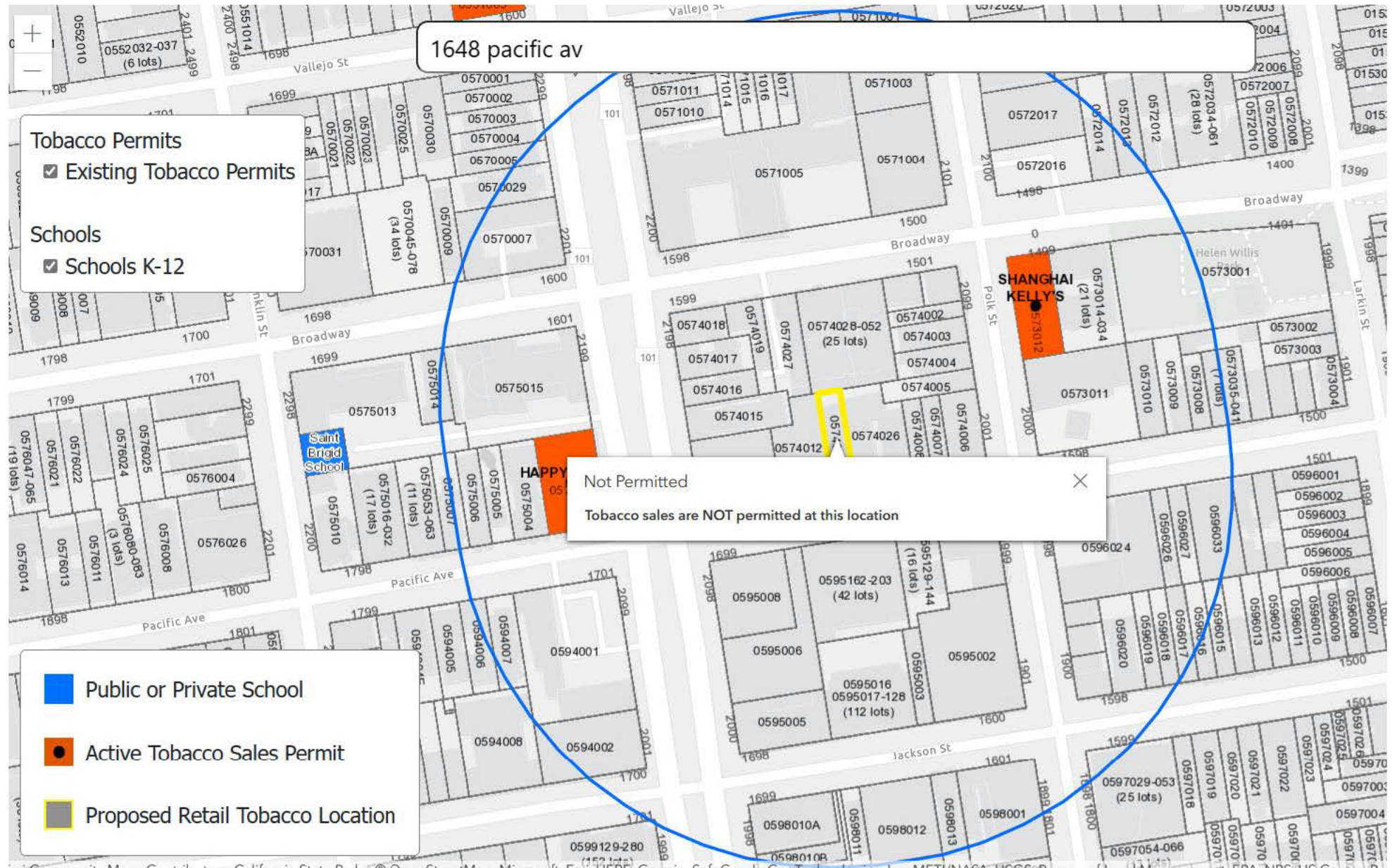
THE JUG SHOP

Address

1648 PACIFIC AVE SAN FRANCISCO CA 94109-2518



# EXHIBIT “C”



J.Y.8-11-2023

# EXHIBIT “D”



City and County of San Francisco  
 Department of Public Health  
 Population Health Division  
 Environmental Health Branch  
 Tobacco & Smoking Program  
 49 S Van Ness Ave. Suite 600,  
 San Francisco, CA 94103  
 (415) 252-3800



<https://www.sfdph.org/dph/EH/Tobacco/default.asp>

Date: July 25, 2023

### Retail Tobacco Permit Application Referral:

Department of Building Inspection  Planning Department

Business Address:

1648 Pacific Ave., SF, CA, 94109

Business Type:

- a)  Grocery/Market    b)  Liquor Store    c)  Tobacco/Vape Shop  
 d)  Gas/Service Station    e)  Restaurant/ Bar    f)  Gift/Novelty Store    g)  Other \_\_\_\_\_

#### For Department of Building Inspection Use Only

Previous Business Address: 1590 Pacific Av, 94109

Date of SFDPH Referral: 7/25/2023

Previous Location Block/Lot #: 0573/011

Previous Business Address above qualifies for seismic retrofit under Building Code Chapter 34B:  Yes  No

Date of DBI Decision: 7/26/2023

DBI Contact Number: (628) 652-3727

DBI Inspector Print Name: Ken Hu

DBI Inspector Signature: See attached email

#### For Planning Department Use Only

Date of SFDPH Referral: \_\_\_\_\_

Location Block/Lot: \_\_\_\_\_

Zoning Referral Fee Paid:  Yes

Tobacco Permit Density Requirements:

1. Establishment is located within 500 Feet of a school:  Yes  No  
 2. Establishment is located within 500 feet of a retailer with a valid tobacco permit:  Yes  No  
 3. Establishment is permitted to operate as business type noted above:  Yes  No

Date of Planning Decision: \_\_\_\_\_

Planning Contact Number: \_\_\_\_\_

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

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

## RE: Is 1590 Pacific Av Building on the Soft Story List?

Hu, Ken (DBI) <ken.hu@sfgov.org>

Wed 7/26/2023 8:48 AM

To: Young, Janine (DPH) <janine.young@sfdph.org>

Hi Janine,

No, 1590 Pacific Ave is not on the Soft Story list and I believe it is not subject to the Soft Story program. Thank you.

Best,



**Jianhong (Ken) Hu**  
Permit Technician II

**Technical Services - Department of Building Inspection**  
**City and County of San Francisco**

49 S. Van Ness Ave. | 5th Floor

San Francisco | CA 94103

Email: [ken.hu@sfgov.org](mailto:ken.hu@sfgov.org) | Phone: (628) 652-3727 | [www.sf.gov/dbi](http://www.sf.gov/dbi)

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**From:** Young, Janine (DPH) <janine.young@sfdph.org>

**Sent:** Tuesday, July 25, 2023 4:31 PM

**To:** Hu, Ken (DBI) <ken.hu@sfgov.org>

**Subject:** Is 1590 Pacific Av Building on the Soft Story List?

Good afternoon,

The Jug Shop was located at 1590 Pacific Avenue. The location is part of a City redevelopment project.

In response, the Jug Shop moved to 1648 Pacific Avenue until the redevelopment project is complete.

Is the former location [1590 Pacific Avenue] on the soft story list?

It's our understanding that the relocated businesses will eventually move back to 1590 Pacific Avenue.

If you have any additional questions or concerns, please feel free to respond to this email or contact me at (415) 252-3903/

Thank you,

Janine Young, Senior Health Inspector

Retail Tobacco and Smoking Program

**Office or Field Hours: Tuesday - Friday, 7:30 AM - 6 PM**

Environmental Health Branch

Population Health Division, San Francisco Department of Public

49 South Van Ness Ave, Suite 600 | San Francisco, CA 94103

415.252.3903 (direct)

415.252.3984 (fax)

### **REACH -for- Results, Equity, and Accountability for Community Health**

**Our Mission:** Drawing upon community wisdom and science, we support and develop evidence-based policies, practices, and partnerships that protect and promote health, prevent disease and injury, and create sustainable environments and resilient communities.

**Our Vision:** Community-centered leader in public health practice and innovation.

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**From:** [noreply@sfdph.org](mailto:noreply@sfdph.org) <[noreply@sfdph.org](mailto:noreply@sfdph.org)>

**Sent:** Tuesday, July 25, 2023 4:18 PM

**To:** Young, Janine (DPH) <[janine.young@sfdph.org](mailto:janine.young@sfdph.org)>

**Subject:** Message from KM\_C450i

# EXHIBIT “E”



City & County of San Francisco  
 Department of Public Health  
 Environmental Health Branch  
 Tobacco & Smoking Program  
 49 S Van Ness Ave. Suite 600 SF, CA 94103  
 (415) 252-3800  
<https://www.sfdph.org/dph/EH/Tobacco/default.asp>



## Tobacco Application Review Checklist

**Staff Name:** J. Young

**Initial Review Date:** 7/25/2023

**Staff Phone #:** (415) 252-3903

**Final Review Date:** 8/15/2023

**Staff Email:** janine.young@sfdph.org

**Permit Notification Date:**

Section 1: Application Overview		
Business Name/DBA: <b>The Jug Shop</b>	Date Received: <b>3/17/2023</b>	
Business Address: <b>1648 Pacific Av</b>	Legal Owner Name: <b>The Jug Shop, Inc.</b>	
Establishment Type: Liquor Store <input type="checkbox"/>	Legal Owner Structure: Corporation <input type="checkbox"/>	
SFTTX BAN: <b>0015092</b>	CDTFA Cigarette Retailer License #: <b>241-71654</b>	
Main Contact Name: <b>Michael Priolo</b>	EHD Location ID: <b>119921</b>	
Contact Phone #: <b>(707) 327-8813</b>	Email Address: <b>michael@jugshop.com</b>	
Supervisory District: <b>3</b>	# of Tobacco Permits: <b>96</b>	As of this date: <b>4/21/2023</b>
1. Are all Owners/Corporate Officer names and their ownership percentages filled out on the application?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2. Is the application signed by all Owners/Corporate Officers?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
3. Is the Declaration of Healthy & Safe Working Conditions completed, signed, and dated?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Section 2: Application Type		
1. Does the DBA, Legal Owner Name, and Business Address match on the Application, SFTTX BAN, and CDTFA License?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2. For Corporations: Do all corporate officers listed on the Application appear on the Secretary of State documents?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
3. Is the business type changing?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
4. Is the applicant applying for a new permit or an amended permit? Note: A change of ownership is defined as a 50% or more change within a 12-month period for sole proprietors/partnerships (25% for corporations.)	<input checked="" type="checkbox"/> New Permit	<input type="checkbox"/> Amended Permit



Section 3: Amended Permit	
What is the applicant amending/updating for the SFDPH Tobacco Permit?	
<input type="checkbox"/> Legal Owner Name	<input type="checkbox"/> Increase/Decrease Ownership Percentages
<input type="checkbox"/> DBA	<input type="checkbox"/> Contact Information
<input type="checkbox"/> Increase/Decrease Partners/Officers	

Section 4: New Permit Under Density Rules		
1. Has this location not previously been occupied by a Tobacco permitted Establishment?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
2. Is this business applying to operate with on-site consumption of food or beverage? (i.e. restaurant or bar)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
3. Is this business applying to operate as a Tobacco Shop?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
4. Is the # of Tobacco Permits in the Supervisorial District above or equal to 45?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
5. Is there an existing SFDPH Tobacco Permit within 500 feet of this business?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
6. Is the business located within 500 feet of a school?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Section 5: New Permit Under One-Time Exception		
1. Does the applicant qualify for a SFHC 19H.6 exception?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
2. Did the applicant submit a signed affidavit?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Did the applicant submit supporting documentation for 19H.6 exception?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

**Application Status:**  Complete  Incomplete as of this date: 8/15/2023

Comments:	
<p>Although the California Secretary of State documentation doesn't list the same Owner(s) as listed on the SFDPH Application for the Sale of Tobacco Products, there is no need to update the SoS because SFDPH may not issue a new permit for:</p> <p>1) The new 1648 Pacific Av location doesn't qualify for a new permit under permit density (See Section 4 above); and</p> <p>2) The Applicant doesn't qualify for a new permit under any 19H.6 exception including 19H.6(d) because according to the Department of Building Inspection, the former 1590 Pacific Ave location is not on the soft-story seismic retrofit list.</p>	
<input type="checkbox"/> Submit Corrections / Documents By This Date:	<input checked="" type="checkbox"/> Notification Email/Letter Sent Date: <b>August 18, 2023</b>

# EXHIBIT “F”



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straight line from the nearest point of the property line on which the Applicant's Establishment will be located to the nearest point of the property line of the existing Establishment. (Please see the attached map)

**The Establishment is located within 500 feet of 2 other Establishments that have a valid SFDPH Retail Tobacco Sales Permit.**

4. According to SFHC 19H.4(f)(8), no new permit shall be issued for a location not previously occupied by a permitted Establishment.

**The Establishment is at a location that was not previously occupied by an Establishment with a SFDPH Retail Tobacco Permit.**

5. **Seismic Retrofitting Relocation.** According to SFHC 19H.6(d), a Retail Food Store Establishment or Tobacco Shop Permittee as of January 18, 2015, which must relocate from their Establishment due to seismic retrofitting under Chapter 34B of the Building Code may apply for a Tobacco Sales Permit for their Establishment. The Permittee's application is subject to further review including confirmation of seismic retrofitting by the Department of Building Inspection.

**According to Department of Building Inspection, the Applicant's former location at 1590 Pacific Ave is not listed on the soft-story seismic retrofitting requirement. Moreover, the seismic retrofitting relocation exception only applies to Retail Food Store Establishment or Tobacco Shop.**

**Additionally, we reviewed all six remaining exceptions under the SFHC Section 19H.6, where SFDPH determined that the Applicant does not qualify for any exception.** If you believe that you do qualify for one of the below exceptions, you are able to submit a new tobacco application with the \$120 (one hundred twenty dollars) nonrefundable processing fee.

#### SFHC Section 19H.6. Exceptions for Certain New Permits

1. **New Buyer of a Retail Food Store Establishment or Tobacco Shop.** The owner of a Retail Food Store Establishment or Tobacco Shop who holds a SFDPH Retail Tobacco Sales permit and has been in business at the location continuously from January 18, 2010 through January 18, 2015, submits an affidavit to the Director that attests to (a) ownership of the business at the same location; (b) under the same SFDPH Tobacco Sales permit for five (5) consecutive years immediately preceding submission of the affidavit; and (c) the owner is in negotiations with a specific buyer for the Retail Food Store Establishment or Tobacco Shop at that location, then that buyer ("New Buyer") may apply for, and the Director may issue, a Tobacco Sales permit to the New Buyer for the Retail Food Store Establishment or Tobacco Shop at that location, on a one-time basis.

**There is no record of a SFDPH Tobacco Permit being issued at the Establishment's 1648 Pacific Ave location. Therefore, the Applicant, The Jug Shop, is not a New Buyer in direct negotiation with a previous owner with a SFDPH Tobacco Permit at the same location.**

2. **Subsequent Buyer of a Retail Food Store or Tobacco Shop.** A Retail Food Store Establishment or Tobacco Shop New Buyer may submit an affidavit to the Director attesting to: (a) their ownership of the Establishment; (b) under the same Tobacco Sales Permit; and (c) for at least ten (10) years. Upon submission of the New Buyer's affidavit, a Subsequent Buyer may apply for a Tobacco Sales Permit for the New Buyer's Retail Food Store Establishment or Tobacco Shop. A Subsequent Buyer applying for a new Tobacco Sales Permit must acquire a 100% ownership interest in the Establishment.

**There is no record of a SFDPH Tobacco Permit being issued at the Establishment's 1648 Pacific Ave location. Moreover, the Applicant, The Jug Shop, is not a Subsequent Buyer in direct negotiation with a New Buyer with a SFDPH Tobacco Permit at the same location.**

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3. **Child of the Permit Holder ("Permittee").** A child of a Retail Food Store Establishment or Tobacco Shop Permittee may apply for a Tobacco Sales Permit for their parent's Establishment if their parent holds a Tobacco Sales Permit as of January 2015.  
**There is no record of a SFDPH Tobacco Permit being issued at the Establishment's 1648 Pacific Ave location.**
  
  4. **New Buyer of a Tavern.** A Tavern Permittee since January 18, 2010, that seeks to demonstrate previous compliance with Section 1009.23(d) of Article 19F of SFHC (prohibition against smoking in enclosed areas), shall submit a copy of their previously approved SFDPH application which establishes that an area within the Tavern is a historically compliant semi-enclosed smoking room. Additionally, the Tavern Permittee may submit an affidavit to the Director attesting to: (a) their ownership of the Establishment; (b) under the same Tobacco Sale Permit; (c) for at least five (5) consecutive years immediately before the submission of the affidavit; and (d) Direct Negotiations. Upon submission of the Tavern Permittee's affidavit, a New Buyer may apply for a Tobacco Sales Permit for the Permittee's Tavern.  
**The Establishment is not a Tavern in compliance with SFHC Section 1009.23(d) and there is no record of a SFDPH Tobacco Permit being issued at the Establishment's 1648 Pacific Ave location.**
  
  5. **Subsequent Buyer of a Tavern.** A New Buyer of a Tavern may submit an affidavit to the Director attesting to: (a) their continuous ownership of the Establishment; (b) under the same Tobacco Sales Permit; and (c) for at least ten (10) years. Upon submission of a New Buyer's affidavit, a Subsequent Buyer may apply for a Tobacco Sales Permit for the New Buyer's Tavern. A Subsequent Buyer applying for a new Tobacco Sales Permit must acquire 100% ownership of the Establishment.  
**The Establishment is not a Tavern in compliance with SFHC Section 1009.23(d) and there is no record of a SFDPH Tobacco Permit being issued at the Establishment's 1648 Pacific Ave location.**
  
  6. **Death or Divorce.** A spouse or domestic partner may acquire the ownership from the Permittee of an Establishment through the death or divorce. The spouse or domestic partner applying for a new Tobacco Sales Permit must have a 100% ownership interest in the Establishment.  
**There is no record of a SFDPH Tobacco Permit being issued at the Establishment's 1648 Pacific Ave location.**

**Appeal Process.** You have the right to appeal this decision to deny your application for a tobacco retailer permit. *(Pursuant to Section 19H.24 and Article 1 of the San Francisco Business and Tax Regulations Code). Appeals must be filed in person with the San Francisco Board of Appeals within 15 calendar days of the date of this notice. The Board of Appeals is located at: 49 South Van Ness Ave., Suite 1475 (Telephone #: (628) 652-1150).*

**The failure to file an appeal will waive your right to a hearing and shall deem SFDPH decision to deny your tobacco permit as final.**

**Cease and Desist All Tobacco Products Sales.** Immediately discontinue the sales of tobacco products, including but not limited to, cigarettes, cigars, cigarillos, tobacco shisha, electronic smoking devices and juices, smokeless tobacco, and nicotine-containing products. No person may engage in or allow tobacco sales in any establishment without a valid SFDPH tobacco sales permit. *(Pursuant to SFHC §§ 19H.3, 19N.3, and 19N.5(a)).*

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**Imposition of Administrative Fines and Penalties.** Selling tobacco products without a valid permit may result in an administrative penalty of up to five hundred dollars (\$500.00) per day for each day that tobacco product sales occur without a valid permit. (*Pursuant to SFHC §§ 19H.17(a), 19H.20, 19N.3(b)*).

Sincerely,



Patrick Fosdahl, MS, REHS  
Director of Environmental Health  
Environmental Health Branch  
SFDPH – Population Health Division

Cc: SFDPH – CHEP Branch  
SFDPH – EHB – Health District

**PROOF OF SERVICE**

I, LILY KANG, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney’s Office of San Francisco, Fox Plaza Building, 1390 Market Street, Fifth Floor, San Francisco, CA 94102.

On October 5, 2023, I served the following document(s):

**DECLARATION OF JANINE YOUNG IN SUPPORT OF RESPONDENT’S OPPOSITION BRIEF**

on the following persons at the locations specified:

The Jug Shop, Appellant(s)  
Michael Priolo, Agent for Appellant(s)  
1648 Pacific Avenue  
San Francisco, CA 94109  
michael@jugshop.com  
dawn@jugshop.com

in the manner indicated below:

**BY ELECTRONIC MAIL:** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the person(s) at the electronic service address(es) listed above. Such document(s) were transmitted *via* electronic mail from the electronic address: lily.kang@sfcityatty.org  in portable document format ("PDF").

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed October 5, 2023, at San Francisco, California.

*Lily Kang*

\_\_\_\_\_  
LILY KANG

# PUBLIC COMMENT



**From:** [Nicholas Battjes](#)  
**To:** [BoardofAppeals \(PAB\)](#)  
**Subject:** Public Comment on Appeal No. 23-040  
**Date:** Thursday, October 5, 2023 8:15:27 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To Whom It May Concern,

I am a homeowner on Broadway in San Francisco, just around the block from The Jug Shop. I frequently shop at the store, and have since even before I moved to this neighborhood two years ago from the Haight. Tobacco is in fact legal, so I see no good reason that they would be denied a permit to sell it. It is a tough enough time to run a small business in San Francisco without the city government telling businesses they cannot engage in legal activities to support themselves. I strenuously urge you to accept Jug Shop's appeal, and grant them a permit to sell tobacco. I don't even smoke, but I support the right of those who do to do so, and of shops to sell them what they need.

Thank you,

Nicholas Battjes  
1545 Broadway, Apt 107  
[nhbattjes@gmail.com](mailto:nhbattjes@gmail.com)  
(415) 948-6425