



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** July 31, 2006

Approved:

Date:

8/2/06

COUNCIL DISTRICT: 1  
SNI AREA: Winchester

**SUBJECT: CP06-009 & ABC06-006. APPEAL OF THE PLANNING COMMISSION'S DECISION TO DENY A CONDITIONAL USE PERMIT AND NOT TO MAKE A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY TO ALLOW THE OFF-SALE OF ALCOHOLIC BEVERAGES AT AN EXISTING RETAIL ESTABLISHMENT LOCATED AT 1539 S. WINCHESTER BOULEVARD (SOUTHWEST CORNER OF S. WINCHESTER BLVD. & IMPALA DRIVE).**

## RECOMMENDATION

The Director of Planning, Building and Code Enforcement recommends the City Council uphold the Planning Commission's decision to deny a Conditional Use Permit (CP06-009) and a Determination of Public Convenience or Necessity (ABC06-006) to allow off-sale of alcoholic beverages at an existing retail store (Los Primos Meat Market).

## OUTCOME

Adopt a resolution denying the subject Conditional Use Permit and not making a determination of Public Convenience or Necessity. This would preclude the applicant from obtaining an ABC Permit from the State at his retail establishment.

## BACKGROUND

On May 3, 2006, the Planning Commission held a public hearing to consider the proposed Conditional Use Permit (CUP) and Determination of Public Convenience or Necessity (PCN). The Director of Planning had recommended denial of the Conditional Use Permit and to not make a determination of Public Convenience or Necessity for reasons stated in the original staff report (see attached). The applicant spoke in behalf of his request. No one from the public spoke in favor or opposition. The Planning Commission denied the proposed project by a vote of 5-0-1 (Commissioner Platten absent).

The Planning Commission focused on the appropriateness of approving the off-sale of beer and wine at this specific location given its proximity to other existing off-sale alcohol establishments, given as how

July 31, 2006

**Subject: CP06-009 & ABC06-006 Appeal**

Page 2

only a small amount of the overall floor area for the subject specialty market would be dedicated to the sale of beer and wine. Several members of the Planning Commission indicated frustration with the newly adopted revisions to the Municipal Code with respect to the rigid findings required, and lack of discretion allowed, in order to grant a determination for Public Convenience or Necessity.

Subsequent to the hearing, on June 6, 2006 the applicant appealed the Planning Commission decision to deny the subject proposal. As part of the information submitted with the appeal, a letter from the subject business owner, Sergio Guzman and a petition of support of his proposal was provided.

### ANALYSIS

The Permit Appeal letter submitted by the applicant (see attached) identified nine reasons that the City Council should consider overturning the Planning Commission Decision to deny the subject permit request. The key point in the letter noted that the sales of beer and wine would enable the existing market to function like a complete grocery store whereby customers would not need to go to another store to make such purchases. This would provide a convenience to its customers.

The original staff report (attached) provides a full analysis of this project with respect to the findings required that must be made by the Planning Commission to approve a Conditional Use Permit and make a Determination of Public Convenience or Necessity. In summary, Planning staff's review provided the Planning Commission with information which did not enable them to make the required findings for the Conditional Use Permit. Further, it only enabled them to make one of the four findings required to make a Determination of Public Convenience or Necessity (PCN). In this case, approval of both a CUP and PCN is necessary in order for a Liquor License to be issued by the State of California.

#### *Conditional Use Permit Findings*

As noted in the original staff report, staff does not believe that the required findings for the Conditional Use Permit can be made. A brief summary is provided below. For a more comprehensive discussion related to the required findings for a Conditional Use Permit, see the analysis in the original staff report prepared for the Planning Commission.

There are three findings related to such proposals that must be made. The first, relates to the total number of establishments that provide alcoholic beverages for off-site consumption within a one-thousand (1,000) foot radius from the proposed location. Two existing off-sale establishments are located within 500 feet of the subject site, and two more (for a total of four) off-sale establishments operate within 1000 feet of the subject site. Approval of this project would result in five (5) such establishments which is more permitted in order to make this finding.

Secondly, given the site's proximity to four other existing off-sale establishments, in order for the City Council to consider approval additional such establishments, they would need to find that the resulting off-sale uses will not:

- a) Adversely affect the peace, health, safety, morals, or welfare of persons residing or working in the surrounding area; or
- b) Impair the utility or value of property of other persons located in the vicinity of the area;  
or

- c) Be detrimental to public health, safety or general welfare.

As noted in the original staff report, the introduction of an off-sale component to the existing retail has a greater likelihood for the proposed use to be detrimental to the surrounding neighborhood than if no off-sale exists. Therefore, staff concluded that insufficient evidence has been presented for staff to state with certainty that the project will conform to the above findings. The City Council can re-evaluate the proposal and would need to make each of the three above findings with any approval.

The third required finding relates to the site's proximity to residential uses. The City Council would need to find that the proposed use is situated and oriented in such a manner that would not adversely affect such residential uses. Staff concluded that since the entrance to the subject store is within 150 feet walking distance from the closest single-family residence, the residential uses could be adversely impacted. The City Council would need to refute this statement and/or provide conditions of approval that would neutralize any potential adverse impacts to the residential uses.

#### *Public Convenience or Necessity Findings*

While the San Jose Municipal Code did not afford the Planning Commission the discretion to approve the subject Public Convenience or Necessity application based on the required findings that they were obliged to make, the City Council does have greater discretion. Upon an appeal of a denial of the granting of a Determination of Public Convenience or Necessity, the City Council would need to find conformance with one of the four additional findings noted below in order to approve the proposal.

- a) The census tract in which the proposed outlet for the off-sale of alcoholic beverages is located is unusually configured and the proposed outlet would act as a convenience to an underserved portion of the community without presenting a significant impact on public health or safety.

*Staff response: The subject census tract is not unusually configured and is generally rectangular in shape similar to other census tracts in the West Valley area. Further, the surrounding community is not underserved with retail establishments that sell alcoholic beverages.*

- b) The proposed outlet for the off-sale of alcoholic beverages would enhance or facilitate the vitality of an existing commercial area without presenting a significant impact on public health or safety.

*Staff response: While approval of off-sale may help enhance the vitality of this business, there has been no evidence submitted that this would enhance the vitality of the larger commercial area and that the use would not impact public health or safety.*

- c) The census tract in which the proposed outlet is located has a low population density in relation to other census tracts in the city, and the proposed outlet would not contribute to an over-concentration in the absolute numbers of outlets for the off-sale of alcoholic beverages in the area.

*Staff response: Census tract boundaries are redrawn every 10 years to ensure that each tract has about the same population. The subject census tract (no. 5065.01) actually has a population density of 34.9 persons per acre, is higher than most other census tracts in the San Jose. The average census tract population density in San Jose is 13.9 persons per acre.*

- d) The proposed off-sale of alcoholic beverages is incidental and appurtenant to a larger retail use and provides for a more complete and convenient shopping experience.

*Staff response: Los Primos Meat Market provides a variety of food and meat. By providing beer and wine as well, this business could better and more completely supply its customers with the merchandise that suits their needs. Since only 54 square feet of floor space is dedicated to the alcohol sales, only a small percentage of the overall use would be dedicated to alcohol sales. Should the Council choose to support the Public Convenience and Necessity application, staff believes that the City Council could make the determination that the proposed use is consistent with the above finding "d." Should the Council choose to utilize this finding in an approval, staff would recommend that the Council include a condition which limits alcohol sales at the subject establishment to a small percentage of the overall sales area.*

### Conclusion

In order to facilitate the proposed use, both a Conditional Use Permit and determination of Public Convenience or Necessity are required. Approval of one without the other is of no value and would not enable the applicant to obtain an ABC permit for the off-sale of alcohol from the State.

Arguably, while the one of the required findings (finding "d") for the granting of a Determination of Public Benefit or Necessity *could* be made, Staff believes that insufficient information has been presented to demonstrate that no adverse impacts would occur to nearby residential uses in accordance with the required findings for approval of a Conditional Use Permit. Therefore, staff recommends that the City Council deny the subject applications.

### POLICY ALTERNATIVES

Not applicable.

### PUBLIC OUTREACH

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

July 31, 2006

**Subject: CP06-009 & ABC06-006 Appeal**

Page 5

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. Notices for the public hearings for the project and for this appeal were mailed to the owners and tenants of all properties located within 1,000 feet of the project site. Additionally, prior to the public hearing, an electronic version of the staff report has been made available online, accessible from the City Council agenda, on the City's website. Staff has been available to discuss the proposal with members of the public.

### **COORDINATION**

Preparation of this memorandum has been coordinated with the City Attorney's office.

### **FISCAL/POLICY ALIGNMENT**

The proposed project is aligned with applicable General Plan and development policies.

### **COST SUMMARY/IMPLICATIONS**

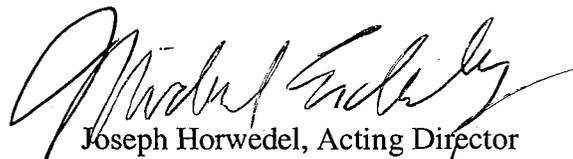
Not applicable.

### **BUDGET REFERENCE**

Not applicable.

### **ENVIRONMENTAL REVIEW**

Under the provisions of Section 15301(a), Existing Facilities, of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. Approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality.



Joseph Horwedel, Acting Director  
Planning, Building and Code Enforcement

For questions, please contact Planning, Building and Code Enforcement at (408) 535-7800.

#### Attachments:

- Planning Commission Staff Report & Attachments
- Synopsis of Planning Commission hearing
- Appeal Application
- Supplemental letter from applicant

cc: Applicant/Appellant

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San José, California 95113

Hearing Date/Agenda Number  
PC 5/3/06 item: **4. C**

File Number  
CP06-009 & ABC06-006

Application Type: Conditional Use Permit &  
Determination of Public Convenience or  
Necessity

Council District: 1

Planning Area: West Valley

Assessor's Parcel Number: 305-03-045

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Avril Baty

Location: Southwest corner of Winchester Boulevard and Impala Drive (1539 Winchester Blvd.)

Gross Acreage: 0.43

Net Acreage: 0.43

Net Density: N/A

Existing Zoning: CP Commercial Pedestrian

Existing Use: Retail (grocery)

Proposed Zoning: No change

Proposed Use: Same w/off-sale of alcohol

### GENERAL PLAN

Land Use/Transportation Diagram Designation  
General Commercial

Project Conformance:  
 Yes  No  
 See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

North: Commercial & Single-family detached residential

CP Commercial Pedestrian & R-M  
Multi-Family Residence

East: Commercial

CP Commercial Pedestrian

South: Commercial & Residential

(City of Campbell)

West: Commercial & Residential

CP Commercial Pedestrian & R-M  
Multi-family Residential

### ENVIRONMENTAL STATUS

Environmental Impact Report  
 Negative Declaration circulated on  
 Negative Declaration adopted on

Exempt  
 Environmental Review Incomplete

### FILE HISTORY

Annexation Title: Maywood No. 7-A

Date: December 10, 1965

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval  
 Approval with Conditions  
 Denial  
 Uphold Director's Decision

Date: 4/24/06

Approved by: *[Signature]*  
 Action  
 Recommendation

### APPLICANT/OWNER

Rick Cole  
Liquor License Services, Ltd.  
1060 Minnesota Ave.  
San Jose, CA 95125

### CONTACT PERSON/ DEVELOPER

Rick Cole  
Liquor License Services, Ltd.  
1060 Minnesota Ave.  
San Jose, CA 95125

Completed by: AB

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**PUBLIC AGENCY COMMENTS RECEIVED**

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Department of Public Works: None received.

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Other Departments and Agencies See attached memorandum from the Police Department

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**GENERAL CORRESPONDENCE**

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Department of Alcohol of Beverage Control (ABC)  
Police Memo and Crime Report  
Planning Department Memorandum regarding amending ordinances pertaining to the provisions of the off-sale of alcoholic beverages.

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

Rick Cole, on behalf of Joseph Kovalik, is requesting a Conditional Use Permit to allow the sale of beer and wine for off-site consumption in a 1,623 gross square-foot retail space located in an existing 6,600 gross square foot retail building. A Conditional Use permit is required for the sale of alcohol for off-site consumption in the CP Commercial Pedestrian Zoning District. A "Determination of Public Convenience and Necessity" is also required because the project is located within a census tract with a higher ratio of existing liquor licenses to population than is found in the County as a whole.

The existing multi-tenant building in which the grocery store (Los Primos Meat Market) is located also includes Angie's Pizza (restaurant), Contreras Fashion (retail), and White Dove Realty (office). The subject building is adjacent to a variety of commercial uses (including retail, restaurants, personal service shops and offices) to the north, south, and east. Single-family and multi-family residential uses are located to the west of the site.

Project Description

The applicant has indicated that Los Primos Meat Market proposes to sell wine and beer for off-site consumption. The sale of beer and wine is incidental to that of the retail sale of meat, produce and groceries. The existing shop is operates seven (7) days a week and closes at 9:00 p.m., except on Sundays when it closes at 8:00 p.m.

**ENVIRONMENTAL REVIEW**

Under the provisions of Section 15301(a), Existing Facilities, of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. Approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality.

## GENERAL PLAN CONFORMANCE

The project site has a designation of General Commercial on the San José 2020 General Plan Land Use/Transportation Diagram. The proposed commercial use is in conformance with the General Plan in that commercial uses are supported by the General Commercial designation.

## ANALYSIS

In order for the existing retail store to be able to sell alcoholic beverages at the subject location, the applicant needs to secure both a Conditional Use Permit and a Determination of Public Convenience or Necessity. An approval of one without the other is of no value in ultimately facilitating the off-sale alcohol use. For this reason, this staff report links these two required applications together for concurrent consideration. The primary issues for this project include 1) conformance with the Zoning Code requirements for approval of a Conditional Use Permit, and 2) requirements for a Determination of Public Convenience or Necessity.

### Zoning Code Requirements for Conditional Use Permits

A Conditional Use Permit may be issued pursuant to the applicable provisions of the Zoning Ordinance for the off-sale of any alcoholic beverages only if the decision-making body first makes the following three special findings applicable to the off-sale of alcoholic beverages:

1. For such use at a location closer than five hundred (500) feet from any other use involving the off-sale of alcoholic beverages, situate either within or outside the City, that the proposed location of the off-sale of alcoholic beverages use would not result in a total of more than four (4) establishments that provide alcoholic beverages for off-site consumption within a one-thousand (1,000) foot radius from the proposed location.

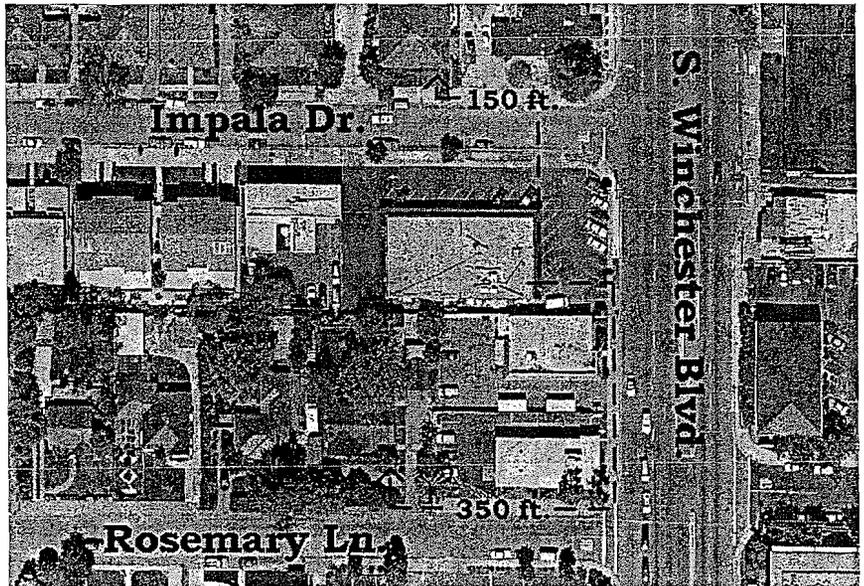
*Analysis of Required Finding.* Within five hundred (500) feet of the proposed use, there are two (2) existing off-sale establishments. There are four (4) existing businesses located within a one thousand (1,000) foot radius of the proposed use that provide alcoholic beverages for off-site consumption. These include a convenience store, another meat market, and two (2) liquor stores. The proposed use together with existing facilities would result in a total of more than four (4) such establishments within a one thousand (1,000) foot radius.

2. For such use at a location closer than five hundred (500) feet from any other use involving the off-sale of alcoholic beverages, situate either within or outside the City, where the proposed location of the off-sale of alcoholic beverages use would result in a total of more than four (4) establishments that provide alcoholic beverages for off-site consumption within a one thousand (1,000) foot radius from the proposed location, that the resulting excess concentration of such uses will not:
  - a. Adversely affect the peace, health, safety, morals, or welfare of persons residing or working in the surrounding area; or
  - b. Impair the utility or value of property of other persons located in the vicinity of the area; or
  - c. Be detrimental to public health, safety or general welfare.

*Analysis of Required Finding.* As stated above, the proposed use will result in more than four (4) establishments that provide alcoholic beverages for off-site consumption within a one thousand (1,000) foot radius of the proposed location. The Police Department has indicated that this site is not within an area over the 20% crime index. Based on the relative generality of the three findings under this heading, and the fact that there would not be any physical change to this already developed property, there is insufficient evidence for staff to state with certainty that the project will conform to these findings. The introduction of an off-sale component to the existing retail has a greater likelihood for the proposed use to be detrimental to the surrounding neighborhood than if no off-sale exists.

3. For such a use at a location closer than five hundred (500) feet from any child care center, public park, social service agency, residential care facility, residential service facility, elementary school, secondary school, college or university, or closer than one hundred fifty (150) feet from any residentially zoned property, that the building in which the proposed use is to be located is situated and oriented in such a manner that would not adversely affect such residential, childcare center, public park, social service agency, residential care facility, residential service facility and/or school use.

*Analysis of Required Finding.* The proposed use is not located within 500 feet of a childcare center, a social service agency, a residential care facility, a residential service facility, a secondary school or a college or university. The project site is located within 150 feet of residentially zoned properties located to the north on Impala Drive and to the south on Rosemary Lane. Even though the proposed use faces east towards Winchester Boulevard, it is still within 150' of the residence on Impala Drive. Based on this layout of the existing site and orientation of the commercial tenant, staff does anticipate that the use will adversely affect the residences and does not meet the intent of this requirement.



Based on the above analysis, staff believes that the Zoning Code findings for approval of a Conditional Use Permit cannot be made for the proposed off-sale alcohol use.

### **Finding of Public Convenience and Necessity**

The San Jose Municipal Code was recently changed with regards to the approval of Liquor License Exceptions. Until recently, a Liquor License Exception was typically required under certain circumstances in addition to a Conditional Use Permit. Recent changes to the Title 6 of the Municipal Code have replaced the Liquor License Exception process with a process for a "Determination of Public Convenience or Necessity".

Unless the City makes a Determination of Public Convenience or Necessity, the State Department of Alcohol Beverage Control (ABC) will not issue a liquor license for off-sale of

alcohol if the business is located in an area of high crime or an area of over concentration, defined as follows:

- a) The premises of the proposed license is located in an area that has 20% more reported crimes than the average number of reported crimes for the city as a whole, or
- b) The premises of the proposed license is located in a census tract where the ratio of existing retail on-sale/retail off-sale licenses to population in the census tract exceeds the ratio in the County as a whole.

The attached Police Department memorandum indicates that the project site is not located within an area of high crime nor is in an over-concentrated census tract (per the Department of Alcohol Beverage Control); however, the City's has more up-to-date data that confirms the census tract does have an over-concentration of existing liquor licenses. For ABC to be able to issue a license for this use, the City must grant a "Determination of Public Convenience or Necessity". The analysis of the proposal is based on the required findings.

Title 6 of the San Jose Municipal Code specifies that the Planning Commission may issue a Determination of Public Convenience and Necessity only after making the four specified findings identified below:

1. The proposed use is not located within a Strong Neighborhoods Initiative or Neighborhood Revitalization area or other area designated by the city for targeted neighborhood enhancement services or programs, or located within an area in which the chief of police has determined that the proposed use: (a) would be detrimental to the public health, safety, or welfare of persons located in the area, or (b) would increase the severity of existing law enforcement or public nuisance problems in the area.

*Analysis of Required Finding.* The proposed use is within the Winchester Strong Neighborhoods Initiative area.

2. The proposed use would not lead to the grouping of more than four off-sale uses within a one thousand-foot radius from the proposed use.

*Analysis of Required Finding.* The proposed use would lead to the grouping of five (5) off-sale uses within a one thousand-foot radius from the proposed use.

3. The proposed use would not be located within five hundred feet of a school, day care center, public park, social services agency, or residential care or service facility, or within one hundred fifty feet of a residence.

*Analysis of Required Finding.* The proposed use is not located within five hundred feet of a school, day care center, public park, social services agency or residential care facility or service facility. However, the proposed use is within 150 feet of residential properties.

4. Alcohol sales would not represent a majority of the proposed use.

*Analysis of Required Finding.* For the 1,623 square-foot retail space, approximately 54 square-feet will be dedicated to the sale of beer and wine. The proposed use will constitute 3.3% of the grocery store, and is incidental to the existing use. This permit would include a condition to

limit the relative percentage of floor area dedicated to the sale of alcoholic beverages to ensure that the off- sale of alcohol remains an incidental component to the existing retail use.

## CONCLUSION

Based on the above analysis, staff concludes that the required findings cannot be made with regard to the Conditional Use Permit. In addition, staff is only able to make one (1) of the four (4) findings that are required in order for the Planning Commission to grant a Determination for Public Convenience or Necessity as required by Title 6 of the San Jose Municipal Code. Therefore staff recommends denial of both the subject Conditional Use Permit and Determination of Public Convenience or Necessity. In instances where not all of the findings can be made, Title 6 provides an opportunity upon appeal whereby the City Council can approve such a proposal. This can only be approved if the City Council identifies and finds that a significant and overriding public benefit or benefits will be served by the proposed use.

## RECOMMENDATION

Planning staff recommends that the Planning Commission deny the requested Conditional Use Permit and not make a Determination of Public Convenience or Necessity and include the following facts and findings in its resolution.

The Planning Commission finds that the following are the relevant facts regarding the proposed project:

1. The subject site is located within CP Commercial Pedestrian Zoning District.
2. This site has a designation of General Commercial on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
3. Under the provisions of Section 15301(a), Existing Facilities, of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. The proposal is consistent with the General Plan and Zoning District. The subject site is less than five acres and is surrounding by urban uses. Approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality. The site can be adequately served by all required utilities and public services.
4. The existing grocery store occupies a 1,623 square foot space within a multi-tenant building that includes three other small retail tenants.
5. There are 22 parking spaces for the existing retail center.
6. The subject retail establishment is a Mexican meat market that closes at 9:00 p.m. Monday through Saturday, and at 8:00 p.m. on Sunday.
7. The existing grocery store proposes to dedicate no more than 54 square feet of floor area to the sales of alcoholic beverages.

8. The project is subject to the requirements for a Determination of Public Convenience or Necessity for a liquor license for the off-sale of alcohol beverages. The granting of such a determination requires that four specific findings be made as prescribed by Title 6 of the San Jose Municipal Code.
9. The project site is located in a census tract with an existing over-concentration of liquor licenses, four (4) other off-sale establishments within 1000 feet of the subject site.
10. The site is not located in an area with a high number of calls for police service or a high crime rate.
11. The site is not located in an existing Project Crackdown /Weed and Seed Area.
12. The proposed use is within a Strong Neighborhoods Initiative or Neighborhood Revitalization area or other area designated by the city for targeted neighborhood enhancement services or programs.
13. The project site is located adjacent to and with 150 feet of residentially zoned property to the north.
14. The proposed use is not located within 500 feet of a child care center, a social service agency, a residential care facility, a residential service facility, a secondary school or a college or university.
15. The Police Department memorandum indicates that the project site is not located within an area of high crime, but that the area does have an over-concentration of existing liquor licenses. For ABC to be able to issue a liquor license for this use, the City must grant a "Determination of Public Convenience or Necessity".
16. The proposed use does not include late night operation. The retail sales of beer and wine is to be in conjunction with the retail of meat and produce.

Based on the above stated facts, the Planning Commission concludes and finds:

1. Based on the findings in the subsection below, the Planning Commission is not able to make a Determination of Public Convenience and Necessity for the subject liquor license:
  - a) The proposed use is located within a Strong Neighborhoods Initiative or Neighborhood Revitalization area or other area designated by the city for targeted neighborhood enhancement services or programs, or located within an area in which the chief of police has determined that the proposed use would be detrimental to the public health, safety, or welfare of persons located in the area, or increase the severity of existing law enforcement or public nuisance problems in the area; and
  - b) The proposed use would lead to the grouping of more than four (4) off-sale uses within a one thousand-foot radius from the proposed use; and
  - c) The proposed use would not be located within five hundred feet of a school, day care center, public park, social services agency, or residential care or service facility. The

proposed use is within one hundred fifty feet of an existing residence and is therefore not in conformance with the requirements of Title 6 of the SJMC.

d) Alcohol sales would not represent a majority of the proposed use.

2. Finally, the Planning Commission concludes and finds, based on the analysis of the above facts in regards to the Conditional Use Permit, that:

- a) For the use located closer than five hundred (500) feet from any other use involving the off-sale of alcoholic beverages, situate either within or outside the City, that the proposed location of the off-sale of alcoholic beverages use would result in a total of more than four (4) establishments that provide alcoholic beverages for off-site consumption within a one-thousand (1,000) foot radius from the proposed location; and
- b) The use is closer than five hundred (500) feet from any other use involving the off-sale of alcoholic beverages, situate either within or outside the City, where the proposed location of the off-sale of alcoholic beverages use would result in a total of more than four (4) establishments that provide alcoholic beverages for off-site consumption within a one thousand (1,000) foot radius from the proposed location, that the resulting excess concentration of such uses will:
  1. Adversely affect the peace, health, safety, morals, or welfare of persons residing or working in the surrounding area; or
  2. Impair the utility or value of property of other persons located in the vicinity of the area; or
  3. Be detrimental to public health, safety or general welfare.
- c) The use is located closer than five hundred (500) feet from any child care center, public park, social service agency, residential care facility, residential service facility, elementary school, secondary school, college or university, or closer than one hundred fifty (150) feet from any residentially zoned property, where the proposed use is situated and oriented in such a manner that would adversely affect such residential use.

Finally, based on the above-stated findings and subject to the conditions set forth below, the Planning Commission finds that:

1. The proposed use at the location requested will:
  - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
  - b. Impair the utility or value of the property of other persons located within the vicinity of the site; or
  - c. Be detrimental to public health, safety or general welfare; and
2. The proposed site is adequate in size and shape to accommodate the yards, walls, fences parking, loading facilities, landscaping and other development features prescribed in this Title, or as is otherwise required in order to integrate said use with the surrounding area.

3. The proposed site is adequately served:

- a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and
- b. By other public or private service facilities as are required.

Based on the above findings, this project is hereby denied.

Attachments

**NOTICE OF PERMIT APPEAL**

**TO BE COMPLETED BY PLANNING STAFF**

FILE NUMBER <i>CP06-009</i>	RECEIPT # <i>413368</i>
PROJECT LOCATION <i>Southwest corner of Winchester Blvd. and Impala Drive</i>	AMOUNT <i>\$101.25</i>
	DATE <i>06/06/06</i>
	BY <i>BCorralles</i>

**TO BE COMPLETED BY PERSON FILING APPEAL**

PLEASE REFER TO PERMIT APPEAL INSTRUCTIONS BEFORE COMPLETING THIS PAGE.

THE UNDERSIGNED RESPECTFULLY REQUESTS AN APPEAL FOR THE PROPERTY WHICH IS LOCATED AT:

REASON(S) FOR APPEAL (For additional comments, please attach a separate sheet.):

*(See attached 2 pages letter)*

**PERSON FILING APPEAL**

NAME <i>Los Primos Meat Markets, Inc</i>	DAYTIME TELEPHONE <i>(408) 455-3435</i>
ADDRESS <i>1539 S. Winchester Blvd. San Jose, CA</i>	STATE <i>CA</i> ZIP CODE <i>95128</i>
SIGNATURE <i>Sergio Ramirez R</i>	DATE <i>6-5-06</i>
RELATIONSHIP TO SUBJECT SITE: (e.g., adjacent property owner, property owner within one thousand (1,000) feet)	

**CONTACT PERSON**

(IF DIFFERENT FROM PERSON FILING APPEAL)

NAME <i>Rick Cole</i>			
ADDRESS <i>1060 Minnesota Ave. #2</i>		CITY <i>San Jose</i>	STATE <i>CA</i> ZIP CODE <i>95125</i>
DAYTIME TELEPHONE <i>(408) 297-2587</i>	FAX NUMBER <i>(408) 999-0784</i>	E-MAIL ADDRESS <i>rick.cole@pacbell.net</i>	

**PROPERTY OWNER**

NAME <i>Ronnie Berry</i>	DATE <i>6-5-06</i>
ADDRESS <i>1537 S. Winchester Blvd. San Jose</i>	CITY <i>San Jose</i> STATE <i>CA</i> ZIP CODE <i>95128</i>

**PLEASE SUBMIT THIS APPLICATION IN PERSON TO THE DEVELOPMENT SERVICES CENTER, CITY HALL.**

# Los Primos Meat Market

1539 S Winchester Blvd.  
San Jose, CA 95128

June 5, 2006

City Council  
200 E Santa Clara St  
San Jose, CA 95113

Re: Public Convenience and Necessity

Dear Councilmembers:

We have delivered a Petition signed by 586 customers of my store supporting the addition of beer and wine license to you, with regards to Section 23958.4 of the Alcoholic Beverage Control Act, Los Primos Meat Market believes the premises meets the requirements of public convenience and necessity for the following reasons:

1. The proposed addition off sale beer and wine license request will be unique to this census tract, as there is no other type of this business in the immediate area as it is a full service grocery and meat market specializing in the sales of Mexican Foods which will comprise of the majority of its sales and sells Money Orders, and transfers money via Vigo & Sigue, Ria and Groupex. A majority of my customers have asked me to get a beer license, so they do not have to go another store to get their beer purchases;
2. When we had a Community Meeting, we mailed out 1,150 invitations to this meeting and no one in opposition came, only 8 persons that were proponents came to this meeting;
3. The proposed addition off sale beer and wine license is necessary to remain competitive with other full service food stores in the area.
4. According to the Department of Alcoholic Beverage Control and San Jose Police Department, the census tract is not over concentrated with off sale alcoholic beverage licenses, five (5) licenses are allowed, and there are 3 existing and 1 pending (mine) and the proposed use will not contribute to an excess concentration of establishments which sell alcoholic beverages because we will operate as a full service market with a small percentage of sales of alcoholic beverages;
5. This full service market would not adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area. We believe that our store has enhanced the surrounding community and neighborhood.
6. The proposed addition of an off sale beer & wine license would not impair the value of the property of other persons located in the vicinity of the site. The site has been operating for many years and is situated and oriented in such a manner that it would not adversely impact the residential uses or conflict with other businesses located on any street of this area.

7. The proposed addition of off sale beer & wine sales to the existing market food store is adequately served by streets of sufficient width, and a parking lot which would accommodate the traffic that would be generated by this addition.
8. This proposed addition of sale of off sale beer & wine license operation would not interfere with the quiet enjoyment of the property by the residents that live within this area.
9. The proposed sale of off sale beer & wine license sales would not pose a detriment to the immediate neighborhood or worsen any current law enforcement problem as the sales would be incidental to the sales of the full service market meat, produce and food items

We will work with you to resolve any other issues that may arise. We hope that the City of San Jose will recommend approval of my request..

Sincerely,



Sergio R. Guzman, President  
Los Primos Meat Markets, Inc.

SRG/vrh

## Petition (Petición)

We the undersigned residents of San Jose, California, totally support the issuance of an Off sale Beer & Wine License and Liquor License Exception Permit to LOS PRIMOS MEAT MARKETS, INC. dba LOS PRIMOS MEAT MARKET at 1539 S. Winchester Blvd., San Jose so they may be allowed to sell beer and wine. We believe this will be a public necessity and convenience as defined in B & P Code Section 23958.4, as we are patrons of this Market.

Nosotros, Residentes de San Jose, California los cuales firmamos, Totalmente Apoyamos que expidan un permiso de excepcion para venta de licores y vinos LOS PRIMOS MEAT MARKETS, INC. dba LOS PRIMOS MEAT MARKET in Mercado localizado 1539 S. Winchester Blvd., San Jose. Para que se les permita la venta de, vinos y cerveza. Nosotros creemos que es una necesidad y conveniencia publica ya que nosotros somos clientes del Mercado.

Angel Miguel Contreras      1370 Lexington F-18  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Maricela Ortiz      548 Valle Fogue Way  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Miguel Pineda      1730 SCHOLET DR  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Roberto Cosme S.      1091 Tapas Ave.  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Manuel Escalante      2960 Homestead rd  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Marcos M      1330 BASCOM AV  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Leovardo Suarez      3742 Cadillac PR  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Jakelline Rodriguez      3147 Cadillac PR  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Lola Martinez      3115 Cadillac  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

ANDRES      1370 Lexington DR APT F-20  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Issac Gutierrez      1370 Lexington DR APT F-20  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Jorge Trejo      1380 Lexington DR APT. G.7.  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Juan Medina      1380 Lexington DR APT. G.7  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Serge A Pardo      1533 edenwde SA Jose CA 95127  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Juan Zamora      1539 Cadillac 95128  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

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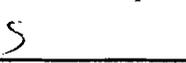
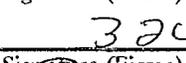
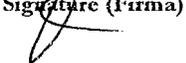
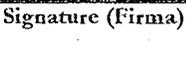
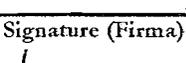
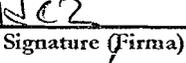
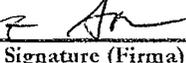
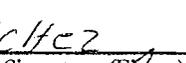
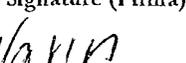
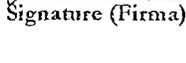
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M. ANGEL MAEJEL	<i>[Signature]</i>	3223 IMPALADOR #16
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
VIANEY TORRES	<i>[Signature]</i>	3649 HAIG ST SANTA CLAYA
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Loel Luis Pinon Garcia	<i>[Signature]</i>	
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Socorro Bautista	<i>[Signature]</i>	2026 MARDEL LN
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Marco Antonio Angel	<i>[Signature]</i>	540-44-31
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Marco Antonio Omelas Casarez	<i>[Signature]</i>	370-94-17
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Jose Rodil Ramirez	<i>[Signature]</i>	380 Lomas verde
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Alex Izquierdo	<i>[Signature]</i>	333 Briar Ridge Dr 95723
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Gloria Salazar	<i>[Signature]</i>	408-348-19-20
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Lopez Colina	<i>[Signature]</i>	3-203685
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Juan	<i>[Signature]</i>	380 Dunster Dr Apt #11
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Maria Cervantes	<i>[Signature]</i>	831 Gale Dr Apt #63
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Luis Enrique Santamaria	<i>[Signature]</i>	1324 Winchester Blvd APT 135
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Marco Sanchez	<i>[Signature]</i>	1919 Ardale Ave D-11
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Omar Lopez	<i>[Signature]</i>	
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)

## Petition (Petition)

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Laura Morales		1357 Eden av. # B27
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Luc de Juan		3209 Colillos Pk #5. C.P. 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Alfredo CC.		660 S. Winchester Blvd #24
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Angel		
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Jesus Torres		3189 Cadillac 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Pablo Hernandez		1315 EDEN AVE 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Abraham Gomez Jr		3231 Impala Dr 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Rafael SANCHEZ		3871 CADILLAC
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Luis CORREZ		2151 OLD DARLAN RD SAN JOSE
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Antonio		
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Gregorio W	Gregorio W.	1405 Eden Ave #C29
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
REINA LOPEZ	Reina Lopez	1405 eden Ave #29
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Ernesto SUSMUA	Ernesto G	1405 Eden Ave #29
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Nacho Chavarrin		3218 Impala DR #3
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Diego Vera		710 Mdo dr #28 95008
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)

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Eli Calvillo  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Fidel Calvillo  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Manuel Hernandez      3150 Loma Verde APT 12  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Juan Osaguera      Juan Carlos      1324 S. WINCHESTE #114  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

PEDRO PEDROZ  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

RAMÓN S. CASTRO      Ramón S. Castro      2971 Monticelo Dr. #6 San Jose, Ca. 95128  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

JUAN VARISCAL      1845 S BASCOM AVE APT-36  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

ADRIAN      cadillac 32-33 RD  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Ana Pineda      Ana Pineda      180 Santomas Aquino RD #1 CAMPBELL CA 95008  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

JOSE QUIROZ  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Santiago Hernandez      1069 OAKMONT DR #1 SAN JOSE CA 95117  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Ernesto Hernandez      1069 OAKMONT DR #1 SJ. CA 95117  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Miriam Locomo      7051 Cal Way Apt. 2 95128  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Rosalia Locomo      3051 Cal Way Apt 2 95128  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Luis Locomo      3051 Cal Way Apt. 2 95128  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

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CARLOS PEREZ Carlos Perez DAVID AVE 3015  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Manuel Perez [Signature] DAVID AVE 3015  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Juan Camacho Espada [Signature] [Address]  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Benjamin Ramos [Signature] 701 Shanton Dr SJ CA  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Jose Montoya [Signature] 9299-ORLANDO DR-SAN JOSE CA 95129  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Salvador Ayala [Signature] [Address]  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Edgar Gorman [Signature] 1919 Fruitdale ave apt K211.  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Jose Luis [Signature] Lexington  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

TONO LOPEZ [Signature] [Address]  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Savino Guadarrama [Signature] [Address]  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Sesar Guadarrama [Signature] [Address]  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Raúl García [Signature] 1405 Eden Ave C-35 San Jose CA  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Monica Angeles [Signature] Colonial Way 3033-#21  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Fernando Andres [Signature] [Address]  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Gabriel Montalvo [Signature] 710 NIDO Dr Campbell (408) 67983  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

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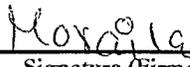
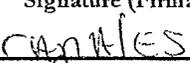
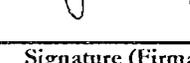
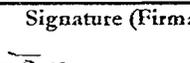
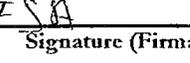
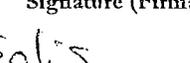
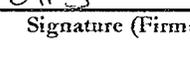
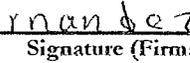
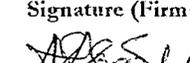
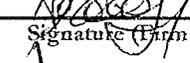
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<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i> 408 561 7483
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Pedro Vasquez	<i>[Signature]</i>	3672 MAY LA 9306010
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Eneasio Vasquez	<i>[Signature]</i>	8718156
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Juan Ramon Ramos	<i>[Signature]</i>	4108 8210783
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Guadalupe Curiel	<i>[Signature]</i>	(408) 243 4872.
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Antonio Curiel	<i>[Signature]</i>	408 243-4872
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Cosme Estolano Facio	<i>[Signature]</i>	370-6508
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Jose Gonzalez	<i>[Signature]</i>	1207 866 43 76
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Maritza Martano	<i>[Signature]</i>	661-9936 5493 Don Pizarro Ct. San Jose, CA
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Raúl Chavarría	<i>[Signature]</i>	5493 Don Pizarro Ct. San Jose, Ca.
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
ROCHA JESUS	<i>[Signature]</i>	1609 PARKWOOD AVE SAN JOSE CA
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Navarrete Luis	<i>[Signature]</i>	1750 STORES ST SAN JOSE CA.
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Marta Palato	<i>[Signature]</i>	3033 Colonial wy 21 San Jose Ca 95128
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Juan Zamora Sanchez	<i>[Signature]</i>	3040 Cadillac dr APT-8, San Jose
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
MARIA ELENA TORRES	<i>[Signature]</i>	163 N. SAN TOMAS ADELINO Rd.
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)

## Petition (Petición)

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Alicia Moravia		1357 Eden Ave # 1346
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Sarit Canales		980 Sobrato Dr # 101 Campbell 95108
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Angelina Urbina		967 Ravenscourt Ave # 4 95128
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
MARTIN G. Perez		1845 S. BASCOM AVE Apt 27 B
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Yessence Tula		4510 Hamilton Ave # 1 95130
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
EUZALIO CAUJSA		457380 ZEPHYRUS 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Rogelio Hernandez		1506 KOOZER 95118
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Micaela Solis		978 Ravenscourt #2 - 95128
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Alexandra Hernandez		3040 DAVID #21
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
MANUEL VERNAI REYES		3050 CADILLAC # 7
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Cabriel		1886 - W BASCOM AVE
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Marta Bautista		2026 Mardel Ln San Jose Ca 95128
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Ramiro Zamora		2026 Mardel Ln. San Jose Ca - 95128
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Antonio Guillen		3033 Colonial way 20 San Jose 95128
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Armando Zamora		3033 Colonial way 18 San Jose Ca 95128
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)

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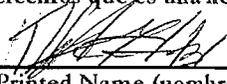
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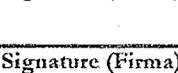
JOSE RODRIGUEZ		1357 EDEN AV
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Maria Zamora		3150 Cadillac ave
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Olga Aguirre		1350 Eden ave 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
JAM-LEON		MOORE AV. APT B 128
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Veronica Carbas Oseguera		3069 David Av. Apt #2 95128
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Detallio Muñoz Estrada		4048 Hamilton AVE APT 12
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Patricia Martins		1088 Boewill dr 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Olivia Gutierrez		242 Rancho Dr #161
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Sergio Rodriguez		2740 Kern Av. CP 95121
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
		1370 Lonia Verde 95125
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
GOVERNO MEDINA		3216 LOMA VERDE DR. 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Raunice Jimenez		1448 BRANHAM LN 95118
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Rosario Carvajal	Rosario Carvajal	1317 Eden Ave. Apt-A-27
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Hector Lopez AMU		949 Shannon Park #B Campbell
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Maria Morales		2436 W Hedding 95128
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)

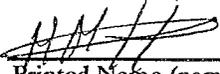
## Petition (Petición)

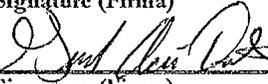
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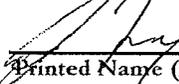
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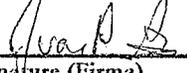
 1350 eden ave apt 7  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

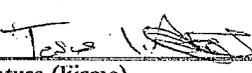
LUCIANO  350 BUDD APT A11  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

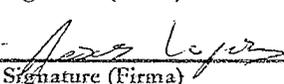
 1388 PALM ST 9  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

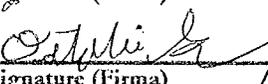
BERARDO ACUNA  925 BAYVIEW AVE APT. #31  
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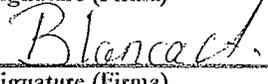
 JOS LOPER 1231 PLAINVIEW DRIVE 252  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

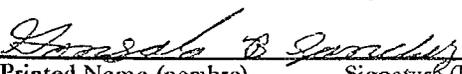
JUAN PEREZ  835 PALM ST  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

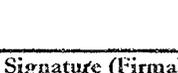
JESUS I. MARR  1530 BAYVIEW AVE # 72  
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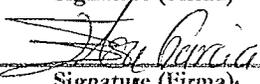
JOS LOPER  323 BUDD DRIVE #A52  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

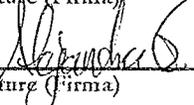
OSTOLIA GOMEZ  960 ADLER AVE #1 CAMPBELL  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

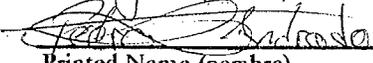
BLANCA ALICIA BLANCA  97 KIM LOUISE DR #3  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

 2723 INDIANA ST STOCKTON CAL, 952  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

ABDOL ANWAR  1357 E DEL  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

JESU GARCIA  1380 LEXINGTON DR. SAN JOSE CA 95117  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

ALEJANDRA GARCIA  350 BUDD AVE CAMPBELL CA 95008  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

 1215 EDGEWATER BLVD  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

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90 VIAS GONZALEZ 364 2081  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Rafael Hernandez (408) 661 88 18  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

ERACLIO VAZQUEZ - T - 105. 666-48-91. 3231 IMPALA. Apt 2HS  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Felipe Castro P. (408) 261 31 59  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Genaro Lorenza (408) 280-1619  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

José Ballesteros 776 Donouder St 1  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

José Guadalupe 3189 Cadillac #9  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Jesús Allende 3615 GREEN CEE DR. APT-28  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Candelina Portija 1702 CRUZERO DR #95122 San Jose CA.  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Guadalupe Pina Ortega 39 Rancho Dr 95111 No. 2  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Marcia Ibarra Diaz 3615 GREEN CEE #28  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Arturo Sanchez Sr. 1330 N Bascon ave  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Cosme Vasquez 523 Chechi AVE. APT. 9  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Griselda Fedelma 9239 Impala Dr #1 San Jose  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Arturo Casanueva 3153 Cadillac DR #6 San Jose  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

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Damian Ornelas G.  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Simón Ornelas G.  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Tereca Salas  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio) 982 Ranscourt #2 95128

Jose Mi Perez  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio) 8115 IMPALA DR #1 SAN JOSE CA 95117

Raymundo Roldano  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio) 1506 Koozer RD. San Jose CA 95118

Beatriz Miranda  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio) 1405 Eden Ave 95117

Jose Arturo Ruiz  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio) 3033 colonial way

Yajaira Medina  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio) 2020 Southwest Expy #4

Juan Hernandez  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio) 2020 Southwest Expy #4

Omar Meza  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio) 1403 eden AV APT#8

Pablo Resendiz  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio) 1317 EDEN A.N. 30

Juan Pablo  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio) 75 MONROE SANTA CLARA APT#4

Francisco P. Francisco  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio) 3051 colonial way #26 San Jose

Marjorie Sanchez  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio) 940 Mendocino Ave #15 Jose

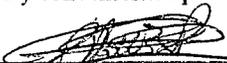
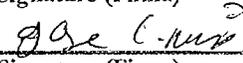
Veronica Todillo  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio) 695 W. valley Dr. apt. # 4 Campbell



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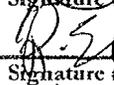
<u>Pedra A. B. R.</u>		<u>1333 EDEN A.P. B. 17</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>José Martínez</u>		<u>1785 EDEN CT. SAN JOSE CA</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Pablo Heredia</u>		<u>1475 Eden Ave #1 San Jose Ca. 95111</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Fernando Gutierrez</u>		<u>860 Sobrato Dr. #A Campbell Ca. 95008</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Bertha Zamora</u>		<u>3033 Colonial Way 95117 S.J. CA</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Sergio Manuel Solano</u>		<u>1118 STARBUCK AVE AP. 8</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Juan C. Calderon</u>		<u>1137 Oakmont dr</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Diego J. J. J. J.</u>		<u>278 Kid Rod 95116</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Ricardo P. Romero</u>		<u>5300 TERZER WAY #910</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Ubaldo Martínez Ruiz</u>		<u>1104 TOPAZ AVE APT #1 95117</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>RAUL Martínez Ruiz</u>		<u>1104 TOPAZ AVE APT #1 95117</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Reginal Flores Cuevas</u>		<u>3014 DEFTWOOD DR #17</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Patricia Maya</u>		<u>1405 EDEN AVE #C23</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Andrea Noguez</u>		<u>1940 BASCOM AV -</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>1692 de los torres</u>		<u>colonia WY 3033 H 9</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)

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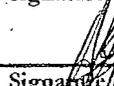
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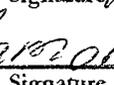
J. Carlos  680-AOKSIDE-AV.  
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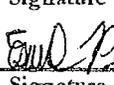
Rosario E. Elmi  P.O. BOX 110966 Campbell, CA 95011  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

MARIBATO ALONSO  3051 COLONIAL WAY #2  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

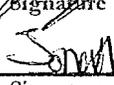
Luis Fuentes  1365 Lexington dr #4  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

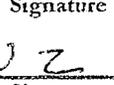
Abel Pineda Cruz  3145 CADILLAC Interior #8  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Bertha Zamora  Market - 20-26  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

X Emil Perez  3955 Rhoda Dr. APT. #6  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

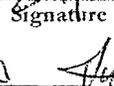
Juan Torres  3955 Rhoda Dr. APT #6  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

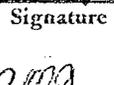
Jonathan Cabern  100 Union ave #18  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

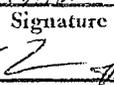
Lucio Cruz  3040 David ave 9512  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Miguel Hernandez  462 N. Winchester BLVD #8  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Carlos Rocha  1250 Monte AGLA  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

Alicia Rivera  1250 MONTE AGLA  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

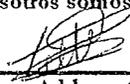
Herman Guadramina  1510 - Eden ave  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

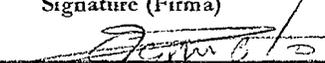
Galvin Lopez  6560 Saratoga AV.  
 Printed Name (nombre)      Signature (Firma)      Address (Domicilio)

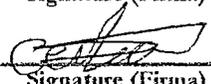
## Petition (Peticion)

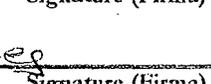
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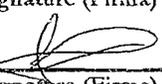
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Victor Manuel Martinez  1405 EDEN  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

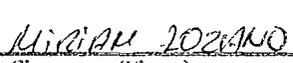
 CADIZCO 3889  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

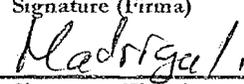
Gerardo  1357 EDEN AV SAN JOSE  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

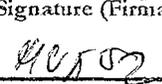
Claudia Reyes  865 - Winchester San Jose Cal.  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

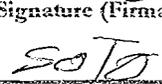
Raymundo Patino S  1405 Eden Ave # 640  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

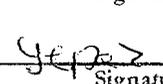
Printed Name (nombre) Signature (Firma) Address (Domicilio)

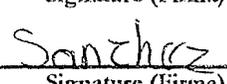
MIRIAM LOZANO  3051 COLONIAL WAY # 2  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

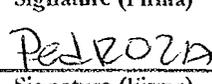
Cesar Jesus Madrigal  3040 David ave.  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

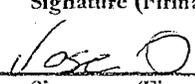
Carila  ~~520 S. Willard San Jose CA~~  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

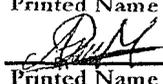
Eligio Soto   
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Rosanna Lopez  3001 Lealman Dr DR #1  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Dora P Sanchez  1510 EDEN AVE Apt 67  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

RICKY Pedrosa  1350 Lexington Dr. D7  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

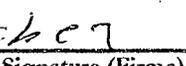
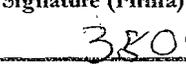
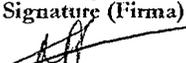
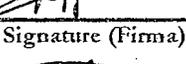
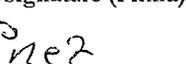
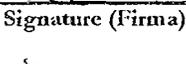
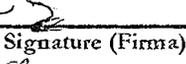
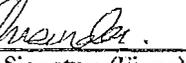
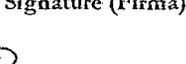
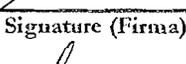
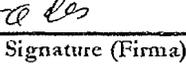
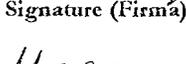
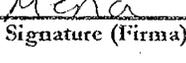
Jose  2885 Martha DR San Jose Ca  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

 5683 AP/4 brispos  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

## Petition (Petición)

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Gonzalo Sanchez		2723 INDIANA ST STOCKTON cal 95201
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
ERIK Sanchez		3804 BLACK FORD AV. S. J. Cal.
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Jesús		1104 Redway AV Apt 2 Campbell cal 95008
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Rafael Perez		300 DOSTER DR #25 Campbell Ca 95008
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Ricardo Martinez		1085 Rancheros way APT #6
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
DOMINGO CUSC		<del>1088</del> FRUITDALE AV APT 7-4
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Castaneda Chandra		1442 Castaway Ct 95336
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Amelica Hernandez		3180 Loma Verde Dr #36
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Rafaelino morales		BARKER - DR - #38130
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Juan Pablo Cazares Perez		380 Lexington Dr Apt. G 7
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Moses Mena		eden 47 APT. 47
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Silvia Mendoza		3068 DAVID AV. APT #141
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Patricia Alcocer		3068 David Av. APT #14
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Daniel Méndez		3040 David, AV. # 4.
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Raul Orozco		1016 W HACIENDA A CAMPBELL. CA 95008
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)

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<u>Glady's Adams</u>	<u>Glady's Adams</u>	<u>1391 San Tomas Aquino</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Vanessa Camargo</u>	<u>[Signature]</u>	<u>4567 Hamilton AV</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Jose T. Fonso</u>	<u>[Signature]</u>	<u>4567 Hamilton AV</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Carmen Pedroza</u>	<u>[Signature]</u>	<u>1350 Lexington Dr D7</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Das Garcia</u>	<u>[Signature]</u>	<u>1357 EDEN AVE APT B-1.</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Pedro Meza</u>	<u>[Signature]</u>	<u>1403 EDEN AVE APT C9</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Gustavo</u>	<u>[Signature]</u>	<u>805 Bcpley Dr.</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Sandra</u>	<u>[Signature]</u>	<u>1370 LEXINGTON DR.</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Alexandro J.</u>	<u>[Signature]</u>	<u>125 OPAL DR. #1 SJ, CA.</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Alexander Portillo</u>	<u>[Signature]</u>	<u>4567 Hamilton Ave #15 San Jose CA</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Adriana Perez</u>	<u>[Signature]</u>	<u>2955 Rhoda Dr, Apt #15 San Jose CA 95117</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Juan M Ramos</u>	<u>Juan M Ramos</u>	<u>3217 Cadillac Dr. San Jose CA: 95117</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Diana Morade</u>	<u>[Signature]</u>	<u>1350 Lexington G 10 San Jose</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Jesus Ramos V.</u>	<u>[Signature]</u>	<u>701 SHEARTON DR 95117</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Samuel Muñoz</u>	<u>[Signature]</u>	<u>1405 eden ave 95128</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)

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Rigoberto Reyes Rame Cadilla APT 9  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

~~José~~ De la Cruz 3130 CADILLA DR #5 95117 SJC  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Pablo Cabeán 1919 Fruitdale AV #1209  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Dagoberto Pt. (Signature) Lexington Dr Apt 13  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

(Signature) 1491 De Rosa way 203A San Jose 95128  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

JAVIER RAMIREZ M - 1919 Fruitdale AVE. APT. 76  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

José Rodríguez 613 Bolton Ct Apt 1 San Jose 95129  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Juan Ramon Herrera Orozco 3033 Colonial Way Apt. 7 San Jose 95128  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Morlan Pardo (Signature) 978 Thelma way S.J. CA 95122  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Angel Urbacio 3682 Waterbury Ct #395117  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Hanbel Florent (Signature) 477 Greenleaf way #13 95129  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Adiana Grass (Signature) 888 Athene. # 2  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Abraham Mtz (Signature) 2247 Shamrock Dr # 2  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

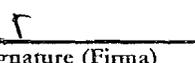
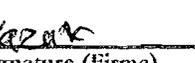
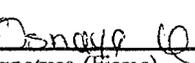
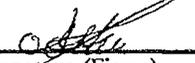
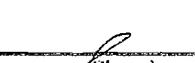
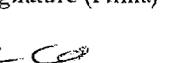
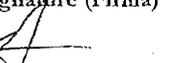
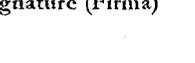
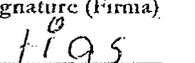
Claudio Rojas (Signature) Lucretia AV #309 San Jose  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Roberto Antonio 405 Eden AV #44  
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

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<u>Carlos Norvete</u>		1380 CUPERTINO AV #7 <sup>SANTA CA.</sup> <sup>CHANA 95066</sup>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Noralba Ramirez</u>		995 AUSTUS DR.
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>MARTIN RIOS D.</u>		45 CLEVELAND AVE. - SAN JOSE
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>José Luis Salazar</u>		3137 Cadillac Dr #16
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>M<sup>ra</sup> del Carmen Osorio</u>		Meridian 923 Av <sup>95126</sup> San Jose CA
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Orlino</u>		151 W Hamilton Av CA
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Buimaro</u>		3679 Bridgeport Ct
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>José Luis</u>		17 ROSSIR AP 2
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Francisco Moran B</u>		3087 #2 Ave. DAVID
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Moises</u>		1180 Bonady BUCK way
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Lucinda Garcia</u>		1357 AVE FIDEN #133 <sup>95117</sup> <sup>6 SAN JO</sup>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>ROSELLA OROZCO</u>		959 BACKNAM AVE 95008
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Vito Carr</u>		1800 STORES ST
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>OLIVER A</u>		375 UNION AVE 95008
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Sergio Matias</u>		3505 Cadillac 95128
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)

## Petition (Petición)

We the undersigned residents of San Jose, California, totally support the issuance of an Off sale Beer & Wine License and Liquor License Exception Permit to LOS PRIMOS MEAT MARKETS, INC. dba LOS PRIMOS MEAT MARKET at 1539 S. Winchester Blvd., San Jose so they may be allowed to sell beer and wine. We believe this will be a public necessity and convenience as defined in B & P Code Section 23958.4, as we are patrons of this Market.

Nosotros, Residentes de San Jose, California los cuales firmamos, Totalmente Apoyamos que expidan un permiso de excepcion para venta de licores y vinos LOS PRIMOS MEAT MARKETS, INC. dba LOS PRIMOS MEAT MARKET in Mercado localizado 1539 S. Winchester Blvd., San Jose. Para que se les permita la venta de, vinos y cerveza. Nosotros creemos que es una necesidad y conveniencia publica ya que nosotros somos clientes del Mercado.

Jesus Hernandez	<i>[Signature]</i>	Lucretia 2282 #4
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Jesus Hernandez	<i>[Signature]</i>	Lucretia 2282 #4
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Conrado Diaz	<i>[Signature]</i>	1355 EDEN AVE APT B 12
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Zosimo Jos.	<i>[Signature]</i>	RANCHERO WAY 1065 #4
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Sandra Ruiz	<i>[Signature]</i>	3218 Impala Dr 11
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Jose Andres	<i>[Signature]</i>	3218 Impala Dr 11
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Sandra Luna	<i>[Signature]</i>	567 Hazell Dell City #1
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
DAGOBERTO ALCARAZ	<i>[Signature]</i>	3681 Cape Cod Ct #1 S.J. 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Paula	<i>[Signature]</i>	V V V
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
MIGUEL CUREL	<i>[Signature]</i>	3976 Cape Cot St SJ 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Dora Lopez	<i>[Signature]</i>	982 Ravenscroft Ave #7 95128
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Elberto Triesteg	<i>[Signature]</i>	Eden Av - C-37 APT B
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Harley Rodriguez	<i>[Signature]</i>	1839 SAN TOMAS Aquino
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Raul Madrid	<i>[Signature]</i>	3824 BARKER DR.
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Alexandra Garcia	<i>[Signature]</i>	3766 Underwood #3 - San Jose - CA
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)



# Memorandum

**TO:** Avril Baty  
 Planning Department

**FROM:** Ofr. Rick Galea #3495  
 San Jose Police Vice Unit

**SUBJECT:** The Los Primos Meat Market  
 1539 South Winchester Blvd.

**DATE:** April 20, 2006

Approved

Date

I have received your request for input regarding The Los Primos Meat Market, 1539 South Winchester Blvd., San Jose, Ca. 95117. The Los Primos Meat Market is seeking an ABC Type 20 license which is an off sale license to sell beer and wine.

Per Business and Professions (B&P) Code Section 23958, the State of California Department of Alcohol Beverage Control shall deny an ABC Application for an ABC License if the issuance of that license would tend to create a law enforcement problem or if it would result in or add to an undue concentration of ABC Licenses, as described in B&P Sections 23958.4 (a)(1) and 23958.4 (a)(3). A location can be unduly concentrated because of its criminal statistics and/or it's proximity to other ABC Licenses. ABC can issue the license per B&P Sections 23958.4 (b)(1), and 23958.4 (b)(2) if the local governing body determines that the public convenience or necessity would be served. The City of San Jose Planning Department or the Planning Commission are the delegated authorities to grant these exceptions.

The location is not currently in a Strong Neighborhood Initiative area or a Neighborhood Revitalization area.

The Los Primos Meat Market is located in San Jose Police Beat N5. The reported crime statistics as defined by B&P Section 23958.4(c) **are not** over the 20% crime index thus the location **is not** considered unduly concentrated per B&P Section 23958.4 (a)(1).

### Police Beat Crime Statistics

Beat	Index Crimes	Arrests	Total	20% Above Average
N5 (2005)	320	355	675	No
City Average	317	345	661	

Department of Alcohol Beverage Control (ABC) records indicate The Los Primos Meat Market is in census tract 5065.01. Pursuant to B&P Section 23958.4 (a)(3) ... the ratio of on-sale retail licenses and off-sale retail licenses to population in census tract 5065.01 **does not** exceed the ratio of on-sale retail licenses and off-sale retail licenses to population in the county in which the applicant premises are located.

**Authorized and Current ABC Licenses in Census Tract 5065.01**

Census Track	Authorized ABC Licenses as of August 2005		Current ABC Licenses as of March 16, 2006		Unduly Concentrated	
	On - Sale	Off - Sale	On - Sale	Off - Sale	On - Sale	Off - Sale
5065.01	10	5	4/0	3/1	No	No

The San Jose Police Department is neutral to the issuance of this permit. Please feel free to contact me at 277-4322 if you have any questions.

Ofr. Rick Galea #3495  
Administrative Officer  
Special Investigations/Vice

**CITY OF SAN JOSÉ, CALIFORNIA  
DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT  
STATEMENT OF EXEMPTION**

**FILE NO.** CP06-009

**LOCATION OF PROPERTY** southwest corner of Winchester Blvd. and Impala Drive (1539 S WINCHESTER BL)

**PROJECT DESCRIPTION** Conditional Use Permit to allow the sale of alcoholic beverages at an existing small retail commercial business on a 0.43 gross acre site

**ASSESSOR'S PARCEL NUMBER** 305-03-045

**CERTIFICATION**

Under the provisions of Section 15301(a) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

**15301 Existing Facilities:** involving little or no expansion of use including:  
(a) Interior or exterior modifications.

Joseph Horwedel, Acting Director  
Planning, Building and Code Enforcement

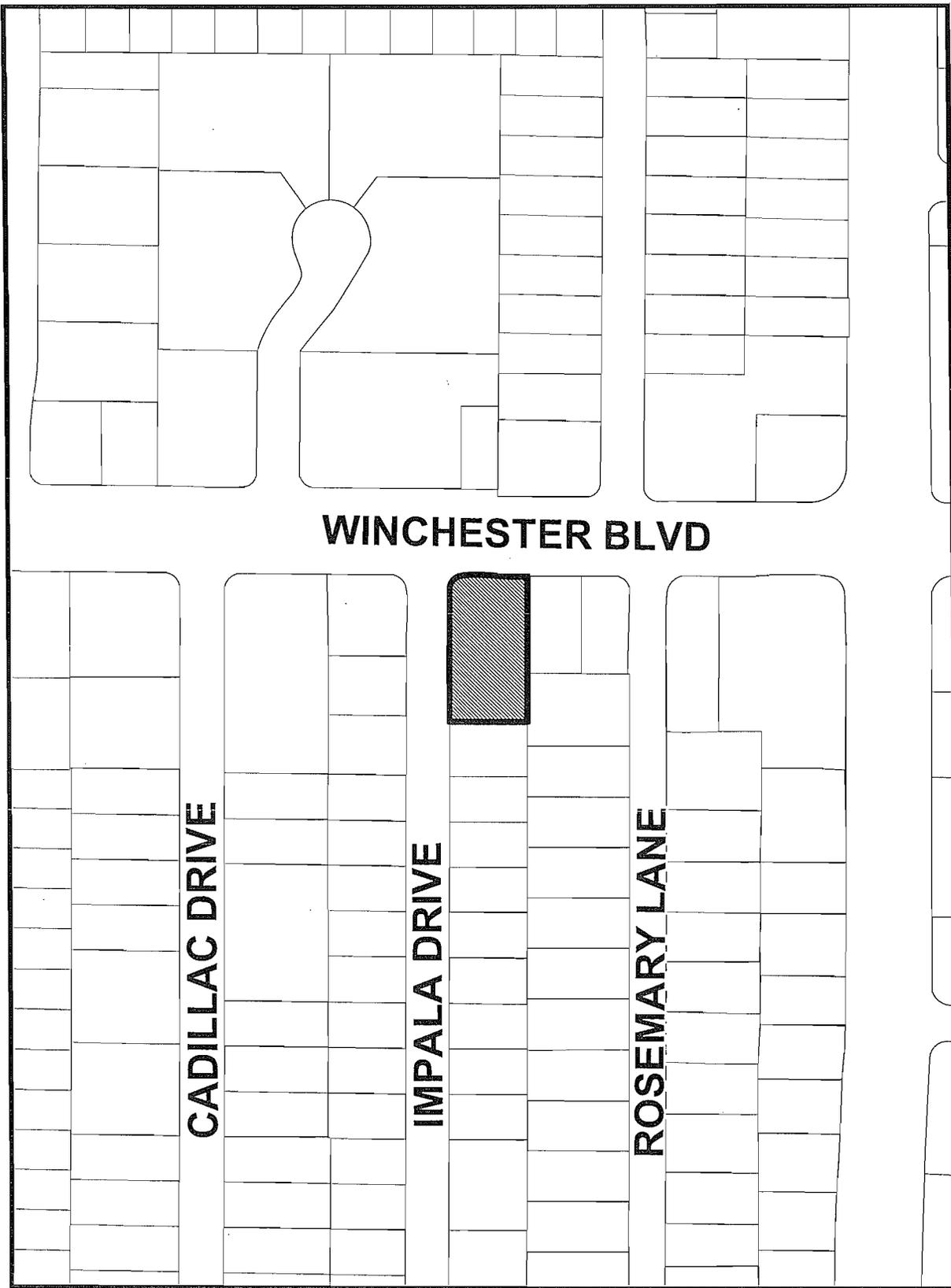


Deputy

Date February 27, 2006

Project Manager: Avril Baty

(Rev. 10/23/02)



File No: CP06-009 & ABC06-006

District: 1

Quad No: 98

N  
Scale: 1"= 200'  
Noticing Radius: 500 feet

Map Created On:  
02/01/2006