



COUNCIL AGENDA: October 24, 2006

ITEM: 11.5

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: October 17, 2006

Approved:

Date:

10/17/06

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).

REASON FOR ADDENDUM

The project was dropped from a previous City Council agenda. The drop was the result of erroneous information received from the State of California Department of Alcoholic Beverage Control (ABC). The ABC indicated that the census tract in which the subject site is located is not over-concentrated with establishments that offer the off-sale of alcoholic beverages. Because the census tract contains areas under the jurisdiction of both the City of San Jose and Campbell, staff believed that the ABC information was accurate. Therefore, staff dropped the item from the City Council agenda, because with the site being outside of an over-concentrated census tract, a Determination of Public Convenience or Necessity was not required. Staff prepared notices for a new Planning Commission hearing. After additional research, however, it was determined that an off-sale establishment does in fact exist in the same census tract within City of Campbell, thus the subject census tract is over-concentrated. The project was then re-noticed for the earliest available City Council hearing. In accordance with State law, notices for this hearing were mailed out more than 10 days in advance of the hearing date.

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 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.

The project was dropped from a previous City Council agenda. The drop was the result of erroneous information received from the State of California Department of Alcoholic Beverage Control (ABC). The ABC indicated that the census tract in which the subject site is located is not over-concentrated with establishments that offer the off-sale of alcoholic beverages. Because the census tract contains areas under the jurisdiction of both the City of San Jose and Campbell, staff believed that the ABC information was accurate. After additional research, however, it was determined that an off-sale establishment does in fact exist in the same census tract within City of Campbell, thus the subject census tract is over-concentrated and the project has been re-noticed for the City Council hearing.

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. It should be noted that the applicant has petitioned for a conditional license from the State of California ABC. A copy of the petition, with the proposed ABC conditions, is attached.

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.

With regards to the above findings, the applicant has indicated several reasons why the use would not be detrimental to the surrounding area. First, the applicant has indicated that the orientation of the store entry towards Winchester Boulecard will reduce the impacts on the adjacent residences, as the entry does not face any of the residential uses. Second, the applicant has indicated that only a small portion of the overall sales area would be dedicated to alcohol sales. Third, the applicant has indicated

that, in accordance with the proposed ABC conditions of approval, no single-serve alcohol would be sold and no advertising of alcohol sales could be visible from the outside of the store. The applicant has also indicated a willingness to situate the alcohol sales area in a manner such that it is not visible from the front door. Despite these positives noted by the applicant, staff still believes that 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.

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 even with the concessions proposed by the applicant, 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)**

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

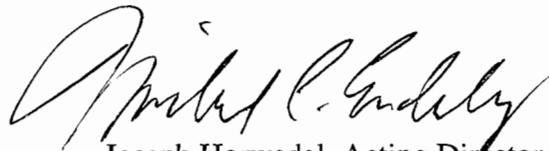
Not applicable.

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.



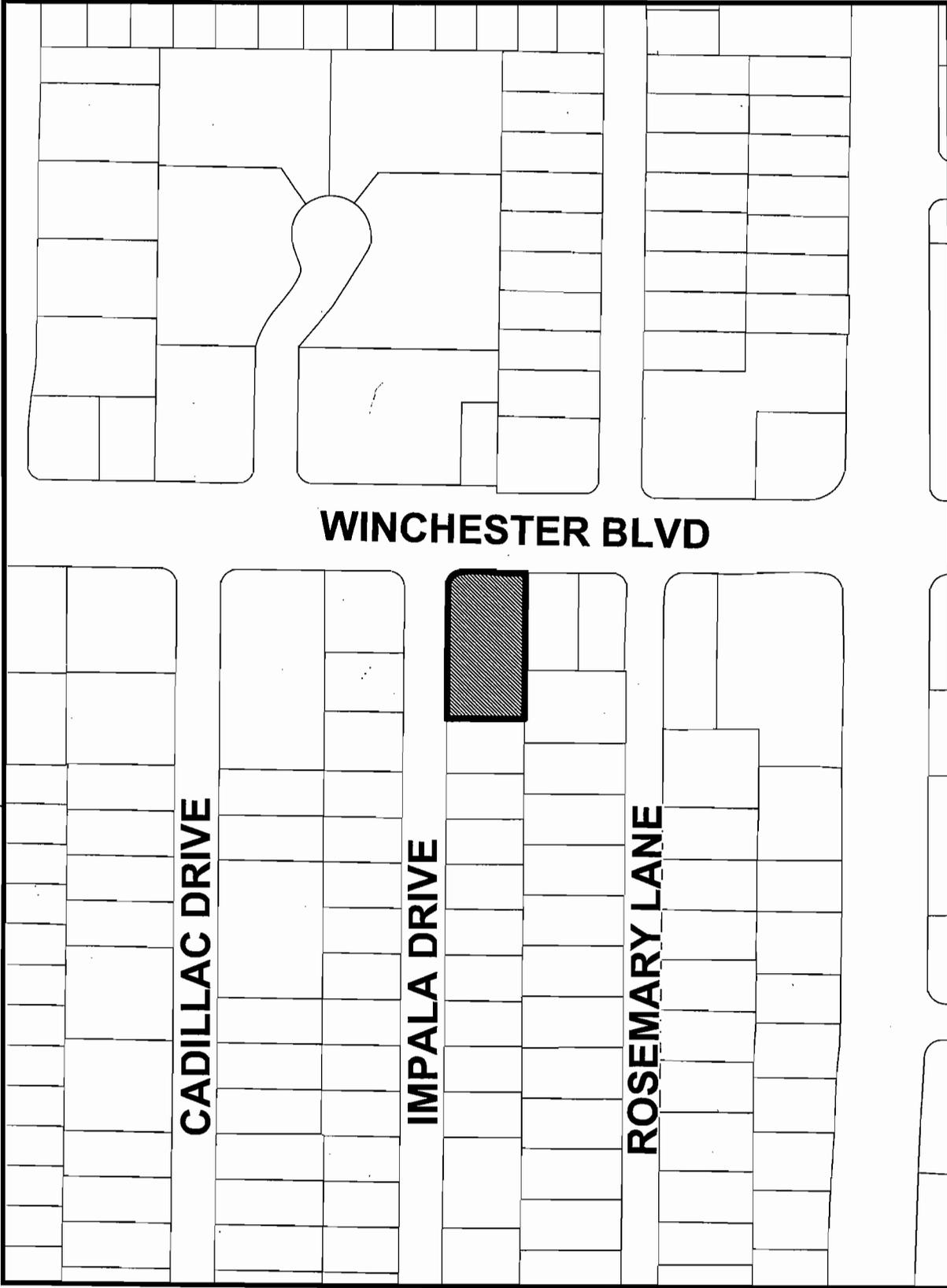
Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

For questions, please contact Mike Enderby at (408) 535-7800.

Attachments:

- Planning Commission Staff Report & Attachments
- Synopsis of Planning Commission hearing
- Appeal Application
- Supplemental letter from applicant
- State of California ABC Petition for a Conditional License

cc: Applicant/Appellant



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

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

PUBLIC AGENCY COMMENTS RECEIVED

Department of Public Works: None received.

Other Departments and Agencies See attached memorandum from the Police Department

GENERAL CORRESPONDENCE

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.

ANALYSIS AND RECOMMENDATIONS

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 of 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>CPOG-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 page 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>Jesus Guzman 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 San Jose, CA</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, CA</i>	STATE <i>CA</i>
	ZIP CODE <i>95128</i>

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

**BEFORE THE
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
OF THE STATE OF CALIFORNIA**

RECEIVED
APR 13 2005
Dept of Alcoholic Beverage Control
San Jose

In the Matter of the Application of:

**LOS PRIMOS MEAT MARKET INC.
Dba: Los Primos Meat Market
1539 S. Winchester Blvd.
San Jose, CA 95128**



File: 20-421112

Reg:

**PETITION FOR
CONDITIONAL
LICENSE**

For issuance of an Off-Sale Beer & Wine License

Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, the proposed premises and/or parking lot, operated in conjunction therewith, are located within 100 feet of two (2) residence(s); and,

WHEREAS, issuance of the applied-for license without the below-described conditions would interfere with the quiet enjoyment of the property by nearby residents and constitute grounds for the denial of the application under the provisions of Rule 61.4, of Chapter 1, Title 4, of the California Code of Regulations; and,

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare or morals;

NOW THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:

1. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the license(s) shall be removed or painted over within seventy-two (72) hours of being applied.
2. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, as depicted on the ABC-257 dated 12/02/04 and the ABC-253 dated 12/02/04.
3. No sales of beer or malt beverages in quantities of quarts, 22 oz., 32 oz., 40 oz., or similar size containers is prohibited. No beer or malt beverages shall be sold in quantities of less than six per sale.
4. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee(s) as depicted on the ABC-257 dated 12/02/04 and ABC-253 dated 12/02/04.
5. There shall be no exterior advertising or sign(s) of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.

LOS PRIMOS MEAT MARKET INC

20-421112

Page 2

6. Petitioner(s) shall police the area under their control in an effort to prevent loitering of persons about the premises, as depicted on the ABC-253 dated 12/02/04.

This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 16th DAY OF December, 2007

[Signature]
Applicant/Petitioner

Applicant/Petitioner

LIQUOR LICENSE SERVICES, LTD.

SINCE 1969

LICENSING and COMPLIANCE SPECIALISTS

1060 MINNESOTA AVENUE
SAN JOSE, CALIFORNIA 95125
(408) 297-2587
Fax (408) 999-0784

FAX COVERSHEET

3 PAGES INCLUDING
THIS COVERSHEET

TO: Lee Butler

FROM: Rick Cole

RE: C P06-009 & ABC06-006
Los Primos Meat Markets, Inc.

TRANSMITTED ARE THE FOLLOWING DOCUMENTS:

1. 2 page conditions that ABC DEPT HAS
2. Imposed on Los Primos Meat Market
3. _____
4. _____

COMMENTS Please include these conditions
to STAFF REPORT

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	<i>[Signature]</i>	1370 Lexington F-18
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Maricela Ortiz	<i>[Signature]</i>	548 Valle Fogue Way
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Miguel Pineda	<i>[Signature]</i>	1730 Schollet DR
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Roberto Cesme S.	<i>[Signature]</i>	1091 Tapscott Ave.
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Manuel Guiral	<i>[Signature]</i>	2960 Homestead rd
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Marcos M	<i>[Signature]</i>	1330 BASCOM AV
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Leovardo Suarez	<i>[Signature]</i>	3742 Cadillac DR
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Jackeline Rodriguez	<i>[Signature]</i>	3147 Cadillac DR
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Lola Martinez	<i>[Signature]</i>	3115 Cadillac -
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Andres	<i>[Signature]</i>	1370 Lexington DR APT F-20
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Issac Goveves	<i>[Signature]</i>	1370 Lexington DR APT F-20
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Jorge Trejo	<i>[Signature]</i>	1380 Lexington DR APT. G.7.
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Juan Medina	<i>[Signature]</i>	1380 Lexington DR APT. G.7
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Jorge A Pano	<i>[Signature]</i>	1533 edwude san Jose CA 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Juan Zamora	<i>[Signature]</i>	1539 Cadillac 95128
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)

Petition (Petición)

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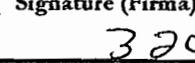
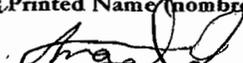
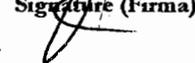
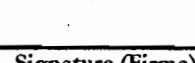
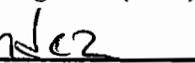
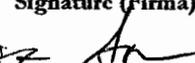
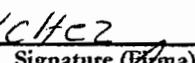
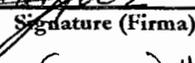
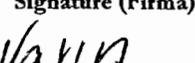
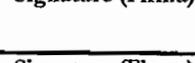
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<u>M. ANGEL MAEIEL</u>	<u>[Signature]</u>	<u>3223 IMPALADOR #16</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>VIANEY TORRES</u>	<u>[Signature]</u>	<u>3649 HAIG ST Santa CLAYIA</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Loed Luis Pinon Garcia</u>	<u>[Signature]</u>	<u>[Address]</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Saorro. Baptista</u>	<u>[Signature]</u>	<u>2086. mardel. LN.</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Marco Antonio Angel</u>	<u>[Signature]</u>	<u>540-44-31</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Marco Antonio Ornelas Casarez</u>	<u>[Signature]</u>	<u>370-94-17</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>José Rodil Ramirez</u>	<u>[Signature]</u>	<u>380 Lomas de</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Alex Rivera</u>	<u>[Signature]</u>	<u>333 Briar Ridge Dr 95723</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Gloria Salazar</u>	<u>[Signature]</u>	<u>408-348-19-70</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Lopez Cobian</u>	<u>[Signature]</u>	<u>3-703685</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Juan</u>	<u>[Signature]</u>	<u>380 Dunster Dr. Apt #1</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Maria Cervantes</u>	<u>[Signature]</u>	<u>831 Gale Dr Apt #63</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Luis Enrique Santamaria</u>	<u>[Signature]</u>	<u>1324 Winchester Blvd APT 135</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Marco Sanchez</u>	<u>[Signature]</u>	<u>1919 Sirkala Dr D-11</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Omar Lopez</u>	<u>[Signature]</u>	<u>[Address]</u>
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.

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Laura Morales		1357 Edea av. # B27
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Cua de Jesus		3209 Collier Rd #5. C.P. 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Alfredo G.		660 S. Winchester Blvd #24
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
		
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
JESUS TORRES		3189 CADILLAC 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Pablo Hernandez		1315 EDEA AV 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
ABRAHAM GONZALEZ		3231 IMPALA DR 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
MARCOS SANCHEZ		3521 CADILLAC
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
LUIS CORTEZ		251 OLD DARLAN RD SAN JOSE
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Antonio 		
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Gregorio M.	Gregorio M.	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 GUSMÁN	Ernesto G	1405 Eden Ave #29
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Nacho Chavarin		3218 Impala DR #3
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Diego Vera		710 Mdb dr #28 95008
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)

Petition (Petición)

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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 Oseguera 1324 S. WINCHESTER #114
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

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

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

JUAN VARRIACAL 1845 S BASCOM AVE APT-30
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

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

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)

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

Rosalva Locano 3051 Cal Way Apt 2 95128
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

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

Petition (Petición)

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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 Pinos [Signature] 701 Sherman Dr SJ CA
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Jose Montoya [Signature] 9999-ORLANDO DR SAN JOSE CA 95129
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

SALVADOR AZUCCI [Signature] [Address]
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Edgar Gorman [Signature] 1819 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 Garcia [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 NIDA Dr Campbell (408) 6798
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Petition (Petición)

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Amir G. GARCIA 4085617413
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Pedro Vasquez 3672 MAY LA 9306010
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Ignacio VASQUEZ 8718156
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Juan Ramon Ramos 4108 8210783
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Guadalupe Cured (408) 243 4872.
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Antonio Curici 408243-4872
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Cosme Estolano Facio 370-6508
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Jose Gonzalez 1207 866 43 76
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Maritza Martano 661-9936 5493 Don Pizarro Ct San Jose, CA
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Raúl Chaverria 5493 Don Pizarro Ct. San Jose, Ca.
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

ROCHA JESUS 1609 PARKWOOD AVE SAN JOSE CA
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Navarrete Luis 1750 STORES ST SAN JOSE CA.
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Marta Palato 3033 Colonial wy 21 San Jose Ca 95128
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Juan Zamora Sanchez 3040 Cadillac dr Apt. 8, San Jose
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

MARIA ELENA TORRES 163 N. SAN TOMAS AQUINO Rd.
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

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<u>Alicia Morala</u>	<u>[Signature]</u>	<u>1357 Eden Ave #1546</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Sarit Carriles</u>	<u>[Signature]</u>	<u>980 Sobrato Dr #1 Campbell 95108</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Angelina Victoria</u>	<u>[Signature]</u>	<u>967 Ravenscourt Ave #4 95128</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>MARTIN G. Perez</u>	<u>[Signature]</u>	<u>1845 S. BASCOM AVE APT 27 B</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Yessence Turo</u>	<u>[Signature]</u>	<u>4510 Hamilton Ave #1 95130</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>EULALIO CAJESA</u>	<u>[Signature]</u>	<u>457380 LEXINGTON 95117</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Rogelio Hernandez</u>	<u>[Signature]</u>	<u>1506 KOOZER 95118</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Micaela Solis</u>	<u>[Signature]</u>	<u>978 Ravenscourt #2 - 95128</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Alexandra Hernandez</u>	<u>[Signature]</u>	<u>3040 DAVID #21</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>MANUEL VERNAI YERRE</u>	<u>[Signature]</u>	<u>3050 CADILLAC #7</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Cabriel</u>	<u>[Signature]</u>	<u>1886 - W BASCOM AV.</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Marta Bautista</u>	<u>[Signature]</u>	<u>2026 Mardel Ln San Jose Ca 95128</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Kamiro Zamora</u>	<u>[Signature]</u>	<u>2026 Mardel Ln. San Jose Ca - 95128</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Antonio Guillen</u>	<u>[Signature]</u>	<u>3033 Colonial wy 20 San Jose 95128</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Armando Zamora</u>	<u>[Signature]</u>	<u>3033 Colonial wy 18 San Jose Ca 95128</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)

Petition (Petición)

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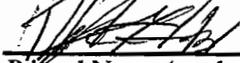
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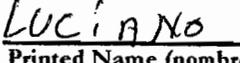
JOSE RODRIGUEZ	<i>[Signature]</i>	1357 EDEN AV
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Maria Zamora	<i>[Signature]</i>	3150 Cadillac ave
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Oiga Aguirre	<i>[Signature]</i>	1350 Eden ave 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Jim Lee	<i>[Signature]</i>	MUNICIPAL AV. APT B 108
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Veronica Cárdenas Oseguera	<i>[Signature]</i>	2069 David Av. Apt #2 95128
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Ubaldo Muñoz Estrada	<i>[Signature]</i>	4048 Hamilton AVE APT 12
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Patricio Martins	<i>[Signature]</i>	1088 Roewill dr 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Alicia Gutierrez	<i>[Signature]</i>	242 Rancho Dr #161
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Sergio Rodriguez	<i>[Signature]</i>	2740 Kern Av. CP. 95121
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<i>[Signature]</i>	<i>[Signature]</i>	1370 Loma Verde 95128
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
GOVIERNO MEDINA	<i>[Signature]</i>	3216 LOMA VERDE DR. 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Francisco Jimenez	<i>[Signature]</i>	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 AM	<i>[Signature]</i>	949 Shannon Pl #B Campbell
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Maria Morales	<i>[Signature]</i>	2436 W Hedding 95128
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)

Petition (Petición)

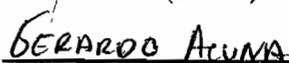
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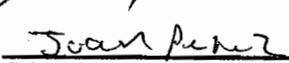

 Printed Name (nombre) Signature (Firma) Address (Domicilio)
 LUCIANO 1350 eden ave apt 7

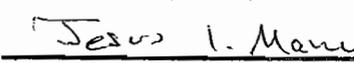

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 LUCIANO 350 BUDD APT A99

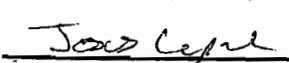

 Printed Name (nombre) Signature (Firma) Address (Domicilio)
 BERNARDO ARANA 1388 PALM ST 9

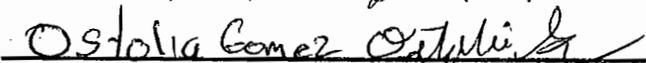

 Printed Name (nombre) Signature (Firma) Address (Domicilio)
 BERNARDO ARANA 925 BAYNTON AVE APT. #31


 Printed Name (nombre) Signature (Firma) Address (Domicilio)
 JUAN LOPEZ 1231 PLAINMAN DRIVE 252

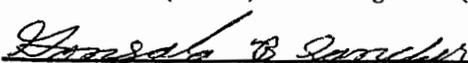

 Printed Name (nombre) Signature (Firma) Address (Domicilio)
 JUAN PEREZ 835 PALM ST

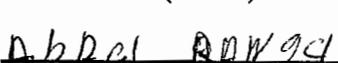

 Printed Name (nombre) Signature (Firma) Address (Domicilio)
 JESUS I. MANU 1530 BAYTON AVE. # 72

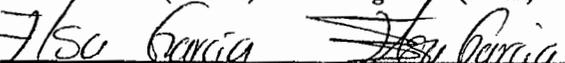

 Printed Name (nombre) Signature (Firma) Address (Domicilio)
 JUAN LOPEZ 325 BUDD DRIVE #A52

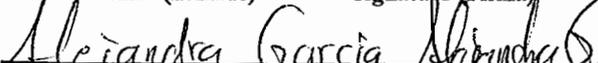

 Printed Name (nombre) Signature (Firma) Address (Domicilio)
 OSTOLIA GOMEZ 260 ADLER AVE #1 Campbell

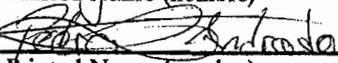

 Printed Name (nombre) Signature (Firma) Address (Domicilio)
 BLANCA ALICIA BLANCA 97 KIM LOUISE DR #3


 Printed Name (nombre) Signature (Firma) Address (Domicilio)
 GABRIELA B. SANCHEZ 2723 Indiana st storckton cal, 955


 Printed Name (nombre) Signature (Firma) Address (Domicilio)
 ABIGAIL 1357 EDEH


 Printed Name (nombre) Signature (Firma) Address (Domicilio)
 ELSA 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)
 PEDRO 1215 EDGEWAVE B19

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

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

Eracilio VAZQUEZ - T - 408. 666-48-91. 3731 IMPALA. Apt HS
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

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

Genaro Larcaza 354 N. ST (408) 280-1619
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Jose Barajas 776 Woodlawn St 1
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Jose Gaudaluna 3189 Cadillac #9
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

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

Conchita Pantaja 1702 Cruzera 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)

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

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

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

Griselda Fedelma 32 39 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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Damiana Ornelas G.
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

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

Teresa Solis
 Printed Name (nombre) Signature (Firma) Address (Domicilio) 982 Ravenscroft #2 95128

Jose Mi Perez
 Printed Name (nombre) Signature (Firma) Address (Domicilio) 3175 IMPALA DR #1 SAN JOSE CA 95117

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

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

Jose Arturo Rio
 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 edev AV ACT#8

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

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

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

Marjorie D Sanchez
 Printed Name (nombre) Signature (Firma) Address (Domicilio) 970 Mendocino Ave #15 Jose

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

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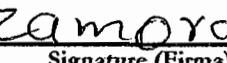
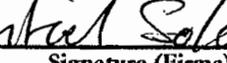
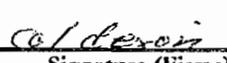
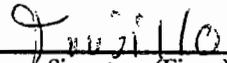
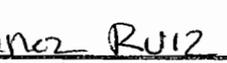
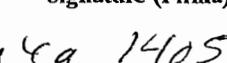
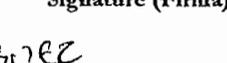
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<u>Pedro Rios G.</u>	<u>1510 EDEN AV. APT. 7</u>	
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Adrian GONZALEZ</u>	<u>Adrian</u>	<u>4810 HAMILTON AV. APT #7</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Narda Rosario</u>	<u>Narda</u>	<u>3189 Galileo Dr. Apt 4 San Jose CA 95117</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Maria Reyes</u>	<u>Maria</u>	<u>3207 - IMPALA DR 54 95117</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Berenice Lopez</u>	<u>Berenice</u>	<u>3033 Colonial way Apt. 1 95128</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Fernando Torres</u>	<u>Fernando</u>	<u>7161 - ROOSE CT. S.J. CA.</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Alfredo Rodriguez M.</u>	<u>Alfredo</u>	<u>524 - Dudley Ave San Jose CA - #9</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>JAIMC</u>	<u>LOPEZ</u>	<u>179 - SOBRAPO - DR. AP. B. CA - 78</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Fernando</u>	<u>Sanchez</u>	<u>Eden 1510 Dep-5</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Alex Ortiz</u>	<u>Alex Ortiz</u>	<u>15535 EL BESO Lane 29 Beto CA 95032</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>ARMANDO</u>	<u>PABBA</u>	<u>110 Oak rim court 95032</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Pablo C. PARRA</u>	<u>Pablo</u>	<u>110 Oak rim court 95032</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Maritza Heredia</u>	<u>Maritza</u>	<u>1475 Eden Ave H1 S.J. CA. 95117</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>ALEJANDRO</u>	<u>DC</u>	<u>1444 MADISON SANTA CRUZ</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>FERNANDO</u>	<u>Fernando</u>	<u>2019 S Winchester Blvd</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)

Petition (Petición)

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Pedra A.B.N		1333 EDEN A.P. B. 17
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Jose Martinez	Jose C. Martinez	1785 FRENCH C. SAN JOSE CA
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Pablo Heredia		1475 Eden Ave #1 San Jose Ca. 951
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Fernando Gutierrez		860 Sobrato Dr. #A Campbell Ca. 95008
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Bertha Zamora		3033 Colonial Way 95117 S.S.C
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Sergio Manuel Salas		1118 STARBUCK CREEK AP. 8
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Juan E. Calderon		1137 Oakmont dr
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Alexandro Trujillo		278 Kid Rod 95116
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Ricardo P. Romero		5300 TERRELL WAY #910
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Ubaldo Martinez Ruiz		1104 TOPAZ AVE APT #1 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Raul Martinez Ruiz		1104 TOPAZ AVE APT #1 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Raquel Flores Cuevas		3014 DEFTWOOD DR #17
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Patricia Maya		1405 EDEN AVE #C23
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Andrea Noguez		1940 BASCOM AVE -
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Jose de Jesus Torres		colonia WUY 3033 H 9
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)

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J. Carlos		680-AOKSIDE-AV.
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
RASHA EIM		P.O. BOX 110966 Campbell, CA 95011
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
MARTIN ALONSO		305 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		MARSH - 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 Islas		3955 Rhoda Dr. APT #6
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Jonathan Cabrera		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 Agra
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
ALFREDO YIGADA		1250 MONTE AGRÁ
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Herman Guadalupe		1510 - Eden ave
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Gabriel Lopez		6560 San Jose AV.
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)

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

[Signature] [Signature] CADIZCA 3889
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

cebarudo [Signature] 1357 EDEN AV SAN JOSE
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

CLAUDIA REYES [Signature] 865- Minchetas San Jose Cal.
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Raymundo Patino S [Signature] 1405 Eden Ave # 040
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

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

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

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

Carvilo [Signature] ~~520 S. Willard San Jose CA~~
CP 95128
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

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

Rosanna Lopez [Signature] 3201 Lealman Dr. DR # 1
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Draziel P Sanchez [Signature] 1510 EDEN AVE APT 67
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

RICKY PEDROZA [Signature] 1350 Lexington Dr. D7
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Jose [Signature] 2885 murtha DR San Jose Ca
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

[Signature] [Signature] 5683 APT 4 BRISBANE
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

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<u>Gonzalo Sanchez</u>	<u>2723 INDIANA ST</u>	<u>Stockton cal 95201</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>ERIK Sanchez</u>	<u>3804 BLACK FORD AU.</u>	<u>S.J. Cal.</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Jesús</u>	<u>[Signature]</u>	<u>1104 Robway AV Apt 2 Campbell cal 95008</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Rafael Perez</u>	<u>[Signature]</u>	<u>300 DOSTER DR #25 Campbell Ca 95008</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Ricardo Martinez</u>	<u>[Signature]</u>	<u>1085 Rancheros way APT #6</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>DOMINGO CUSC</u>	<u>[Signature]</u>	<u>#6066 FRUITDALE AV APT 1-1</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Castaneda Chanda</u>	<u>[Signature]</u>	<u>1447 Castaneda Ct 95336</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Amelica Hernandez</u>	<u>[Signature]</u>	<u>3180 Loma Verde Dr #36</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Rafael Morales</u>	<u>[Signature]</u>	<u>BARKER - DR - #38130</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Juan Pablo Cazares Perez</u>	<u>[Signature]</u>	<u>380 Lexington Dr Apt. G 7</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Moises Mena</u>	<u>[Signature]</u>	<u>eden 47 APT. 47</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Silvia Mendoza</u>	<u>[Signature]</u>	<u>3068 DAVID AV. APT #141</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Patricia Alcocer</u>	<u>[Signature]</u>	<u>3068 David Av. APT #14</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Daniel Méndez</u>	<u>[Signature]</u>	<u>3040 David, AV. # 4.</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<u>Raul Orozco</u>	<u>[Signature]</u>	<u>1016 W HACIENDA CAMPBELL CA 95008</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)

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Glady's Adams	Glady's Adams	1391 San Tomas Aquino
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Vanessa Camargo		4567 Hamilton AV
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Jose T. Fonso		4567 Hamilton AV
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Carmen Pedroza		1350 Lexington Dr D7
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Das Garcia		1357 EDEN AVE APT B-1.
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Pedro Meza		1403 EDEN AVE APT C9
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Gus		805 Beoley Dr.
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Sandra		1370 Lexington Dr.
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Alexandro J.		125 Opal Dr. #1 SJ, CA.
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Arnoldo Portillo		4088 Hamilton Ave #15 San Jose CA
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Adlene Perez		2955 Rhoda Dr, Apt #15 San Jose CA 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Juan M Ramos	Juan M Ramos	3217 Cadillac Dr. San Jose CA: 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Diana Morade		1350 Lexington G 10 San Jose
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Jesus Ramos V.		701 Shearson Dr 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Samuel Muñoz		1405 eden ave 95128
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)

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<u>Rigoberto Reyes</u>	<u>Rame</u>	<u>cadila</u>	<u>APT 9</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)	
<u>José Vergara</u>	<u>J.</u>	<u>3131</u>	<u>CADILLA DR #B 95117 SJC</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)	
<u>Pablo</u>	<u>Cherín</u>	<u>1919</u>	<u>Fruitdale AV #1209</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)	
<u>Dagoberto</u>	<u>Pt.</u>	<u>Lexington Dr</u>	<u>Apt 13</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)	
<u>David</u>	<u>M.</u>	<u>1491</u>	<u>DE ROCCO way 203A</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)	
<u>JAVIER</u>	<u>Ramirez</u>	<u>M.</u>	<u>- 1919 Fruitdale AVE. APT. 76</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)	
<u>José</u>	<u>Rodriguez</u>	<u>613</u>	<u>BALTON CT PTD San Jo.</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)	
<u>Juan Ramon</u>	<u>Hernan</u>	<u>3033</u>	<u>COLONIAL WAY APT. 7</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)	
<u>Marlon</u>	<u>Parrón</u>	<u>978</u>	<u>Thelma wy S.J. CA</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)	
<u>Angel</u>	<u>Arboreo</u>	<u>3685</u>	<u>waterbury Ct #395117</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)	
<u>Hanbel</u>	<u>Hernandez</u>	<u>477</u>	<u>Greenlake way #13</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)	
<u>Adiana</u>	<u>Grass</u>	<u>888</u>	<u>Athene. # 2</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)	
<u>Abraham</u>	<u>Mtz</u>	<u>2242</u>	<u>Shamrock Dr # 2</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)	
<u>Cleudio</u>	<u>Reyes</u>	<u>Lucretia</u>	<u>AV #309 SJA</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)	
<u>Roberto</u>	<u>Antonio</u>	<u>1405</u>	<u>Eden AV #44</u>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)	

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CARLOS NAVARRETE [Signature] 1380 WILBURTON AV #7 SANTA CA. CLARA 95026
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Noraalba Ramirez [Signature] 995 AMSTUS DR.
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

MARTIN RIOS D. [Signature] 45 CLEVELAND AVE. I - SAN JOSE
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

José Luis Salazar [Signature] 3137 Cadillac Dr #16
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

M^{ra} del Carmen Osorio [Signature] Meridian 923 A12 San Jose CA 95126
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

ONILIO [Signature] 151 W Hamilton Av CA
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Buimaro [Signature] 3679 Bridgeport Ct
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

[Signature] [Signature] 17 ROSSIR AP 2
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Francisco Moran D [Signature] 3087 #2 Ave. DAVID
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Moises [Signature] [Signature] 1180 BRADY BUCK WAY
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

LUCIFIA GARCIA [Signature] 1357 AVE FIDEN #133 95117 SANJO
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

ROJELIO OROZCO [Signature] 959 BUCKNAM AVE 95008
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

[Signature] [Signature] 1800 STORES ST
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

OLIVER A [Signature] 375 UNION AVE 95008
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

Sergio Matias [Signature] 3505 Cadillac 95128
 Printed Name (nombre) Signature (Firma) Address (Domicilio)

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Jesus Hernandez	<i>[Signature]</i>	Lucretia 2282 #4
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Juan Delacruz	<i>[Signature]</i>	Lucretia 2282 #4
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
CONRADO DIAZ	<i>[Signature]</i>	1353 EDEN AVE ART B 12
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
ZOSIMO J. S.	<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)
José ANDRES	<i>[Signature]</i>	3218 Impala Dr 11
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Sandra Luna	<i>[Signature]</i>	567 Hazell Dell Ct #1
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
DAGOBERTO ALCARAZ	<i>[Signature]</i>	3681 Cape Court #1 S.J. 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
MIGUEL CUREL	<i>[Signature]</i>	3976 Cape Cot St 95117
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Osvaldo Lopez	<i>[Signature]</i>	982 Ravenscroft Ave #7 95128
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Elberto Espinoza	<i>[Signature]</i>	Eden Av - C - 37 APT B
Printed Name (nombre)	Signature (Firma)	Address (Domicilio)
Harley Rodriguez	<i>[Signature]</i>	1834 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)
Alejandro 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)