



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** February 4, 2010

Approved

*Paul Kutt*

Date

*2/11/10*

**COUNCIL DISTRICT:** 5

**SNI AREA:** N/A

**SUBJECT:** CP09-019 & ABC09-001. Appeal of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of a full range of alcoholic beverages in addition to the current sales of beer and wine at an existing convenience store located at 2247 Alum Rock Avenue on 1.01 gross acre site.

## **RECOMMENDATION**

The Director of Planning, Building and Code Enforcement recommends the City Council deny the subject Conditional Use Permit and not make a Determination of Public Convenience or Necessity by finding that the required findings for a Determination of Public Convenience or Necessity cannot be made and that there is not a significant overriding public benefit served by the proposed off-sale of alcohol.

## **OUTCOME**

Should the City Council deny the proposed Conditional Use Permit, the proposed retail tenant space would continue to operate as a convenience store as it presently exists with the ability to continue to sell beer and wine only. Should the City Council approve the subject request, the site would be permitted to acquire an ABC license to allow the ability for the existing store to sell a full range of alcoholic beverages.

## EXECUTIVE SUMMARY OF OFF-SALE APPROVAL PROCESS

On February 1, 2006, City Council-adopted regulations affecting establishments that sell prepackaged alcohol for off-site consumption ("off-sale alcohol") became effective. The updated regulations revise the approval process and include enhanced findings for approval of an off-sale proposal as part of a Conditional Use Permit, and mandatory findings for a Determination of Public Convenience or Necessity, when such a determination is required by the State Department of Alcohol Beverage Control (ABC).

The enhanced findings for a Conditional Use Permit include a provision to address the proliferation of establishments in close proximity to existing off-sale uses by generally limiting the number of establishments to four (4) within a 1,000-foot radius. Additionally, the existing finding that addresses the location of such establishments proximate to sensitive uses such as schools and residences has been augmented to add public parks, childcare centers, social service agencies, and residential care and service facilities to the list of sensitive uses. If a new off-sale alcohol establishment is to be located within 150 feet of a residential use or residentially zoned property, or within 500 feet of one of the other specified sensitive uses, it must be determined that the proposed establishment is situated and oriented such that it would not adversely affect the sensitive use(s).

The Department of Alcohol Beverage Control (ABC), prior to licensing of a new off-sale alcohol establishment in an area of undue concentration or high crime (as defined by State law), requires business operators to obtain a Determination of Public Convenience or Necessity from the local jurisdiction. All applications for a Determination of Public Convenience or Necessity are considered by the Planning Commission in conjunction with any associated application for a Conditional Use Permit. The revised regulations include factual findings the Planning Commission is required to make in order to approve a request for a Determination of Public Convenience or Necessity. The four findings are as follows:

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; and
2. Approval of the proposed use would not result in a grouping 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 use; and
3. The proposed use would not be located within five hundred (500) feet of a school site, day care center site, public park, social services agency site, residential care facility site or residential service facility site, or within 150 feet of a site upon which a residential use is conducted or that is residentially zoned; and
4. Alcohol sales would not represent a majority of sales of the proposed use.

Should the Planning Commission find that the above conditions exist; further, consideration of the request is subject to discretionary findings. If the Planning Commission is unable to make all necessary findings noted above in order to consider making a Determination of Public Convenience or Necessity, it is compelled to deny both the request for a Conditional Use Permit and Determination of Public Convenience or Necessity. Appeal of the Planning Commission's decision is heard by the City Council. One of the changes made to the ordinance was to include the opportunity for the City Council to make a finding of overriding public benefit should one of the mandatory factual findings not be met. The City Council is the only decision-making body that can make the finding of greater public benefit.

This report, along with the Planning Commission staff report, includes a discussion of the project and whether the required findings can be made in both the case of the Conditional Use Permit and in the Determination of Public Convenience or Necessity. The Planning Commission was unable to make all necessary findings for a Determination of Public Convenience or Necessity in that the subject use is within 150 feet of a residential use. Therefore, the Commission was compelled to deny both the request for a Conditional Use Permit and Determination of Public Convenience or Necessity as discussed below. The applicant subsequently appealed the Commission's decision to deny these applications to the City Council.

Based on an analysis of the findings required for the City Council to approve the Conditional Use Permit and Determination of Public Convenience and Necessity in the face of negative factual findings by the Planning Commission, staff believes that the City Council cannot make any of the findings necessary to find that "significant or overriding public benefit or benefits will be served by the proposed use."

## **BACKGROUND**

### **Planning Commission Hearing**

On December 2, 2009, the Planning Commission held a public hearing to consider the proposed Conditional Use Permit and Determination of Public Convenience or Necessity (File Nos. CP09-019 & ABC09-001). The Director of Planning recommended the mandatory denial of the Conditional Use Permit and request for a Determination of Public Convenience or Necessity because one of the required four findings for the Determination of Public Convenience and Necessity could not be made. As stated in the original staff report (see attached), staff was unable to find that the proposed off-sale use is not located within one hundred and fifty (150) feet of a residential use or residentially zoned property.

The applicant was present at the hearing, but did not provide any testimony. There were three speakers representing different organizations that spoke against the proposal including Gabriel Antolovich of Voices United, Elma Arredondo of the Las Mariposas Homeowner's Association, and Danny Garza of the Mexican American Political Association (MAPA). The concerned noted that there are too many off-sale and on-sale establishments in the larger surrounding community and that greater access to alcoholic beverages would cause more crime related problems in the neighborhood.

Some of the Planning Commissioners noted that while in some instances they are reluctantly obliged to deny such proposals based on the mandatory findings, there are instances where they support the denial despite the mandatory nature of it. In this case, the Planning Commission supported the findings for denial and upon closing the public hearing, the Commission voted 6-0-1 (Cahan absent) to deny the subject permit request.

### Appeal

On December 17, 2009, an appeal was filed by the applicant, Surinder Singh (see attached Notice of Appeal). There was no supporting documentation or specific reason cited for the appeal, but it would be reasonable to presume that the applicant is requesting that the City Council find that the proposed off-sale of alcohol proposal at the proposed convenience store would provide overriding public benefits and that the Council should make a Determination of Public Convenience or Necessity to allow the issuance of the ABC licenses required to operate the proposed business.

### ANALYSIS

The original staff report (see attached) provides a full analysis of this project with respect to the findings required to be made by the Planning Commission to approve a Conditional Use Permit (CUP) and to make a Determination of Public Convenience or Necessity (PCN). In summary, staff's review provided the Planning Commission with information enabling that body to make all the required findings for the Conditional Use Permit, but enabling them to make only three 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.

The Planning Commission was unable to make the required findings that the subject use was more than 150 feet from a residential property. Upon an appeal, per Title 6 of the San José Municipal Code, where the four required findings cannot be made, the City Council may still make a Determination of Public Convenience or Necessity if it finds that that a "significant or overriding public benefit or benefits will be served by the proposed use." In addition, the City Council would also be required to make at least one of the four special findings as listed below in italics. Following the description of the finding, staff has provided analysis of the finding.

- A. *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.*

The area is already well served by establishments that serve alcohol. There are nine (9) such uses located on Alum Rock Avenue between Highway 101 and Jackson Avenue. The proposal would not add a new business to the Neighborhood Business District, but rather expand the types of alcoholic beverages, in addition to beer and wine, that are already sold at the existing subject convenience store.

- B. *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.*

The first part of this finding cannot be made in that the census tract in which the proposed outlet is located does not have a lower population density as compared to City average. In fact, the subject census tract (5037.06) has a population density of 26.2 persons per acre which is almost twice as much as the City-wide census tract average of 13.9 persons per acre. That said, with respect to the second part of this finding, the subject convenience store already has a liquor license to sell beer and wine, therefore the approval of this permit would not add any more off-sale establishments to the area.

- C. *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.*

The shape of the subject census tract has a rectangular configuration with no unusual appendages. This is generally the same as for other census tracts along Alum Rock Avenue. The neighborhood located in the vicinity of the subject proposal is not underserved by off-sale establish. Although the Police Department has indicated that they are neutral to this proposal, there was public concern raised in writing and with testimony at the Planning Commission Public hearing about the impacts of alcohol sales outlets on public health and the ability of the Police Department to provide adequate services as a result of alcohol-related crimes in the area.

- 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.*

The current use, which currently sells beer and wine, is part of a small 2,000 square foot convenience store that primarily sells pre-packaged food and snack items. The store does not sell a complete array of food items such as fresh produce or meat as would be the case with a grocery store. Therefore, the subject store does not provide a more complete and convenient shopping experience.

### **Findings of Overriding Public Benefit**

Staff does not believe that any of the four findings, described above, can be made by the City Council to approve the proposed Conditional Use Permit and make a Determination of Public Convenience or Necessity to expand the range of alcoholic beverages sold at the subject convenience store. Based on the analysis of the required findings, staff believes that there would not be a significant or overriding public benefit be served by the proposed use. This overall area is already well served by establishments that serve alcohol. There are nine (9) such uses located on Alum Rock Avenue between Highway 101 and Jackson Avenue (see attached maps).

## CONCLUSION

Based on evaluation of the number of off-sale establishments on Alum Rock beyond just the subject census, testimony provided at the Planning Commission hearing and a petition received, there appears to be strong neighborhood sentiment that this area is already well served and perhaps overly served by off-sale establishments. For these reasons and based on an analysis of the required findings, Staff recommends denial of this application.

## ALTERNATIVES

The City Council in their review of the project can take the following actions:

1. Uphold the Planning Commission's decision to deny the subject Conditional Use Permit and Determination of Public Convenience or Necessity and have the convenience store continue to operate with the sales of beer and wine, or
2. Approve the project as suggested by the applicant/appellant and permit the off-sale of a full range of alcoholic beverages and spirits at the existing convenience store.

## 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. A notice of the public hearing was published, posted on the City's web site, and distributed to the owners and tenants of all properties located within 1000 feet of the project site. A sign has been posted on the project site. A community meeting was held on November 5, 2009. Approximately 15 members of the public attended the community meeting. All those in attendance expressed universal opposition to the proposal. A number of different issues were cited including safety, crime, loitering, graffiti, existence of other nearby off-sale uses and the proximity of the use to a pool hall and bar. Copies of this staff report have also been posted on the City website. Staff has been available to discuss the proposal with members of the public.

HONORABLE MAYOR AND CITY COUNCIL

February 4, 2010

**Subject:** CP09-019 / ABC09-001

Page 7

**COORDINATION**

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

**CEQA**

Exempt

  
**FOR** JOSEPH HORWEDEL, DIRECTOR  
Planning, Building and Code Enforcement

For questions please contact Mike Enderby at 408-535-7843

Attachments:

- Draft City Council Resolution
- Planning Commission Staff Report & Attachments
- Maps (2) identifying location of nearby off-sale establishments
- Notice of Appeal
- Petition and letter from the Las Mariposas Homeowner's Association

cc: Applicant/Appellant







Existing Licence

Pending Applications

1000 Ft Radius

500 Ft Radius

150 Ft Radius



Prepared by the Department of Planning,  
Building, and Code Enforcement  
11/24/2009

File No: CP09-019  
District: 5

## Nearby Alcohol Off-Sales

**STAFF REPORT**  
**PLANNING COMMISSION**

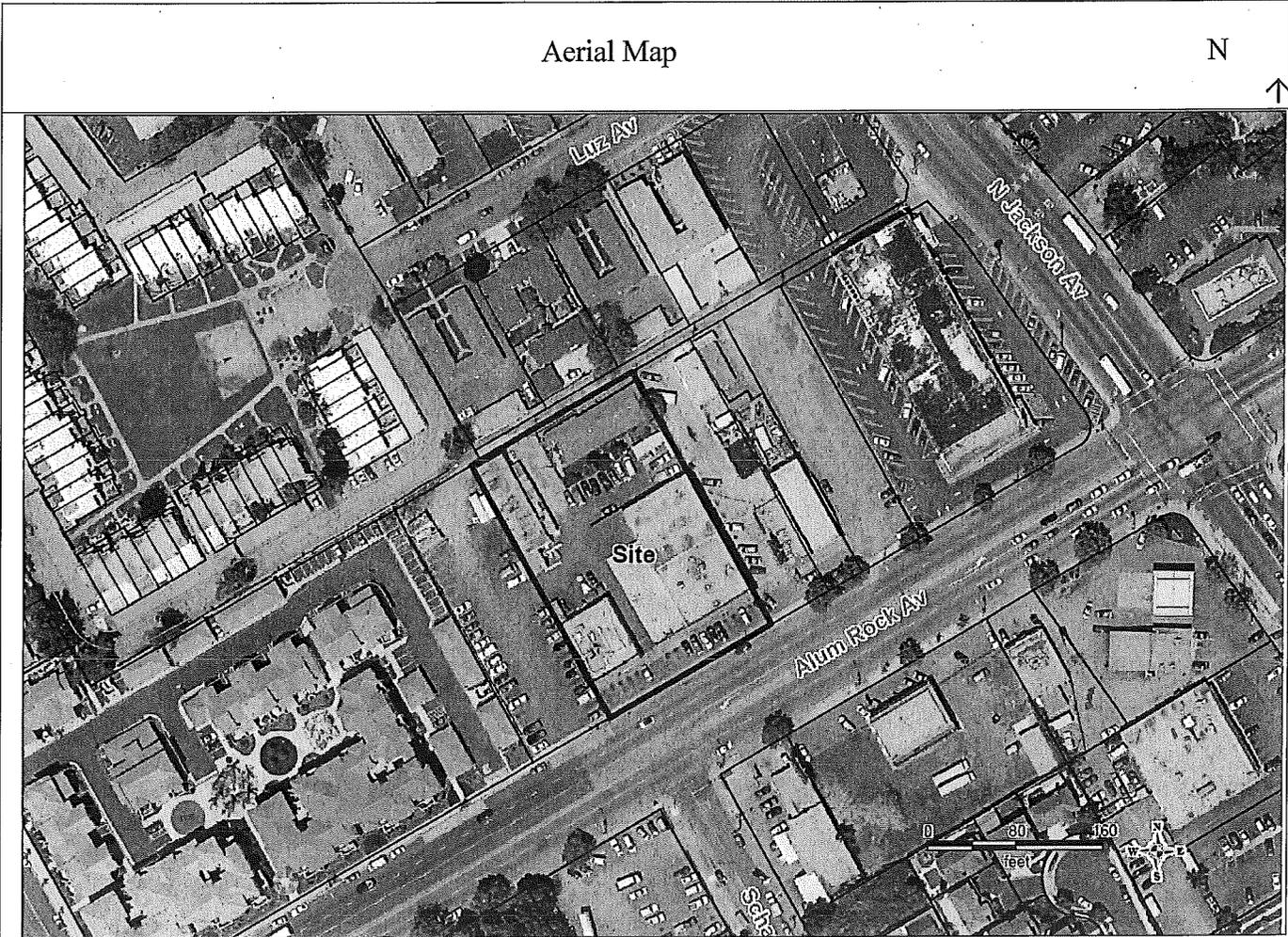
**FILE NO.:** CP09-019 & ABC09-001

**Submitted:** 4/7/09

**PROJECT DESCRIPTION:** Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of a full range of alcoholic beverages in addition to the current off-sale of beer and wine at an existing convenience store on 1.01 gross acre site.

**LOCATION:** North side of Alum Rock Avenue, approximately 500 feet westerly of Jackson Avenue (2247 Alum Rock Avenue)

Existing Zoning	CG Commercial General
Proposed Zoning	No change
General Plan	General Commercial
Council District	5
Annexation Date	10/30/1958
SNI	None
Historic Resource	No
Redevelopment Area	Alum Rock
Specific Plan	N/A





## **RECOMMENDATION**

Planning staff recommends that the Planning Commission deny the requested Conditional Use Permit and not make a Determination of Public Convenience or Necessity, as mandated by the Municipal Code based on the facts and findings included in the attached resolution.

## **BACKGROUND**

The applicant, Rick Cole of Liquor License Services, representing Paul's Quik Stop, is requesting a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of a full range of alcoholic beverages in addition to the current sales of beer and wine at an existing convenience store on 1.01 gross acre site. The approximately 2,000 square foot convenience store is located within an existing 19,515 square foot commercial building that includes multiple tenant spaces including a bar, pool hall and a hardware store.

The Zoning Ordinance identifies two categories of off-sale establishments including: 1) Alcohol, off-site sales, beer and/or wine only, and 2) Alcohol, off-site sales, full range of alcoholic beverages. A Conditional Use Permit is required for the sale of alcohol for off-site consumption (off-sale) in the CG Commercial General Zoning District under either of the aforementioned scenarios. A "Determination of Public Convenience or Necessity" is also required because the project is located within a census tract that has an over-concentration of off-sale of alcohol licenses.

The site currently operates with a Type 20 ABC License (sale of beer and wine only). This license was transferred from the previous tenant, Five Star Bakery. Five Star Bakery had an ABC license continuously since at least 1986. A Zoning Code amendment, adopted by the City Council on May 18, 1990, required a Conditional Use Permit for the off-sale of alcohol. Since the license for the sale of beer and wine has been in continuous existence prior to this date, the off-sale of beer and wine is considered to be legal non-conforming at this site. However, since the sale of a full range of alcoholic beverages, a separate enumerated use in the Zoning Ordinance, a new Conditional Use Permit is required in order for the existing business to expand its offerings for other types of liquor.

The site is directly adjacent to multi-family residences to the north and commercial uses to the east, west and south. There is also a large multi-family residential development located about 150 feet to the west on Alum Rock Avenue just beyond an adjacent commercial use.

## **Project Description**

The applicant has indicated that the store proposes to add the sale of distilled spirits to its current offering of beer and wine. The sale of alcoholic beverages is intended to be incidental to the pre-packaged food and sundries which are currently sold in the convenience store. The store is proposed to operate seven days a week from 6:00 a.m. until 12:00 midnight. Operating hours between 6:00 a.m. and 12:00 midnight are permitted by right in the CG Commercial General Zoning District. There are currently no restrictions for the amount of sales floor area dedicated for alcoholic beverages under the existing legal non-conforming provisions.

## ANALYSIS

In order for the existing convenience store to be able to sell alcoholic beverages beyond just beer and/or wine for off-site consumption, the applicant would need 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 conformance to the following: 1) specific Zoning Code requirements for the off-sale of alcohol, 2) general Zoning Code requirements applicable to all Conditional Use Permits, and, 3) requirements for a Determination of Public Convenience or Necessity. The proposal has also been analyzed relative to conformance with the San Jose 2020 General Plan, and 5) the California Environmental Quality Act (CEQA). It should be noted that if this Conditional Use Permit is not approved, the existing retail use can continue to sell beer and/or wine pursuant to the legal non-conforming provisions of the Zoning Ordinance.

### **Zoning Code Requirements for Conditional Use Permits for Off-Sale of Alcohol**

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:* There are three additional off-sale establishments (in addition to the subject site) within 500 feet of the location. This includes the Alum Rock Hardware and Supply Company located in the same shopping center, the PW Supermarket located along Alum Rock Avenue approximately 200 feet east of the site and the Shop N Go, located on Jackson Avenue approximately 475 feet from the site (see attached map). No additional off-sale locations are located within 1,000-foot radius of the site. The proposed use together with the existing uses would not result in a total of more than four such establishments within a 1000-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 not 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. Therefore, the specific finding under this section is not applicable to the consideration of approval of the subject proposal.

3. For such a use at a location closer than five hundred (500) feet from any childcare 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, child care 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 from a childcare center, public park, social service agency, residential care facility, residential service facility, elementary school, secondary school, college, or university. However, the proposed use is located within 150 feet of residentially zoned properties. There is residentially zoned property directly to the north of the site and within 150 feet to the west. The existing convenience store is oriented towards Alum Rock Avenue and not towards these residences. Based on the layout and orientation of the existing site, staff does not anticipate that the additional off-sale use will adversely affect the adjacent residences and meets the intent of this requirement.

Based on the above analysis, staff believes that the Zoning Code findings for approval of a Conditional Use Permit could be made for the proposed off-sale of alcohol use; however, the findings cannot be made for the Determination of Public Convenience or Necessity, as documented later in this staff report.

#### **Required findings Under the Zoning Code for all Conditional Use Permits (CUP)**

To approve a Conditional Use Permit the Planning Commission must also make the following findings which are applicable to all types of CUPs. These are as follows:

1. The proposed use at the location requested 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 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.

The proposed off-sale use would occur at an existing convenience store. The subject site abuts a major street, with residential uses oriented away from it. With respects to these general findings, the addition sales of distilled spirits to a store that already sells beer and wine would not be detrimental to the health, safety, and welfare of the surrounding area in that the approval of a Conditional Use Permit would typically include a limitation on the maximum amount of floor area dedicated for alcoholic beverages which could not otherwise be regulated without such an approval. The Police Department has indicated that they are neutral to the issuance of this off-sale license since the site is not located in a Police Beat that is over the 20% crime index.

#### **Finding 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, but the census tract that the subject site is located in does have an over-concentration of off-sale licenses. For ABC to be able to issue a license for this off-sale 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 José Municipal Code specifies that the Planning Commission may issue a Determination of Public Convenience or 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 not located within a Strong Neighborhoods Initiative or Neighborhood Revitalization area. The Police Department did not state the subject property is located within an area where the proposed use would be detrimental to the public or increase the severity of public nuisance or existing law enforcement problems.

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 a grouping of exactly four off-sale uses within a one thousand-foot radius from the proposed use.

3. The proposed use would not be located within 500 feet of a school, day care center, public park, social services agency, or residential care or service facility, or within 150 feet of a residence.

*Analysis of Required Finding:* The proposed use is not located within 500 feet from a childcare center, public park, social service agency, residential care facility, residential service facility, elementary school, secondary school, college, or university. However, the proposed use is located within 150 feet of residentially zoned properties on Luz Avenue and on Alum Rock Avenue, and therefore, not consistent with this required finding which must be made in order to grant a favorable determination. Unlike the findings required for the Conditional Use Permit, the orientation of the proposed use to the residences cannot be recognized as a compensating measure for the close proximity under the Code findings for a Determination of Public Convenience or Necessity. As a result, this required finding cannot be made due to the actual separation distances between the proposed off-sale use and the existing or planned residences along Luz Avenue, north of the site and Alum Rock Avenue west of the site.

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

*Analysis of Required Finding:* For the 2,000 square-foot retail space, only about 20 percent of the floor area is proposed to be dedicated to the sale of beer, wine and liquor, and incidental to the sale of the full range of grocery/convenience items. Should the City Council consider approval of this permit on appeal,

staff would propose to 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 retail grocery use.

Of the required findings for a Determination of Public Convenience or Necessity (PCN) as noted above, Finding No. 3, cannot be made. Therefore, in accordance with and as mandated by the Municipal Code, the Planning Commission must deny the requested Determination of Public Convenience or Necessity and therefore must deny the associated Conditional Use Permit.

### **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, such as the subject convenience store, are supported by the General Commercial designation.

### **Environmental Review**

Under the provisions of Section 15301 of the State Guidelines for Implementation of the California Environmental Quality Act, 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, in that no significant change in the existing use is proposed. Under this section, proposals that involve only minor modifications to existing facilities can be found to be exempt.

### **PUBLIC OUTREACH**

A notice of the public hearing was published, posted on the City's web site, and distributed to the owners and tenants of all properties located within 1,000 feet of the project site. A sign has been posted on the project site. A community meeting was held on November 5, 2009. A notice for the community meeting was sent to the owners and tenants of all properties located within 1,000 feet of the project site. Approximately 15 members of the public attended the community meeting. All those in attendance expressed universal opposition to the proposal. A number of different issues were cited including safety, crime, loitering, graffiti, existence of other nearby off-sale uses and the proximity of the use to the pool hall and the bar. Copies of this staff report have also been posted on the City website. Staff has been available to discuss the proposal with members of the public.

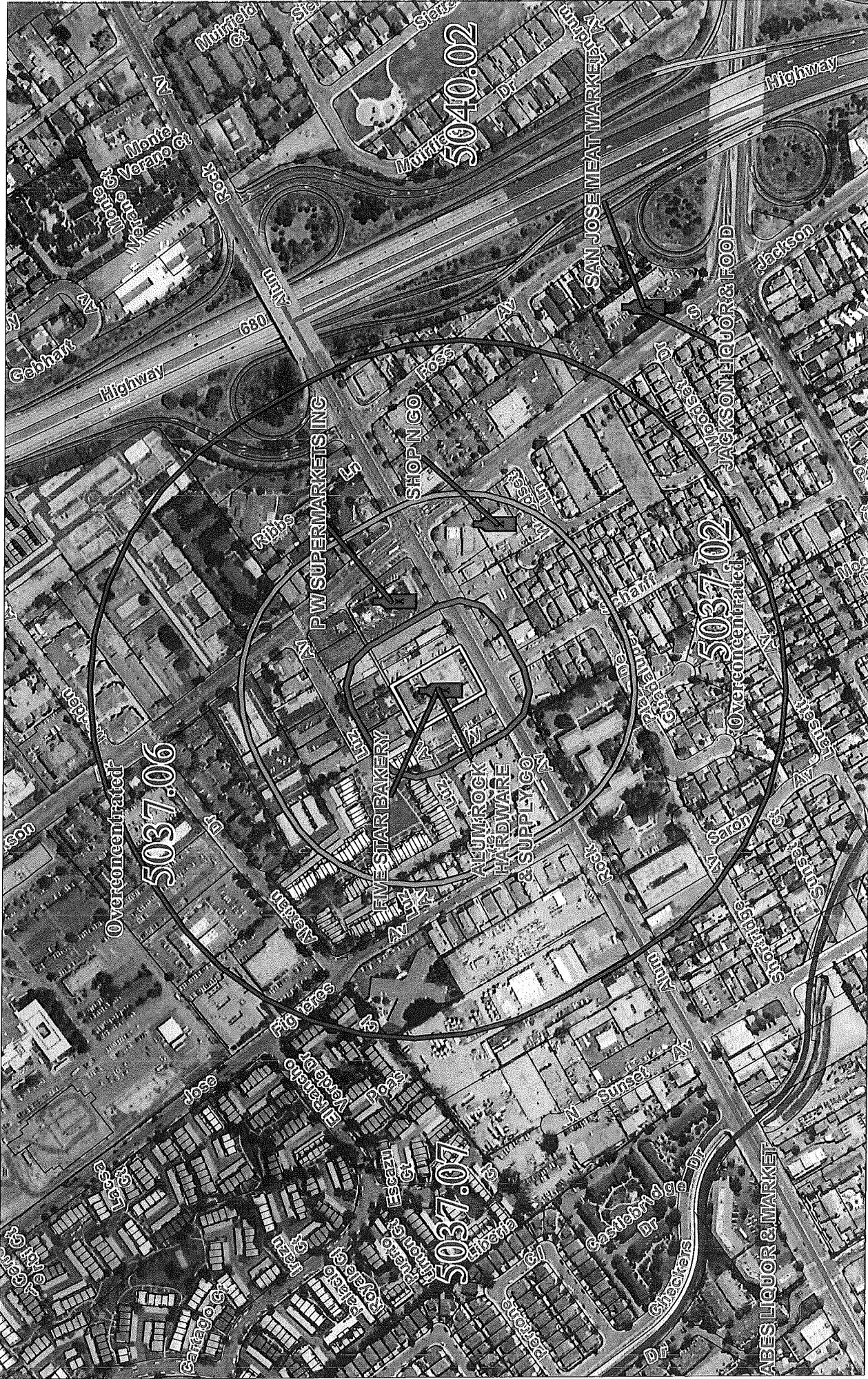
### **CONCLUSION**

Based on the above analysis, staff concludes that all the required findings can be made with regard to the Conditional Use Permit. However, staff concludes that only three of the four required findings can be made in order for the Planning Commission to consider the granting of a Determination for Public Convenience or Necessity as required by Title 6 of the San José Municipal Code. Required Finding #3, that the proposed use is at least 150 feet from a residential use, cannot be made. Therefore, staff is obliged to recommend that the Planning Commission deny the project. In instances where not all of the findings for Public Convenience or Necessity can be made by the Planning Commission, Title 6 provides an opportunity, upon appeal, whereby the City Council can approve such a proposal if the City Council identifies and finds that a significant and overriding public benefit or benefits will be served by the proposed use. The Police Department has indicated that it is neutral to the issuance of an off-sale of alcohol license for this store at this location.

If this application is appealed by the applicant, and in the event that the City Council considers approval of the proposed use, the City Council should consider the appropriateness of possible restrictions to the amount of sales floor area dedicated for alcoholic beverages as has been typically imposed with other similar Conditional Use Permits. The City Council should also consider neighborhood's opposition to the expanded alcohol sales.

**Project Manager:** Ed Schreiner **Report Approved by:**  **Date:** 11/24/2009

Owner:	Applicant:	Attachments:
Max Spurgeon 7050 Via Belmonte San José, CA 95135	Rick Cole Liquor License Services, Ltd. 1060 Minnesota Avenue San José, CA 95125	Draft Resolution Location Map SJPD Memorandum Plans



Existing Licence

Pending Applications

1000 Ft Radius

500 Ft Radius

150 Ft Radius



File No: CP09-019  
 District: 5

### Nearby Alcohol Off-Sales

Prepared by the Department of Planning,  
 Building, and Code Enforcement  
 11/24/2009



# Memorandum

**TO:** Ed Schreiner  
Planning Department

**FROM:** Officer C. Zarate #3165  
San Jose Police Vice Unit

**SUBJECT:** Paul's Quik Stop 3  
2247 Alum Rock Ave.

**DATE:** November 23, 2009

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Approved

Date

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I have received your request for input regarding Paul's Quik Stop 3, 2247 Alum Rock Ave, San Jose, Ca. 95116. Paul's Quik Stop 3 is seeking a new Conditional Use Permit to allow the off sale of alcohol (beer, wine and spirits) as permitted by their ABC Type 21 license.

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.

Paul's Quik Stop is located in San Jose Police Beat M4. 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
M4 (2007)	256	380	636	No
City Average	341	330	671	

Department of Alcohol Beverage Control (ABC) records indicate Paul's Quik Stop 3 is in census tract 5037.06 Pursuant to B&P Section 23958.4 (a)(3) ... the ratio of off-sale retail licenses to population in census tract 5037.06 **does** exceed the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.

**Authorized and Current ABC Licenses in Census Tract 5037.06**

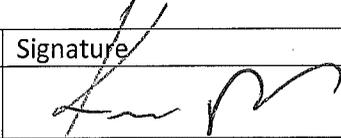
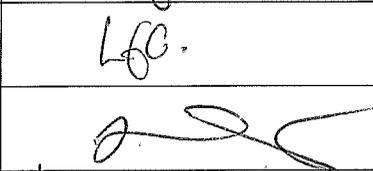
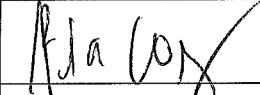
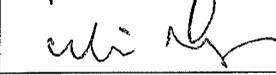
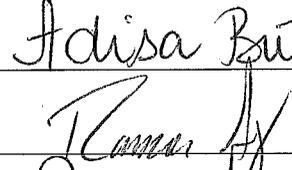
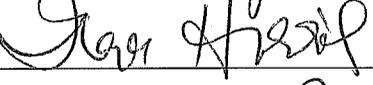
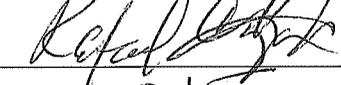
Census Track	Authorized ABC Licenses as of August 2005		Current ABC Licenses as of October 12, 2009		Unduly Concentrated	
	On - Sale	Off - Sale	On - Sale	Off - Sale	On - Sale	Off - Sale
5037.06	10	5	4	6	No	Yes

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.

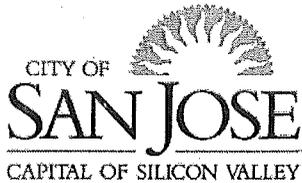
Officer Christine Zarate #3165  
Administrative Officer  
Special Investigations/Vice

PETITION

We, the undersigned and residents of Las Mariposas housing development, located at 2177 Alum Rock Avenue, vehemently oppose the expansion of a liquor license from beer & wine to general alcohol sales for Paul's Quik Stop located at 2247 Alum Rock Avenue, San Jose, CA.

Print Name	Signature	Unit Number
Ken Price		411
Nghia Tran		414
LUIS RODRIGUEZ		512
Ann Pham		211
DANH TRAN		217
Lori Fader	LFB.	213
Natalie Nguyen		221
Pia Corpuz		833
Wim Mamy		237
Kevin Nguyen		126
ADISA BUTKOVIC	Adisa Butkovic	125
Ramon Alvarez		124
Irene Harris		123
Carlos Delapina		122
Rafael Cruz		131
 SAE RUMCH		139
Laveya Riviera		128
Elma Arredondo	Elma Arredondo	325
Kathryn Benson	Kathryn M. Benson	136





**CITY OF SAN JOSE**  
 Planning, Building and Code Enforcement  
 200 East Santa Clara Street  
 San José, CA 95113-1905  
 tel (408) 535-3555 fax (408) 292-6055  
 Website: www.sanjoseca.gov/planning

## NOTICE OF PERMIT APPEAL

### TO BE COMPLETED BY PLANNING STAFF

FILE NUMBER <b>CT09.019</b>	RECEIPT #
PROJECT LOCATION	AMOUNT <b>\$2432.-</b>
	DATE <b>12.17.09</b>
	BY <b>MMENA</b>

### TO BE COMPLETED BY PERSON FILING APPEAL

PLEASE REFER TO PERMIT APPEAL INSTRUCTIONS BEFORE COMPLETING THIS PAGE. THIS FORM MUST BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

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.):

**PERMIT DENIED**

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### PERSON FILING APPEAL

NAME <b>SURINDER PAL SINGH</b>	DAYTIME TELEPHONE <b>(408) 515-5330</b>
ADDRESS <b>2247 ALUM ROCK AV</b> CITY <b>SANJOSE</b> STATE <b>CA</b> ZIP CODE <b>95116</b>	
SIGNATURE <i>Surinder Pal Singh</i>	DATE <b>12/17/09</b>
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			
ADDRESS		CITY	STATE ZIP CODE
DAYTIME TELEPHONE ( )	FAX NUMBER ( )	E-MAIL ADDRESS	

### PROPERTY OWNER

NAME <b>MAX SPURGEON</b>	DATE <b>12/17/09</b>
ADDRESS <b>7050 VIA BELMONTE</b> CITY <b>SANJOSE</b> STATE <b>CA</b> ZIP CODE <b>95135</b>	

**PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.**

December 7, 2009

PAUL'S QUIK STOP #3  
7050 VIA BELMONTE  
SAN JOSE CA 95135

Dear PAUL'S QUIK STOP #3:

RE: Conditional Use Permit, **File No. CP09-019**, located on the north side of Alum Rock Avenue, approximately 500 feet westerly of Jackson Avenue (2247 Alum Rock Avenue).

**There is an outstanding balance of \$789.00 for application fees related to your Conditional Use Permit.** A copy of the invoice(s) is/are enclosed. We would appreciate receiving your payment in full. For your convenience, please select one of the following payment methods:

**To pay in person:**

Bring your payment to the Development Services cashier located on the 1<sup>st</sup> floor of City Hall at:

- 200 East Santa Clara Street, 1<sup>ST</sup> Floor Tower  
San Jose, CA 95113

**To pay by mail:**

Send a check or money order payable to the City of San José along with a copy of the invoice to:

- Department of Planning, Building and Code Enforcement  
Attn: Jeanette Mondala  
200 East Santa Clara Street, 2<sup>nd</sup> Floor Tower  
San Jose, CA 95113

**To pay by credit card:**

Call (408) 535-3555, we accept VISA, MasterCard, or Discover Card. Be prepared to provide the following information:

- Your credit card information.
- The "FOR" information shown on the invoice. This information is the line below after the invoice number.

If you have any questions, please feel free to contact your Project Manager, Mike Enderby, at (408) 535-7800 or by e-mail at [mike.enderby@sanjoseca.gov](mailto:mike.enderby@sanjoseca.gov).

Sincerely,

Joseph Horwedel, Director

Enclosure

## RESOLUTION NO. 09-065

Resolution of the Planning Commission of the City of San José denying, as mandated by the Municipal Code, a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of a full range of alcoholic beverages in addition to the current sales of beer and wine at an existing convenience store on 1.01 gross acre site located at 2247 Alum Rock Avenue.

### FILE NOS. CP09-019 & ABC09-001

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN JOSÉ:

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on April 7, 2009, an application (File Nos. CP09-019 & ABC09-001) was filed for a Conditional Use Permit and Determination of Public Convenience or Necessity to allow the sale of beer, wine and liquor for off-site consumption, on that certain real property (hereinafter referred to as "subject property"), situate in the CG Commercial General Zoning District, located at the north side of Alum Rock Avenue, approximately 500 feet westerly of Jackson Avenue (2247 Alum Rock Avenue) and

WHEREAS, the subject property is all that real property described in Exhibit "A," which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, this Planning Commission conducted a hearing on said application, notice of which was duly given; and

WHEREAS, at said hearing, this Planning Commission gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing this Planning Commission received and considered the reports and recommendation of the Director of Planning, Building and Code Enforcement; and

WHEREAS, at said hearing, this Planning Commission received in evidence a development plan for the subject property entitled, "Upgrade of ABC License Beer & Wine Type 20 to Off-Sale General Type 21 Paul's Quik Stop #3 2247 Alum Rock Ave S.J." Said plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested herein, and said development plan is incorporated herein by this reference, the same as if it were fully set forth herein; and

WHEREAS, said hearing was conducted in all respects as required by the San José Municipal Code and the rules of this Planning Commission;

NOW, THEREFORE:

After considering evidence presented at the Public Hearing, the Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. This site has a designation of General Commercial on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
2. The project site is located in the CG Commercial General Zoning District.
3. Under the provisions of Section 15301 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is exempt from environmental review.
4. The project proposes incidental off-sale of beer, wine and liquor at a 2,000 square foot convenience store located within an existing 19,515 square foot commercial building.
5. The project includes no exterior modifications to the existing building.
6. The site is bordered by multi-family residences to the north. Commercial uses are adjacent to south, west and east of the site. Multi-family residential uses are also located on Alum Rock Avenue within 150 feet to the west.
7. No increase in parking demand results from this proposed project.
8. The subject retail establishment is a convenience store that closes at 12:00 midnight.
9. The convenience store proposes to utilize no more than 20 percent of the floor area to the sales of alcoholic beverages.
10. The Police Department memorandum indicates that the project site is not located within an area of high crime.
11. The Police Department has indicated that they are neutral to the issue of off-sale of alcohol in conjunction with the convenience store proposed at this location.
12. The proposed site *is* located within a census tract that has an overconcentration of off-sale licenses.
13. 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.
14. Due to the overconcentration of off-sale licenses, the project is subject to the requirements for a Determination of Public Convenience or Necessity for a liquor license for the off-sale of alcoholic beverages. The granting of such a determination requires that four specific findings be made as prescribed by Title 6 of the San José Municipal Code.
15. The proposed use is not within a Strong Neighborhood Initiative area or other area designated by the city for targeted neighborhood enhancement services or programs.
16. The project site is not located within 500 feet of a school.
17. The project site is located adjacent to and within 150 feet of residentially zoned property to the north and west.
18. The above mentioned residential use is oriented in a manner that the front of the residences are not oriented towards the use.
19. There are three other off-sale establishments within 1000' of the subject site.

Based on the above stated facts, the Planning Commission concludes and finds that based on the four (4) required 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 in that:

1. The proposed use is not located within a Strong Neighborhoods Initiative 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
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; and
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. 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.
4. Alcohol sales would not represent a majority of the proposed use.

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

1. 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 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; and
2. The use is no 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.
3. The use is not 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. The use is located closer than one hundred fifty (150) feet from a residentially zoned property, but the proposed use is situated and oriented in such a manner that would not adversely affect such residential use in that the building entrance faces south, towards Alum Rock Avenue and not towards the residences.

Finally, based on the above-stated findings, with respect to the Conditional Use Permit, the Planning Commission finds that:

1. The proposed use at the location requested 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 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 all of the above findings for both applications, this proposal for the addition of off-sale of a full range of alcohol beverages to an existing convenience store that provides the off-sale of beer and wine is hereby denied.

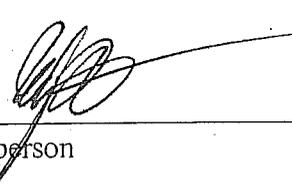
**DENIED** this 2<sup>nd</sup> day of December 2009, by the following vote:

AYES: CAMPOS, DO, JENSEN, KAMKAR, PLATTEN, ZITO

NOES: NONE

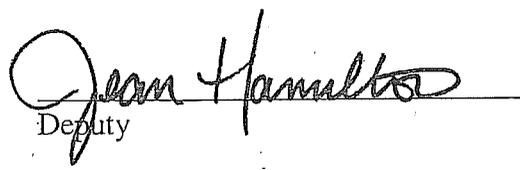
ABSENT: CAHAN

ABSTAIN: NONE

  
\_\_\_\_\_  
Chairperson

ATTEST:

Joseph Horwedel, Secretary

  
\_\_\_\_\_  
Deputy

**NOTICE TO PARTIES**

*The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.*

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

IN THE MATTER OF THE APPLICATION OF	
KAUR PARAMJIT, SINGH SURINDER PAL Db: Paul's Quick Stop #3 2247 Alum Rock Ave. San Jose, CA 94022	} FILE: 20-470413 } } REG. }
	} <b><u>PETITION FOR CONDITIONAL</u></b> } <b><u>LICENSE</u></b>
For Issuance of an Off-Sale Beer and 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 for the above-mentioned premises; and,

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare and morals:

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

1. Sales of alcoholic beverages shall be permitted only between the hours 7 am and 12 midnight.
2. No beer or wine shall be displayed within 5 feet of the cash register or front door.
3. The premises back door must be equipped with an automatic closing mechanism capable of closing and latching the door, unassisted.
4. The premises back door must be kept locked to prevent outside entry by unauthorized persons. The back door shall not be used as a customer entrance/exit.
5. Petitioner(s) shall not permit customers or the general public to loiter or congregate on the sidewalks adjacent to the licensed premises.
6. There shall be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.
7. 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 9-2-08.
8. The petitioners 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 9-2-08 and ABC-253 dated 9-2-08.
9. Not more than 15% of the premises square footage shall be used for the sale of alcoholic beverages as depicted on the ABC-257 dated 9-2-08.

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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Applicant/Petitioner

\_\_\_\_\_  
Applicant/Petitioner

3.9



## *Las Mariposas Homeowners Association*

c/o American Management Services, Inc.  
90 Great Oaks Blvd., Suite 105  
San Jose, CA 95119

November 30, 2009

Mr. Ed Schreiner, Project Manager  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San José, CA 95113

Subject: CP09-019/ABC09-001

This letter is in regards to the Conditional Use Permit (CP09-019) to expand a liquor license (from just beer & wine to general alcohol sales) at Paul's Quik Stop.

Members of the Las Mariposas Homeowners Association support the entrepreneurial spirit of the residents on the Eastside of San José as well as projects which generate revenue for the City of San José. Unfortunately that support ends when the *sale of liquor* enters the equation.

If approved, Paul's Quik Mart will change from selling groceries (and beer/wine) to becoming a liquor store. It will be one more establishment to sell alcohol in an area that is currently overly saturated with businesses that sell **liquor, beer, and wine**. When you count the businesses between King Road/Alum Rock Avenue and Jackson/Alum Rock there are three bars, three restaurants, three liquor stores and two stores that sell beer and wine. There are more than enough businesses for adults in our community to purchase alcohol.

Our housing complex located at 2177 Alum Rock Avenue is next door to the business strip where Paul's Quik Stop is located. The business strip currently has enough businesses selling alcohol – a bar, a convenience grocery store, a billiard hall, a restaurant and even the hardware store sells beer! The current environment with the billiard hall and the bar is a menacing environment for residents who are unable to walk through the area and feel safe. The addition of a liquor store only contributes to the seedy and unsafe environment of that strip of businesses.

We object to individuals who do not live in the area coming in to make a profit through a means which deteriorates the quality of life and safety in our neighborhoods. The majority of small business owners who sell alcohol **do not live in our community**. They are outsiders. They either aren't aware of alcohol's negative effects or maybe they just don't care. It is time for those who want to bring

businesses into our community to understand they need to **target businesses other than alcohol to make a profit.**

Alcohol is the world's most commonly used drug and unfortunately easily accessible in the poorest communities. Is there a correlation with the high incident of domestic violence, physical violence (gang and criminal), panhandling, loitering, and the verbal harassment of moms and young girls as they walk through the neighborhood? Yes! Is there a connection with alcohol-related health problems and deaths that include hypertension, cirrhosis of the liver and pancreatic cancer in our area? Yes! Is it normal to have a large number of businesses that sell alcohol in the poorest communities? Yes! When hopes and dreams have eluded many of the people in poor areas and they struggle day to day, alcohol is the most accessible and a cheap way to self medicate in order to escape from their anguish and despair.

The Las Mariposas Homeowners Association opposes the expansion of the liquor license for Paul's Quik Mart. Las Mariposas was built by MACSA and the City of San José to help transform this community. We need continued assistance from the City and the Planning department to make our neighborhood a livable environment. The sale of alcohol is not conducive to healthy neighborhoods. Our organization agrees with the East Valley/680, Gateway East and Mayfair Neighborhood Action Coalitions that we do not want or need another business that sells alcohol in our area.

Sincerely,



Elma Arredondo  
Director At Large