



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: May 25, 2012

Approved

Date

6/6/12

COUNCIL DISTRICT: 9

SUBJECT: CP10-024. Appeal of the Planning Commission's decision to deny a Conditional Use Permit request for the off-sale of alcohol (beer and wine) in an existing retail store/pharmacy (Walgreens) on a 14.0 gross acre site located at the south side of Kooser Road, approximately 500 feet westerly of Blossom Hill Road (1376 Kooser Road).

RECOMMENDATION

The Director of Planning, Building and Code Enforcement recommends that the City Council uphold the Planning Commission's decision and deny the request for off-sale of alcoholic beverages (beer and wine) from the subject location because:

1. The proposed off-sale of alcohol at the subject site would lead to a grouping of five (5) off-sale establishments within a 1,000-foot radius of the subject site and therefore does not conform to the requirements of the Zoning Ordinance, and
2. The proposed off-sale of alcohol will adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding areas.

OUTCOME

Should the City Council uphold the Planning Commission's decision, the existing store (Walgreens) will continue its current operations, but without the potential for impacts on public health and safety that approval of the request for off-sale of beer and wine would present. Additionally, the denial of the request would not diminish the vitality of an already vibrant commercial area, including the shopping center, which already has a number of existing off-sale establishments offering convenience for the neighborhood.

EXECUTIVE SUMMARY OF OFF-SALE AND 24-HOUR USES APPROVAL PROCESS

Off-Sale of Alcoholic Beverages:

On February 1, 2006, City Council adopted regulations that required additional findings for the approval of a Conditional Use Permit (CUP) to allow the sale of prepackaged alcoholic beverages for off-site consumption ("off-sale alcohol").

The regulations address the proliferation of off-sale establishments in close proximity to existing ones by requiring additional findings when the number of establishments would exceed four within a 1,000-foot radius. Additionally, the finding that addressed locations close to sensitive uses, such as schools and residences, was augmented to add public parks, childcare centers, social service agencies, and residential care and service facilities. 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 any other specified sensitive uses, it must be determined that the proposed establishment is situated and oriented so as not to adversely affect the sensitive use(s).

The proposal is located in an area with three (3) existing off-sale establishments within 500 feet of the subject site and one additional, such use within 1,000 feet. Therefore, the proposal would result in five (5) off-sale establishments within 1,000 feet. Given such concentration of in the immediate area and the context of this request (proximity to a public park), the Planning Commission concluded that approval of this request would adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area, and be detrimental to public health, safety or general welfare without providing any offsetting benefits.

This report, along with the Planning Commission Staff Report, includes a discussion of the project and the required findings for the Conditional Use Permit. The Planning Commission was unable to make all the necessary findings and was therefore compelled to deny the request for off-sale of beer and wine hence, the applicant's appeal of the Commission's decision to the City Council.

Based on an analysis of the findings required for the City Council to approve the Conditional Use Permit request for off-sale of alcoholic beverages, staff concludes that the necessary findings cannot be made.

BACKGROUND

Planning Commission Hearing

On March 21, 2012, the Planning Commission held a public hearing to consider the proposed Conditional Use Permit (File No. CP10-024). The Director of Planning recommended denial of the Conditional Use Permit request for off-sale of beer and wine from the Walgreens store at the subject location. The denial recommendation was necessary because the Conditional Use Permit findings for off-sale of alcohol could not be made.

Public Testimony

The applicant's representative, spoke in favor of approving off-sale of alcohol at the site explaining that Walgreens is a reputable company that has been in business for decades with a history for positive community involvement and good neighborliness. However, a speaker from the surrounding neighborhood expressed concern about an off-sale establishment being so close to a public park (just west of the site) that already attracts homeless people drinking alcoholic beverages, and therefore urged the Commission to deny the request.

Planning Commission Discussion

The Planning Commission expressed appreciation for Walgreens, with some Commissioners confirming the company's fine business reputation from their own shopping experience. However, the Commission explained that the subject Walgreens location was not appropriate for an off-sale establishment given its proximity to a public park across Meridian Avenue to the west of the subject site and an existing childcare center (Little Gym) located next to Walgreens in the same shopping center. Finally, the Commission lamented the presence of an isolated corridor within the shopping center that might attract drinking by homeless alcoholics outside the clear view of the Police. For these reasons the Commission felt the off-sale request was not supportable, and thus voted 6-0-1 vote (Platten absent) to deny the Conditional Use Permit.

Appeal

On April 13, 2012, an appeal was filed by the applicant, Walgreens (see attached Notice of Permit Appeal). The appellant states that the Planning Commission's denial of off-sale of alcohol uses should be overturned because 1) the store is not located in an over concentrated or high crime area, 2) off-sale of alcohol will not adversely affect the peace, health and safety of residents or workers in the area, 3) the proposal will provide a more complete shopping experience for customers, 4) the proposed off-sale is an incidental use with little negative effect on the neighborhood, and 5) the absence of groceries does not diminish the convenience of off-sale of alcohol.

ANALYSIS

On May 17, 2010, Pan Cal Princeton Plaza, LLC (on behalf of Walgreens) applied for a Conditional Use Permit to allow off-sale of beer and wine at an existing Walgreens retail store/pharmacy within a shopping center on a 14.0 gross acre site in the CP-Commercial Pedestrian Zoning District.

The subject tenant space (1376 Kooser Road) is part of the Princeton Plaza Mall neighborhood shopping center on the south side of Kooser Road about 500 feet westerly of Blossom Hill Road. The shopping center includes various restaurants, personal service establishments and retail stores, and liquor store (Wine Rack & Liquor at 1375 Blossom

Hill Road). The other existing off-sale establishments within 1,000 feet include a 7-Eleven store (1413 Kooser Road), Tosoro West Coast Company, and Get N Go. The Princeton Plaza shopping center is bordered by duplexes and various commercial uses to the north, single-family residences and De Anza Park to the west, and a senior housing development, commercial uses and condominiums to the south across Blossom Hill Road.

The original Staff Report (attached) provides a full analysis of this project with respect to the Zoning Ordinance findings (outlined below) required to approve a Conditional Use Permit for an off-sale establishment.

Required Findings: Per the Zoning Ordinance a Conditional Use Permit may be issued for off-sale of any alcoholic beverages only if the decision-making body makes the following three specific findings that:

- a. For a proposal closer than 500 feet from any other off-sale establishment, the proposal would not result in more than four such establishments within 1,000 feet, and
- b. If the proposal is closer than 500 feet from any other off-sale establishment and results in more than four off-sale establishments within 1,000 feet, the resulting excess concentration of such uses will not:
 - i. Adversely affect the peace, health, safety, morals, or welfare of persons residing or working in the surrounding area; or
 - ii. Impair the utility or value of property of other persons located in the vicinity of the area; or
 - iii. Be detrimental to public health, safety or general welfare, and
- c. If the proposal is closer than 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 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.

The Planning Commission could not make these findings, and consequently denied the Conditional Use Permit request. The following is an analysis of the specific issues raised by the applicant/appellant in the appeal of the Planning Commission's decision with respect to conformance with the Zoning Ordinance:

1. *The applicant states that the "store is not located in a census tract with either high crime or an undue concentration of off-sale licenses, nor will the use lead to an increase in crime."*

Analysis of Required Finding. The Police memo (see Staff Report) on this proposal, in reliance on data from the State Department of Alcoholic Beverage Control (ABC), concludes that the subject site is located in a census tract (5119.01) that is not over-concentration with off-sale establishments. According to ABC a census tract is deemed

over-concentrated only if the ratio of licenses per population in the census tract exceeds the ratio of licenses per population in the county. Additionally, the Police state that the site is not in a high-crime area.

This conclusion notwithstanding, the proposed use will result in more than four off-sale establishments within a 1,000 foot radius of the proposed location. Furthermore, the site is located close to a childcare center (Little Gym) and within walking distance of a public park. The concentration of more than four off-sale establishments with this use, and the proximity to sensitive uses, would adversely affect the peace, health, safety, morals, or welfare of persons residing or working in the surrounding area, or impair the utility or value of property of other persons located in the vicinity of the area, or be detrimental to public health, safety or general welfare. Thus, it is not possible to make the required Zoning Ordinance findings in order to approve the Conditional Use Permit.

2. *The applicant states that "the assertion that the sale of beer and wine by Walgreens will adversely affect the peace, health, safety or welfare of persons residing or working in the surrounding area is not supported by evidence or past history."*

Analysis of Required Conformance. This project is not a referendum on Walgreens business practices. It is about a proposal for off-sale of alcohol at a specific location which by virtue of its proximity to sensitive uses, and to the four existing such uses, runs afoul of mandatory Zoning Ordinance findings to approve a Conditional Use Permit. The concentration of more than four establishments in a census tract is significant, especially when an adjoining census tract is already over concentrated. Testimony was given at the Planning Commission about drinking in the proximate De Anza Park, and approval of off-sale at this location can only exacerbate this existing problem of public drunkenness, and thus adversely affect the peace, health, safety or welfare of persons residing or working in the neighborhood.

3. *The applicant states that "the proposed off-sale of beer and wine by Walgreens provides a more complete and convenient shopping experience for the neighborhood."*

Analysis. While the applicant's statement is probably true, it is not relevant to the Zoning Ordinance findings required to approve a Conditional Use Permit for an off-sale establishment at this location. The applicant's statement would be relevant if a Determination of Public Convenience and Necessity (PCN) were required.

4. *The applicant states that "the proposed off-sale of beer and wine is incidental and appurtenant to a larger retail use, and will have little effect on the quiet enjoyment of residents of the surrounding properties."*

Analysis. The sale of beer and wine is, indeed, incidental to Walgreens larger retail operation, and it is this incidental use that the issue of contention revolves around. The sale of alcoholic beverages for off-site consumption in the vicinity of sensitive uses such as a childcare center and a public park would adversely impact the neighborhood, and therefore is in contravention of the requirements of the Zoning Ordinance.

5. *The applicant states that "the fact that Walgreens is not a "grocery store" does not diminish the convenience the sale of beer and wine will provide."*

Analysis. While the applicant's statement is probably true, it is not relevant to the Zoning Ordinance findings required to approve a Conditional Use Permit for an off-sale establishment at this location.

CONCLUSION

The proposed off-sale of alcohol use is situated in an existing retail tenant space in a shopping center. There are four existing off-sale establishments within 1,000 feet of the subject tenant space. In regards to the required findings to support a Conditional Use Permit, given the existing concentration of off-sale establishments in the immediate area and the locational context of the proposal, staff concludes that the approval of this request would adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area.

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 Conditional Use Permit to allow off-sale of alcohol, or
2. Approve a Conditional Use Permit to allow off-sale of alcohol as requested by the applicant/appellant, or
3. Approve a Conditional Use Permit for off-sale of alcohol with any other conditions.

PUBLIC OUTREACH

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 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)**
- Criterion 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)**

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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 500 feet of the project site. This memorandum and the staff report to the Planning Commission are posted on the City 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.

CEQA

Exempt.

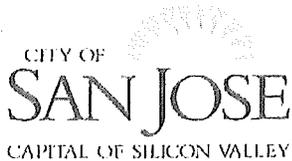
/s/

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

Attachments:

- Notice of Permit Appeal
- Map identifying location of nearby off-sale establishments
- Planning Commission Staff Report and Attachments

For questions, please contact Sal Yakubu, at 408 535-7911



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 CP10-024	RECEIPT # _____
PROJECT LOCATION 1376 Kooser Road, San Jose CA 95118-3813	AMOUNT <u>2801-</u>
	DATE <u>4/13/12</u>
	BY <u>HM</u>

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.):
 Please see attached.

PERSON FILING APPEAL

NAME Walgreen Co.	DAYTIME TELEPHONE (415) 365-4004
ADDRESS c/o HaasNajarian, LLP; Attn Daniel Kramer, 58 Maiden Lane, 2nd Floor	CITY San Francisco
	STATE CA
	ZIP CODE 94109
SIGNATURE	DATE April __, 2012
RELATIONSHIP TO SUBJECT SITE: (e.g., adjacent property owner, property owner within one thousand (1,000) feet) Applicant	

**CONTACT PERSON
(IF DIFFERENT FROM PERSON FILING APPEAL)**

NAME Daniel Kramer			
ADDRESS c/o HaasNajarian, LLP; Attn Daniel Kramer, 58 Maiden Lane, 2nd Floor		CITY San Francisco	STATE CA
		ZIP CODE 94109	
DAYTIME TELEPHONE (415) 365-4004	FAX NUMBER (415) 391-0555	E-MAIL ADDRESS dkramer@bnattorneys.com	

PROPERTY OWNER

NAME Pan Cal Princeton Plaza, LLC	DATE April 5, 2012
ADDRESS 4125 Blackford Avenue, Suite 200	CITY San Jose
	STATE CA
	ZIP CODE 95117

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

April 10, 2012

T 415.788.6330
F 415.391.0555

5641/484

San Jose City Council
c/o San Jose Planning Department
200 East Santa Clara St.
San Jose, CA 95113
Attn: Ms. Jenny Nussbaum

Re: Appeal of Planning Commission Resolution No. 12-011 denying a CUP for the sale of beer and wine at the Walgreens located at 1376 Kooser Rd. (the "Store"); File No. CP10-024

Honorable Councilmembers:

On behalf of Walgreen Co. ("Walgreens"), we hereby appeal on the following grounds, the decision by the Planning Commission to deny a Conditional Use Permit for the sale of beer and wine at the Store:

I. The Store is NOT located in a census tract with either high crime or an undue concentration of off-sale licenses, nor will the use lead to an increase in crime.

The Store is located in census tract 5119.01. According to statistics provided by the California Department of Alcoholic Beverage Control ("ABC") and the San Jose Police Department ("SJPD"), this census tract is not deemed high crime. In addition, this census tract allows for six (6) off-sale licenses, yet it contains just one (1) other off-sale license (USA Gasoline at 1365 Kooser Rd.).

If there was a likelihood that the issuance of a beer and wine license to Walgreens would lead to an increase in crime or adversely affect the peace or safety of the surrounding community, SJPD certainly would have objected to the issuance of the CUP. However, SJPD did not object, and great deference must be given to law enforcement's assessment of the potential adverse affect on the community, as they possess the greatest expertise in this field.

II. The assertion that the sale of beer and wine by Walgreens will adversely affect the peace, health, safety or welfare of persons residing or working in the surrounding area is not supported by evidence or past history.

Walgreens has been selling beer and wine responsibly since the end of Prohibition. Walgreens has an impeccable safety and legal compliance record at the more

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than 350 of its California stores in which it sells beer and wine, including at the three (3) stores in San Jose where beer and wine is sold. Many of you have likely shopped at a Walgreens that sells beer and wine, so you know first-hand that the nature of the product selection and the company's operations are such that the sale of beer and wine by a Walgreens does not have adverse effects on the surrounding neighborhood. Therefore, to suggest that the issuance of a beer and wine license to this Store will create a detriment to public health, safety or general welfare is totally without factual basis – nor is this assertion supported by any evidence.

Any assertion that having a liquor license at this location will have an adverse affect on the neighborhood fails to take into account the past history of this location as well. Before it became a Walgreens, another national pharmacy chain held a Type-21 license at this location for more than 28 years (from July, 1967 – October, 1995). If having a liquor license at this location had adversely affected the community during this 28 year period, the neighborhood and SJPD would certainly have voiced their objections.

In addition, as the Store is only open until 10:00 p.m. Monday – Saturday, and 9:00 p.m. on Sundays, and Walgreens only intends to sell a product mix that consists of wine in the \$8 - \$20 range, and beer in 6-packs, 12-packs, and cases (no spirits, malt liquor, fortified wine, and beer in single bottles or cans will be sold), this Store clearly is not going to be the type of establishment frequented by vagrants or people making late-night beer runs. Rather, it will be a safe and convenient location for people to take care of their retail and pharmacy needs while being able to purchase a bottle of wine for dinner or some beer for the home. To ensure this will always be the case, Walgreens is willing to sign conditions relating to hours of sale, limitations on floor space displaying beer and wine, and limitations on the nature of the product mix it will be allowed to carry.

III. The proposed off-sale of beer and wine by Walgreens provides for a more complete and convenient shopping experience for the neighborhood.

The sale of beer and wine at the Store would create a welcome alternative to the existing options for buying alcohol in the area – which consist of a gas station, a 7-11, and a liquor store that predominantly sells small, airplane bottles of booze and single cans of beer. In fact the next closest pharmacy that sells alcohol is the CVS on Meridian, which is almost one mile away.

Many people do not like buying their alcohol from a gas station, a convenience store or a liquor store, so enabling Walgreens to sell beer and wine will provide a new alternative and an added convenience for the neighborhood that currently does not exist.

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IV. The proposed off-sale of beer and wine is incidental and appurtenant to a larger retail use, and will have little effect on the quiet enjoyment of residents of the surrounding properties.

The Store contains approximately 14,052 square feet. Walgreens intends to stock just one cooler of beer and 12 feet of shelf space of wine. Therefore the proposed area dedicated to the sale of beer and wine is less than 3% of the total sales area and incidental to the larger retail use.

Walgreens has not requested additional parking, a change in hours of operation, nor the right to make exterior modifications to the existing building in connection with the sale of beer and wine. In addition, due to the limited proposed offering, the number of deliveries to the store will not increase significantly. Therefore change experienced by these residents as a result of Walgreens' sale of beer and wine.

V. The fact that Walgreens is not a "grocery store" does not diminish the convenience that the sale of beer and wine will provide.

In its staff report, the Planning Department indicates that a grocery store that sells alcohol provides a benefit to the community, but a pharmacy and general retailer who also sells fruit, meat, cheese, milk, bread, crackers, chips, candy and hundreds of other products that grocery stores carry would somehow harm the community. However, there is no evidence to suggest that a pharmacy and general retailer who sells beer and wine as an ancillary use provides any less of a convenience to the community than a grocery store simply because it doesn't carry each and every product that a grocery store carries.

In addition, with Costco, Whole Foods, Trader Joe's, Lunardi's, Meridian Market, and Safeway all within 1 mile of Walgreens, the question is how many more grocery stores does this area need? Forcing another business in the area to carry fresh meat and produce just so it can have a liquor license makes little sense, and does not benefit the community. In fact, it will likely do a disservice to the marketplace, and ultimately to the community, by creating an oversaturation of grocery outlets.

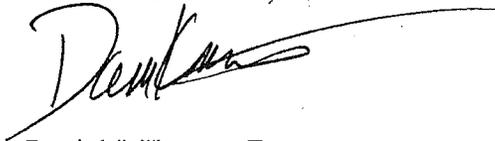
Lastly, it is illogical to claim that a store like Walgreens with its one cooler of beer and 12 feet of wine will somehow cause a detriment to the neighborhood, but a grocery store like a Safeway or Whole Foods with hundreds of feet of shelf space dedicated to beer, wine and spirits will not because they also sell meat and vegetables. The nature of the operator, the employee training, the nature of the selection, and the security measures in place determine whether a detriment will be caused – not whether a store carries meat and vegetables.

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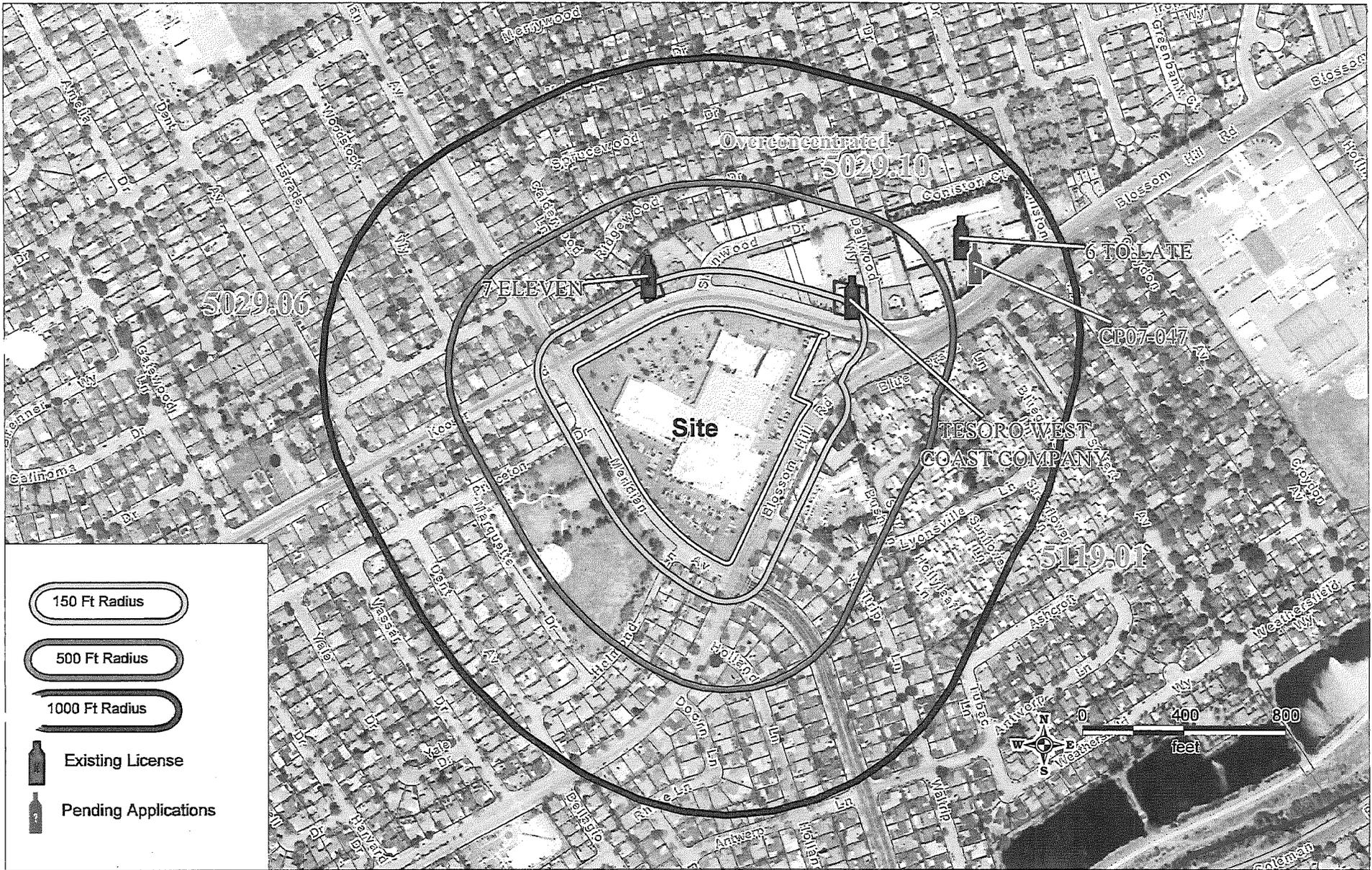
V. Conclusion.

Walgreens has safely and responsibly sold alcohol throughout the country since the end of Prohibition. The suggestion that the sale of beer and wine at the Store will lead to an adverse affect on the peace, health, safety, morals, or general welfare of persons residing or working in the surrounding area is not supported by any evidence. This use will provide a welcome alternative to the existing options for beer and wine in the neighborhood, and because of the nature of Walgreens' selection and its operations, it will do so without a detriment to the surrounding community. Accordingly, we respectfully request that you overturn the Planning Commission's decision.

Very truly yours,
HAAS NAJARIAN, LLP

A handwritten signature in black ink, appearing to read "Daniel J. Kramer", with a long horizontal flourish extending to the right.

Daniel J. Kramer, Esq.



File No: CP10-024
 District: 9

Nearby Alcohol Off-Sales



Prepared by the Department of Planning,
 Building, and Code Enforcement
 5/18/2010

STAFF REPORT
PLANNING COMMISSION

FILE NO.: CP10-024

Submitted: 05/17/2010

PROJECT DESCRIPTION:

Conditional Use Permit request to allow off-sale of alcohol (beer and wine only) in an existing approximately 14,052 square-foot retail store/pharmacy tenant space in a shopping center on an approximately 14.0 gross acre site.

Existing Zoning	CP-Commercial Pedestrian Zoning District
San José 2020 General Plan	Neighborhood/Community Commercial
Envision San José 2040 General Plan	Neighborhood/Community Commercial in Kooser Road/Meridian Avenue Urban Village
Council District	9
Annexation Date	January 16, 1958
SNI	N/A
Historic Resource	N/A
Redevelopment Area	N/A
Specific Plan	N/A

LOCATION: The south side of Kooser Road 500 feet westerly of Blossom Hill Road (1376 Kooser Road).

Aerial Map

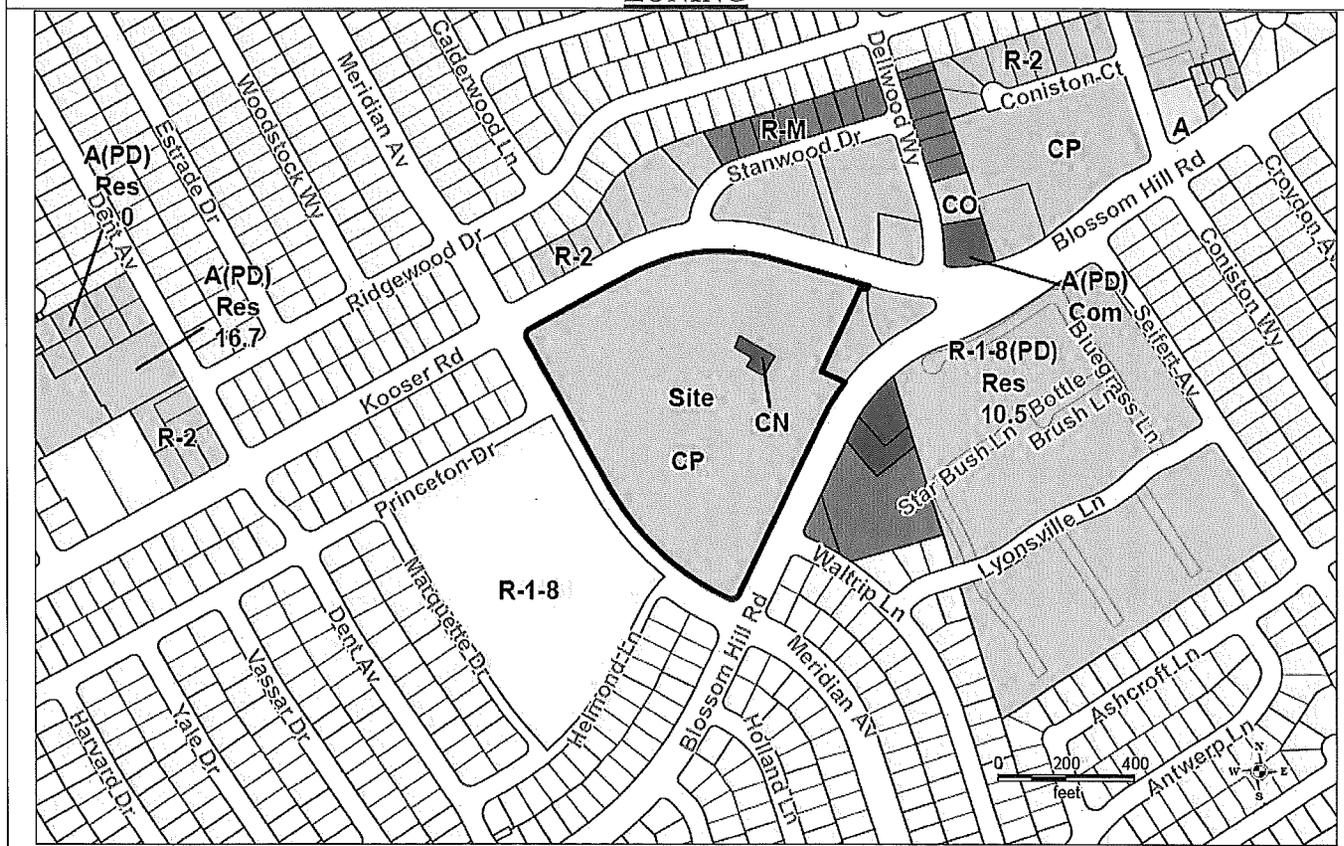
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GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends the Planning Commission deny the proposed Conditional Use Permit for off-sale of alcoholic beverages (beer and wine only) for the following reasons:

1. The proposed off-sale of alcohol at the subject site would lead to a grouping of five (5) off-sale establishments within a 1,000-foot radius of the subject site;
2. The proposed off-sale of alcohol will adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding areas;
3. The off-sale of alcohol will not enhance or facilitate the vitality of an existing commercial area without presenting a significant impact on public health or safety;
4. The proposed off-sale of alcohol is not needed to enhance an already viable existing shopping center; and
5. The number of off-sale establishments in the area already offer convenience for the neighborhood.

BACKGROUND

On May 17, 2010, Pan Cal Princeton Plaza, LLC (in behalf of Walgreens) applied for a Conditional Use Permit to allow the off-sale of alcoholic beverages (beer and wine only) at an existing approximately 14,052-square-foot retail store/pharmacy tenant space on an approximately 14.0 gross acre site in the CP-Commercial Pedestrian Zoning District. A Conditional Use Permit is required pursuant to the San José Municipal Code (Zoning Ordinance) for the off-sale of alcohol.

The subject tenant space, Walgreens, is part of a neighborhood shopping center (Princeton Plaza Mall) on the south side of Kooser Road 500 feet westerly of Blossom Hill Road (1376 Kooser Road). The shopping center includes various restaurants, personal service establishments, and retail stores, including a liquor store (Wine Rack & Liquor at 1375 Blossom Hill Road).

The shopping center site is triangularly shaped and bounded by Meridian Avenue on the southwest, Kooser Avenue on the north, and Blossom Hill Road on the southeast. Surrounding development to the north includes duplexes and various commercial uses. To the west of the shopping center, there are single-family residences and DeAnza Park. A senior housing development, a few commercial uses and condominiums are located to the south across Blossom Hill Road.

The subject property is not located in an alcohol restricted sales area because the census tract in which the site is located is not over-concentrated with off-sale of alcohol establishments per data from the State Department of Alcoholic Beverage Control (there are two off-sale establishments in operation in the census tract). Additionally, the site is not in a high-crime area per data from the San José Police Department (see attached Police Memo). For these reasons, a Determination of Public Convenience or Necessity is not required. It should be noted that the north side of Kooser Road is in a different Census Tract and is deemed to be over-concentrated.

Permit History

Development of the shopping center, including the subject building, was approved in 1963 with a building permit. Remodeling and additions to the shopping center were approved with Site Development Permits in the 1980s. A Conditional Use Permit (File No. CP95-012) that was approved in 1995 permitted the addition of a drive-through use and associated façade improvements to the existing retail store/pharmacy tenant space.

ANALYSIS

The key issues analyzed for the proposed Conditional Use Permit include the project's conformance with the following: 1) San José 2020 General Plan and the Envision San José 2040 General Plan; 2) Zoning Ordinance required findings for off-sale of alcohol, 3) Zoning Ordinance Findings for all Conditional Use Permits, and 4) CEQA.

General Plan Conformance

The subject Conditional Use Permit application was submitted and deemed complete when the San José 2020 General Plan was in effect and therefore is considered a pipeline project. The site is designated Neighborhood/Community Commercial on the San José 2020 General Plan Land Use/Transportation Diagram and Neighborhood/Community Commercial in Kooser Road/Meridian Avenue Urban Village on the Envision San José 2040 General Plan Land Use/Transportation Diagram. The site is developed as a retail tenant space in a commercial shopping center building. The proposed use is consistent with the General Plan land use designation under both the 2020 and 2040 General Plans in that commercial uses including uses associated with a retail store in an existing retail tenant space promote commercial activity within the City of San José.

Zoning Ordinance Requirements

Zoning Ordinance Findings for the Off-Sale of Alcoholic Beverages

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:

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 (3) other existing businesses located within 500 feet of the proposed use that provide alcoholic beverages for off-site consumption and one (1) additional such business within 1,000 feet of the proposed use for a total of four (4) establishments that currently provide alcoholic beverages for off-site consumption within a 1,000-foot radius from the proposed location. Therefore, the addition of the proposed off-sale use would result in a total of more than four (4) establishments, more specifically a total of five (5) establishments that provide alcoholic beverages for off-site consumption within a 1,000-foot radius from the proposed location, and this finding cannot be made.

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 resulting excess concentration of such uses may further adversely affect the peace, health, safety, morals, or welfare of persons residing or working in the surrounding area, or impair the utility or value of property of other persons located in the vicinity of the area, or be detrimental to public health, safety or general welfare. The proposed off-sale use would add to the concentration in the subject census tract as well as adding a fifth (5th) off-sale establishment within a 1,000-foot radius of the subject site without providing any offsetting improvements to the welfare of persons residing or working in the surrounding area such as access to a full-service grocery store that provides the full range of grocery items, including but not limited to fresh unprocessed meat and produce.

The attached Police Department memorandum indicates that the project site is not located within an area of high crime. Per data from the Department of Alcohol Beverage Control, the site is not located in a census tract of undue-concentration of off-sale establishments. For these reasons, the Police have indicated that they are neutral about this proposal.

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, child care center, public park, social service agency, residential care facility, residential service facility and/or school use.

Analysis of Required Finding. The subject site 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 subject use is also not located within 150 feet of a residentially zoned property. The nearest residentially zoned property is approximately 300 feet from the subject tenant space on Kooser Road, and the path of travel for that residentially zoned property is more than 300 feet from the subject publicly accessible tenant space entrance. Therefore, this finding is not applicable.

Zoning Ordinance Findings for Conditional Use Permits

To approve any type of Conditional Use Permit, the Planning Commission must also make all of the following findings:

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.
2. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
 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.

Analysis of Required Findings.

The proposed off-sale use would be detrimental to the welfare of persons residing or working in the surrounding area in that an additional off-sale of alcohol establishment on the subject site would add to the concentration in the subject census tract as well as adding a second off-sale establishment within the same retail center and a total of five off-sale establishment within a 1,000-foot radius of the subject site without providing any offsetting improvements to the welfare of persons residing or working in the surrounding area such as access to a full-service grocery store that sells fresh unprocessed meat and produce. In addition, the proposed off-sale use would be detrimental to public health and general welfare for the reasons stated above.

Based on the above analysis of the three required findings for off-sale of alcohol, an additional off-sale of alcohol establishment would contribute to the existing concentration of establishments by having at least five (5) within 1,000 feet of the subject site. Additionally, the subject site is located within approximately 300 feet of residentially zoned property and access to the tenant space for the proposed off-sale use is within 400 feet with few barriers between the residences and the subject site. Combined with the analysis of the findings for all conditional uses, staff has concluded that an additional off-sale establishment at the proposed location would adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area, and be detrimental to public health, safety or general welfare in that there are a sufficient number of alcohol outlets in the general area, more specifically currently four (4) outlets within 1,000 feet of the subject tenant space.

With respect to findings number 2 and 3 above, these particular findings can be made since the site is generally well landscaped and maintained in accordance with previously issued Site Development Permits, and the addition of an off-sale use to an existing retail use where no new physical development is also proposed does not have direct impacts to traffic or utility infrastructure or public facilities. In summary, since finding number 1 cannot be made, the proposal does not meet the necessary findings to approve the proposed Conditional Use Permit.

Environmental Review (CEQA)

Under the provisions of Section 15301(a) (Existing Facilities) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), 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 project only involves minor interior improvements to the existing retail space. No expansion of the building is proposed by this application.

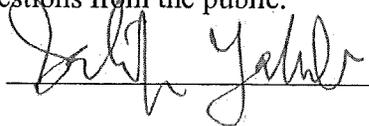
Conclusion

The proposed off-sale of alcohol establishment is situated in an existing retail tenant space in a shopping center. There are four (4) existing off-sale establishments within 1,000 feet of the subject tenant space. As was discussed above, relative to the required findings to support a Conditional Use Permit, given the existing excessive concentration of off-sale establishments in the immediate area and the context in which the alcohol is being sold, including retail without the provision of fresh meat and produce, staff concludes that the approval of this request would adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area. Additionally it would be detrimental to public health, safety or general welfare without providing any offsetting improvements to the welfare of persons residing or working in the surrounding area such as access to a full-service grocery that provides the full range of grocery items, including but not limited to fresh meat and produce.

PUBLIC OUTREACH

A community meeting was held on March 12, 2012 at Vineland Branch Library. There were four community members in attendance at the meeting as well as the Chief of Staff for Council District 9. They stated that the DeAnza Park's nearby location to the existing retail establishments that sell alcoholic beverages has already created many problems in the park. In particular, three residents in attendance commented that the existing liquor store (Wine Rack) in the subject shopping center in a tenant space across from the park facilitated the means for teenagers and homeless people to buy inexpensive alcoholic beverages and drink them in the park (the fourth community member was the Wine Rack owner). The availability of alcoholic beverages for sale had created various issues associated with litter, vagrancy, maintenance, and safety in the park. The residents stated that they had to pick up empty bottles in their front yards and often encounter homeless families and teenagers drinking alcohol in the park at night. One of the residents commented that the existing availability of alcoholic beverages for sale had definitely impacted the use of the park. The operator of the Wine Rack liquor store, located in the subject shopping center was also at the meeting. He stated he did not see Walgreens significantly adding to his competition. However, the next day staff received an e-mail correspondence from him opposing the proposal.

A sign was posted on-site to notify the public of the proposed conditional use, and a notice of this Planning Commission public hearing was mailed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. This staff report is also posted on the City's website, and staff has been available to respond to questions from the public.

Project Manager: Jenny Nusbaum **Approved by:**  **Date:** 03/13/2012

Owner/Developer's Contact: Pan Cal Princeton Plaza, LLC 4125 Blackford Ave, Suite 200, San Jose, CA 95117	Attachments: Draft Permit Resolution Plan Set Public Correspondence
Daniel Kramer, Haas Najarian, LLP 58 Maiden Lane, Floor 2, San Francisco, CA 94108	

RESOLUTION NO. _____

Resolution of the Planning Commission of the City of San José denying a Conditional Use Permit to allow off-sale of alcohol, for a retail store/pharmacy in an existing approximately 14,052-square-foot tenant space in a shopping center on an approximately 14.0 gross acre site at the south side of Kooser Road 500 feet westerly of Blossom Hill Road (1376 Kooser Road).

FILE NO. CP10-024

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 May 17, 2010 application (File No. CP10-024) was filed for a Conditional Use Permit to allow off-sale of alcohol, beer and wine only, in a 14,052-square-foot retail store/pharmacy tenant space, on that certain real property (hereinafter referred to as "subject property"), situate in the CP-Commercial Pedestrian Zoning District, located at the south side of Kooser Road 500 feet westerly of Blossom Hill Road (1376 Kooser Road) at the Princeton Plaza Mall;

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 plan for the subject property entitled, "Walgreens Store, 1376 Kooser Road, San Jose, CA," dated October 27, 2009. 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 Neighborhood/Community Commercial on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
2. This site has a designation of Neighborhood/Community Commercial in Kooser Road/Meridian Avenue Urban Village on the adopted Envision San José 2040 General Plan Land Use/Transportation Diagram.
3. The project site is located in the CP-Commercial Pedestrian Zoning District.
4. The proposed use is located within the 14.0 acre Princeton Plaza Shopping Center originally constructed in 1963.
5. The shopping center site is a roughly triangularly shaped area bounded by Meridian Avenue, Kooser Avenue and Blossom Hill Road.
6. Remodeling and additions to the shopping center were approved with Site Development Permits in the 1980s.
7. The project proposes the off-sale of alcohol, beer and wine only, for an existing retail store/pharmacy (Walgreens) in an existing approximately 14,052 square foot tenant space near the Kooser Road frontage.
8. The project includes no exterior modifications to the existing building.
9. A Conditional Use Permit (File No. CP95-012) that was approved in 1995 permitted the addition of a drive-through use and associated façade improvements to the existing retail store/pharmacy tenant space.
10. Surrounding development to the north across Kooser Road includes duplexes and various commercial uses.
11. To the south-west of the shopping center, across Meridian Avenue, there are single-family residences and DeAnza Park.
12. A senior housing development, a few commercial uses and condominiums are located to the south-east across Blossom Hill Road.
13. The nearest residentially zoned property is approximately 300 feet from the subject tenant space on Kooser Road, and has a direct view of the subject store entrance.
14. No increase in parking demand results from this proposed project.
15. The subject retail establishment can be open until midnight as-of-right.
16. Alcohol sales would represent no more than five percent (5%) of the proposed use.
17. The Police Department memorandum indicates that the project site is not located within an area of high crime.
18. The proposed site is not located within a census tract that has an over-concentration of off-sale licenses.
19. The opposite side of Kooser Road is located in a different census tract that is over-concentrated and contains three (3) off-sale establishments within 1,000 feet of the subject site.

20. There is one additional off-sale establishment located in the same shopping center.
21. The proposed use would lead to the grouping of more than four off-sale establishments within 1,000 feet. More specifically, five (5) within a one thousand-foot radius from the proposed use, and four (4) within a 500-foot radius from the proposed use.
22. The project site is not located within 500 feet of a school.
23. The project site is not located within 150 feet of a residentially zoned property.
24. Alcohol sales would not represent a majority of the proposed use.
25. 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.

Based on the above stated facts, the Planning Commission concludes and finds that based on the three (3) required findings in the subsection below, in regard 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 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 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 would:
 - 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 not located closer than one hundred fifty (150) feet from a residentially zoned property.

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:
 - 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 the Conditional Use Permit application, this proposal for off-sale of alcohol (beer and wine only) is hereby denied.

DENIED on this 21st day of March 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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.



File No: CP10-024

District: 9

Nearby Alcohol Off-Sales



Prepared by the Department of Planning,
 Building and Code Enforcement
 03/02/2012



Memorandum

TO: Jenny Nusbaum
Planning Department

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

SUBJECT: Walgreens
1376 Kooser Rd CP10-024

DATE: August 2, 2010

Approved

Date

I have received your request for input regarding Walgreens at 1376 Kooser Rd, San Jose, Ca. 95118. Walgreens is seeking a new Conditional Use Permit to allow the off sale of alcohol (beer and wine). They are applying for a Type 20 Off-Sale ABC 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.

Walgreens is located in San Jose Police Beat A4. 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
A4 (2009)	322	261	583	No
City Average	327	256	583	

Department of Alcohol Beverage Control (ABC) records indicate Walgreens is in census tract 5119.01, Pursuant to B&P Section 23958.4 (a)(3) ... the ratio of off-sale retail licenses to population in census tract 5119.01 **does not** 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 5119.01

Census Track	Authorized ABC Licenses as of January 2008		Current ABC Licenses as of May 18, 2010		Unduly Concentrated	
	On - Sale	Off - Sale	On - Sale	Off - Sale	On - Sale	Off - Sale
5119.01	12	6	5	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.

Officer Christine Zarate #3165
Administrative Officer
Special Investigations/Vice

Nusbaum, Jenny

From: sandeepgarg@gmail.com on behalf of Admin [admin@bestliquorstore.com]
Sent: Tuesday, March 13, 2012 9:42 AM
To: Nusbaum, Jenny
Subject: Conditional use permit for Walgreens

Hello Jenny,

I just wanted to mention that when I said that Walgreens wouldn't be selling much of the product-line I sell, it didn't mean I don't oppose it. I hope you can understand reasons for a small business owner like me to not want more competition from big guys.

Sunny
Wine Rack Liquors & Food

3/13/2012

March 14, 2012

Jenny Nusbaum
City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113
(408) 535-7873, Jenny.nusbaum@sanjoseca.gov

Reference: Public Hearing Notice: Conditional Use Permit, 1376 Kooser Road, San Jose, CA 95118

Dear Ms. Nusbaum:

We received notice of a public hearing to consider a Conditional Use Permit at 1376 Kooser Road, allowing off-sale of alcoholic beverages. The following is our reply, as was presented when a similar permit was considered for 5th Quarter Bar, just across the street on Kooser Road. Our concerns are real, and we would appreciate serious consideration of our position.

Let me first identify my interest in the conditional permit. Since 2000, my husband and I have owned three of the eight four-plexes on Stanwood Drive (run parallel to Kooser Road) which view the rear exits of the strip mall. Our business is housing "families." We try our best to make our properties and the community a pleasant and safe place for them to live. While generally the atmosphere is good, through the years we have experienced some problems with the businesses in the strip mall and have worked with owners, San José Police and City Code Enforcement to resolve issues.

Based on our experiences with 5th Quarter, a business already serving alcoholic beverages with extended hours and adding potentially loud late night activities to the use permit, additional such permits would adversely impact current "living" conditions for Stanwood Drive residents and ultimately, our business. We have experienced:

1. Noise complaints by tenants calling at 10:00-12:30 p.m. Music from the bar was too loud, patrons of the bar were too loud, motorcyclists in the bar parking lot loudly revved their engines over extended periods of time. Note: Tenants do not call police. They are fearful of retaliation.
2. During spring through summer months, the bar's "sound proofing" door is not always kept closed and the noise wakes our tenant households—most with small children.
3. Tenants called to complain of loud fights behind the bar—yelling, screaming, breaking glass.
4. Tenants called to inform us of intoxicated bar patrons knocking on their doors after midnight—one asking them to call a cab.
5. On an occasional Sunday morning, we have found bar patrons sleeping on our property lawns and breezeways following their late night activities—with adult sexual paraphernalia.
6. We have cleaned up broken glass and adult beverage containers from our properties, the street and sidewalks.
7. While in the recent past litter has been a problem, it now seems better managed.

The manager of the bar has explained that he cannot control the behavior of the patrons. He has said that above behaviors is the "cost of doing business." One such incident "cost" us business—a resident did not wish to have her children awakened a second time after midnight by bar brawl behavior (patrons fighting behind the bar, police were eventually called)—she gave notice and moved.

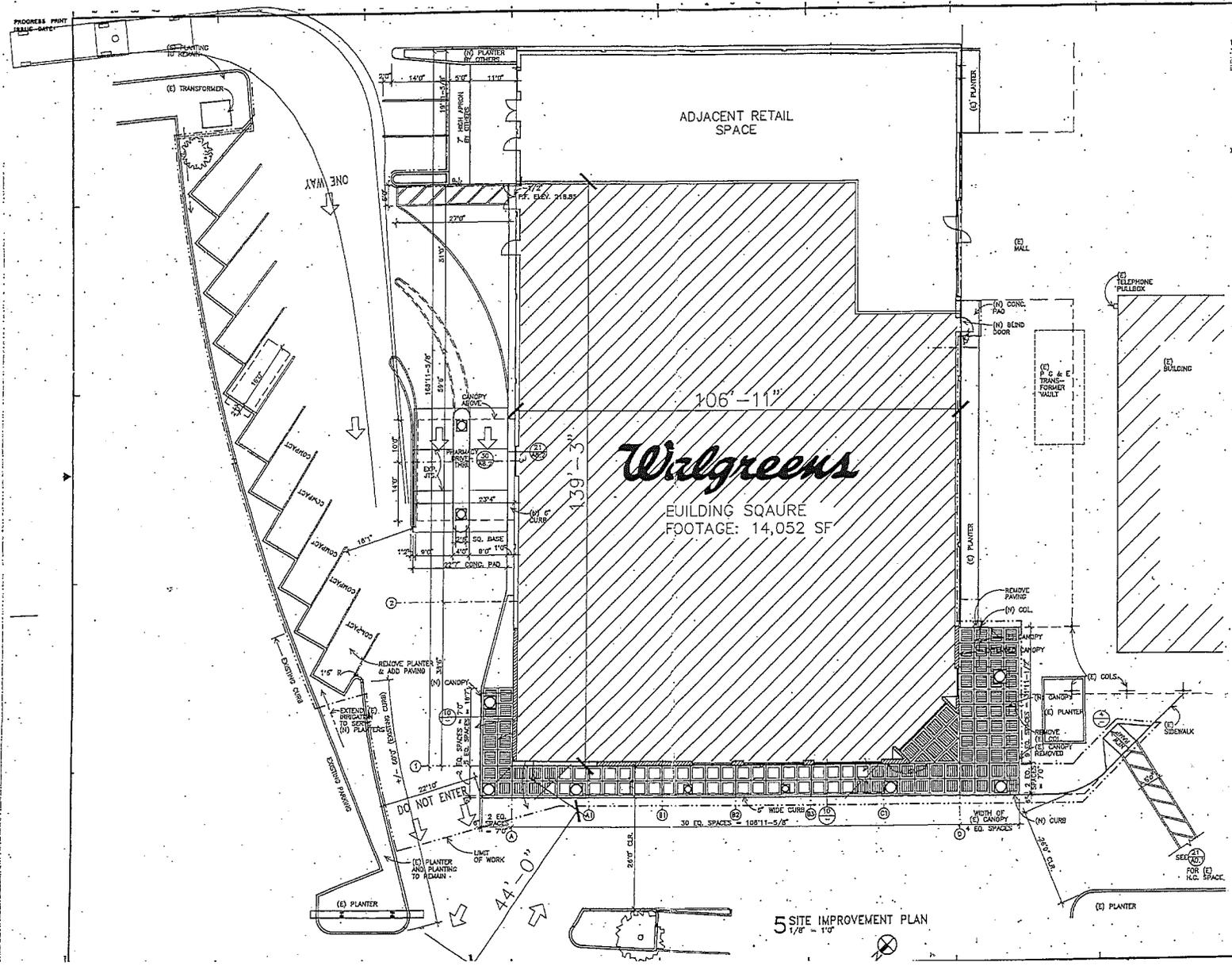
Extending business hours to 2:00 a.m. and increasing adult activities **is not favorable to the surrounding family community**. While the list does not represent everyday occurrences, events happen often enough to cause us concern for our tenants' safety and **their right to enjoy peace and quiet**. Please help to keep families safe and the community a nice place to live.

Thank you for taking the time to read and share this communication. I/we welcome your call should the request be reactivated.

Sincerely,

Charlene Morrison Bell and Martin Bell
Owners of 1379, 1381, 1385 Stanwood Drive
2464 El Camino Real, PMB#155
Santa Clara, CA 95051-3097
(408) 249-9798, cmorrison_bell@yahoo.com

CP 10-024



5 SITE IMPROVEMENT PLAN
 1/8" = 1'-0"

NO.	DATE	BY	DESCRIPTION	COMET
REVISIONS				
CERTIFICATION AND SEAL				
I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF ILLINOIS AS SHOWN BY MY HAND AND SEAL.				
STORE NUMBER 03378				
PROJECT NAME				
WALGREENS STORE				
1378 KOOSER ROAD SAN JOSE, CA				
DRAWING TITLE				
SITE PLAN - BEER & WINE				
CADD PLOT: 1378-401-SW-202001	SCALE: 3/32" = 1'-0"	DRAWING NO.		
VOID PLOT:	DRAWN BY: J. HESTER	DATE: 10/27/09		
BY: HESTER	A0.1			

