



CITY COUNCIL STAFF REPORT

File No.	CP25-025 & ER25-026
Applicant:	Michael Messinger
Location	On the north side of West Santa Clara Street, approximately 140 feet from the intersection of North Almaden Avenue and West Santa Clara Street (163 West Santa Clara Street, APN 259-35-062)
Existing Zoning	DC Downtown Primary Commercial
Council District	3
Historic Resource	City Landmark Structure
Annexation Date:	March 27, 1850 - Original City
CEQA:	Exempt under CEQA Guidelines Section 15270

APPLICATION SUMMARY:

Conditional Use Permit to allow a nightclub/bar use with late-night hours until 2:00 A.M. in an existing approximately 15,600-square-foot tenant space on an approximately 0.25-gross-acre site.

RECOMMENDATION:

Staff recommends that the City Council:

1. Consider the exemption in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15270 for Projects Which Are Disapproved.
2. Adopt a resolution denying a Conditional Use Permit to allow a nightclub/bar use with late-night hours until 2:00 A.M. in an existing approximately 15,600-square-foot tenant space on an approximately 0.25-gross-acre site.

PROJECT DATA

GENERAL PLAN CONSISTENCY	
General Plan Designation	Downtown ☐ Consistent ☒ Inconsistent
Consistent Policies	IE-5.3; LU-1.1
Inconsistent Policies	ES-3.2; ES-5.4; ES-5.6; IP-10.3; LU-13.4; LU-13.6

SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Downtown	DC Downtown Primary Commercial	Residential; Public Eating Establishment; Office
South	Downtown	DC Downtown Primary Commercial	Office; Bank; Personal Service; Public Eating Establishment; Park
East	Downtown	DC Downtown Primary Commercial	Residential; Drinking Establishment
West	Downtown	DC Downtown Primary Commercial	Residential; Drinking Establishment; Public Eating Establishment; Medical Office; Office
RELATED APPROVALS			
See Attachment A for more details.			

PROJECT DESCRIPTION

The proposed project is a Conditional Use Permit to allow a nightclub/bar use with late-night hours until 2:00 A.M. in an existing approximately 15,600-square-foot tenant space on an approximately 0.25-gross-acre site.

Site Description and Surrounding Uses

As shown on the attached Vicinity Map (Attachment B), the project is located on the north side of West Santa Clara Street, approximately 140 feet from the intersection of North Almaden Avenue and West Santa Clara Street (163 West Santa Clara Street, APN 259-35-062). The Mason Building, located at 161 West Santa Clara Street, was designated a City Landmark under Resolution No. 70737 and amended under Resolution No. 70852 circa 2002.¹ The Mason Building, located at 161 West Santa Clara Street, was designated a City Landmark, which meets landmark significance criteria 3, 6, and 7, under Resolution No. 70737 and amended under Resolution No. 70852 circa 2002. These criteria are, broadly, an identification with Paul Masson and Charles Lefranc, who made significant contributions to regional winemaking industries. The building embodies distinguishing characteristics of Art Deco architecture and was identified as being designed by William H. Weeks, an architect or master builder whose work has significantly influenced the development of San José. The Mason Building is a multitenant building within which the proposed project resides. The subject property's most recently permitted use was a Drinking Establishment with late-night hours under

¹<https://sanjoseca.govnita.com/api/workspace/Resolutions/files/1980944291721/view>

CP10-057. As a condition of CP10-057, if the use ceases for a period of 12 months or longer, the permit will expire, and the subject site will have to obtain a new permit to continue the use. The building was vacant, for lease, without use of the subject site beginning approximately 2017-2018, and expiring sometime in 2019.

The site has existing pedestrian sidewalks along West Santa Clara Street with crosswalks at the intersections of West Santa Clara and both North Almaden Avenue and North San Pedro Street. The site is accessed by one primary pedestrian entrance fronting West Santa Clara Street, with a secondary entrance/exit along the pedestrian walkway/paseo to the rear of the business, which spans the block running east/west between North Almaden Avenue and North San Pedro Street. The site is accessible with existing Valley Transit Authority bus stops, approximately 300 feet both east and west along West Santa Clara Street, serving the 17, 22, 64(A/B), and 68 lines. The site has metered street parking along West Santa Clara Street and is surrounded by publicly accessible parking garages.

Background

Between 2023 and 2026, the City documented a series of Code Enforcement, Planning, Building, and public safety issues associated with the operation of San Pedro Social (Attachment A). Following complaints received in 2023, inspections confirmed unpermitted site improvements and late-night operations without Building or Planning approval. Over the next several years, the City issued multiple Warning Letters, Compliance Orders, and an Appeals Hearing Board Order directing the operator to cease unpermitted late-night activities and obtain the required permits (Attachment C). Despite these actions, repeated inspections found continued operation as a nightclub without the necessary approvals.

Planning staff worked with the applicant to identify an appropriate entitlement and informed them they could either apply for a Conditional Use Permit (CUP) for operation as a nightclub with late-night use or a Special Use Permit (SUP) as a restaurant with late-night use. The applicant informed staff that they would seek a Special Use Permit for operation as a restaurant with late-night use. Public outreach regarding the proposed project generated significant community interest, which led to a community meeting with 68 people in attendance. While supporters, many of whom were employees, highlighted the business's economic contributions and role as a Downtown destination, opponents, some of whom were residents on either the second floor of this business or adjacent to the business, cited concerns regarding public safety, noise, neighborhood compatibility, and quality-of-life impacts. However, during the community meeting, the applicants' representatives and supporters opined on their operation as a nightclub being a benefit to Downtown. Staff advised the applicant during the meeting that if the proposed operations were for a nightclub with late-night use, then a Conditional Use Permit would be required, rather than the Special Use Permit for a restaurant with late-night use. After conversion of their SUP to CUP, and throughout four rounds of project review, staff identified significant deficiencies and inconsistencies in the application materials, including operations, security, noise mitigation, queuing, site plans, and supporting documentation. Many of these issues remain unresolved.

The San José Police Department (SJPD) documented repeated operations without a required Entertainment Permit and recommended denial, citing continued violations,

public nuisance concerns, and late-night police activity. Inspections by the California Department of Alcoholic Beverage Control also documented nightclub-style operations and potential violations of the establishment's Type 47 liquor license requirements (Attachment D and Attachment E).

The applicant has requested that the project proceed to a public hearing despite outstanding application deficiencies expressed in the Analysis section below.

ANALYSIS

The project was analyzed for conformance with the following:

1. The Envision San José 2040 General Plan; and
2. Permit Findings.

Permit Findings

Pursuant to Section 20.100.720² of the San José Municipal Code, staff finds that the required findings for approval of the proposed Conditional Use Permit cannot be made. While the proposed nightclub use would support Downtown activation, economic activity, and late-night entertainment consistent with the Downtown land use designation, the project is not consistent with the Envision San José 2040 General Plan as a whole. The record includes documented health and safety violations associated with unpermitted nightclub operations, multiple police calls for service involving violent incidents and serious injuries, and unresolved historic preservation issues related to an unpermitted building addition on a designated Historic Landmark. Collectively, these issues prevent staff from finding the project consistent with applicable General Plan policies and Municipal Code requirements. The project is also not consistent with applicable City Council policies governing 24-hour (late-night) and nightclub operations. In particular, the Operations Plan and Security Plan do not adequately demonstrate compliance with City Council Policy 6-23 due to deficiencies in patron queuing management, noise control procedures, separation of ancillary restaurant operations from nightclub activities, and clarity regarding age-restricted access (Attachment F and Attachment G). In addition, SJPD opposes the requested Conditional Use Permit based on documented public safety, nuisance, and compliance concerns associated with prior unpermitted operations, resulting in inconsistency with City Council Policy 6-27. The proposed use may adversely affect the peace, health, safety, and general welfare of persons residing and working in the surrounding area based on the applicant's documented pattern of operational non-compliance, public nuisance complaints, and police activity. Although the site is physically adequate in size and is served by existing streets, transit, and parking infrastructure, the unresolved land use, operational, and public safety issues outweigh these site characteristics (Attachment H). For these reasons, staff recommends denial of the Conditional Use Permit.

²https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO_CH20.100ADPE_PT6CO_USPE_20.100.720FI

Envision San José 2040 General Plan Conformance

The proposed Conditional Use Permit would allow an existing restaurant to operate as a nightclub with late-night hours on weekends within the Downtown land use designation. The *Envision San José 2040 General Plan*³ Land Use/Transportation Diagram designates Downtown as supportive of a mix of commercial, residential, and entertainment uses. The proposed nightclub with late-night operation would advance General Plan objectives related to Downtown vibrancy, evening and late-night activity, and economic development by contributing to employment opportunities and general late-night activity. However, the project raises significant concerns regarding public safety, operational compliance, and historic preservation. The record includes documented health and safety violations associated with unpermitted nightclub operations, including obstruction of a fire escape, as well as multiple police calls for service involving violent incidents and serious injuries during late-night operations. Although some violations were corrected, the pattern of incidents raises concerns regarding the project's ability to operate in a manner consistent with reasonable standards of safety and compatibility. In addition, the project remains incomplete with respect to historic preservation review, as staff have not received sufficient information to determine whether existing exterior modifications comply with the Secretary of the Interior's Standards and applicable City historic preservation policies. While the project supports certain economic and activation goals of the Envision San José 2040 General Plan, the unresolved public safety concerns, outstanding code compliance issues, and incomplete historic preservation review prevent staff from finding the project consistent with the General Plan as a whole.

Zoning Ordinance Conformance

The subject site is located within the Downtown Primary Commercial Zoning District, where drinking establishments with an approved occupancy load exceeding 250 persons and operating between 12:00 a.m. and 6:00 a.m. require approval of a Conditional Use Permit by the City Council.⁴ The proposed nightclub would operate within an existing approximately 15,600-square-foot tenant space with an occupancy load exceeding 250 persons and late-night hours extending to 2:00 a.m. and, as proposed, is procedurally consistent with the use regulations of the Downtown Zoning District. However, the property also contains an unpermitted building addition that remains subject to an active Code Enforcement case. The subject property is a designated Historic Landmark. Retention of the addition requires review under the Historic Preservation provisions of Title 13⁵ and compliance with the Historic Design Guidelines and the Secretary of the Interior's Standards. Staff informed the applicant that the addition must either be removed or supported by sufficient documentation to complete the required historic review. The applicant's current plans retain the unpermitted addition and the information necessary to evaluate its consistency with applicable historic preservation standards has not been provided. As a result, staff cannot make the required findings for historic preservation compliance or determine that the addition conforms with the Municipal Code. Therefore, while the proposed nightclub use conforms with the Downtown Zoning Code, the project remains inconsistent with the Zoning Ordinance overall, due to the unpermitted addition.

³<https://www.sanjoseca.gov/home/showpublisheddocument/121586/638828345723130000>

⁴https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO_CH20.70DOZORE_PT2U_SAL_20.70.100ALUSPERE

⁵https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT13STSIPUPL_CH13.48HIPR

City Council Policy 6-23 Guidelines for Evaluation of Nightclubs and Bars

City Council Policy 6-23⁶ establishes operational and design guidelines intended to ensure nightclub and bar uses are compatible with surrounding properties and do not adversely affect the public right-of-way. Relevant provisions applicable to the proposed project include management of patron queuing, noise mitigation, age-restricted access controls, and prohibition of ancillary non-separated restaurant operations during nightclub hours.

The applicant's Operations Plan and Security Plan do not adequately demonstrate compliance with these requirements. The Operations Plan states that patron queuing would occur in an area purportedly approved by the Department of Public Works. Staff confirmed that the applicant's Sidewalk Seating Permit authorizes outdoor seating only and does not permit queuing within the public right-of-way. Although the Security Plan includes general queue management measures, it lacks sufficient detail regarding monitored access points, staffing levels, rotation schedules, pedestrian circulation, litter abatement, and procedures to ensure windows and doors remain closed during patron screening and admittance. Similarly, while the Operations Plan states that windows and doors will remain closed during entertainment activities, the Security Plan does not include corresponding enforcement procedures. The Operations Plan and Security Plan also do not clearly establish when San Pedro Social's restaurant operations cease and nightclub operations begin, creating ambiguity regarding the proposed 21-and-over access restrictions.

The project site also includes an ancillary public eating establishment, Square Pie Guys, which operates within the project area and relies on San Pedro Social's kitchen and restroom facilities through a shared hallway connection. City Council Policy 6-23 prohibits operation of ancillary non-separated restaurant use during nightclub operation. The submitted documents indicate that restaurant operations would continue during nightclub hours. In addition, as a result, staff finds that the project does not demonstrate consistency with City Council Policy 6-23.

City Council Policy 6-27 Evaluation of 24-Hour Use Conformance

City Council Policy 6-27⁷ provides guidelines for the appropriate development of establishments that operate on a 24-hour basis in the City of San José while avoiding the problems associated, of which, on a case-by-case review, specific alternative measures may be suitable when demonstrating a project meets or exceeds the guidelines in the policy. The proposed project is located Downtown and either meets or is exempt from the majority of City Council Policy 6-27. However, the sections they are not meeting include the Use Compatibility, Police, and Noise sections. The proposed project attempts to meet these remaining criteria, but were found to be deficient.

The Security Plan attempts to address use compatibility measures such as queue management in the right-of-way, but it does not include the number of monitored right-of-way entrances/exits; enforcement procedures regarding how windows and doors are to be kept closed during patron queue pat-down and admittance; the number of staff

⁶<https://www.sanjoseca.gov/home/showpublisheddocument/12797/636669914957130000>

⁷<https://www.sanjoseca.gov/home/showpublisheddocument/12789/636669914941370000>

and rotation schedule for the right-of-way queue areas; litter, refuse, and debris abatement.

Noise mitigations were provided by a sound technician, but proof of certification or other qualifications were not provided, and the base level noise measurements lack information regarding whether the measurements were taken during the unpermitted nightclub operations or during restaurant operations. Complaints regarding noise and specifically vibration as part of the nightclub operations were received by residents living above San Pedro Social. No abatement strategies regarding vibration were provided by an identifiably qualified person.

SJPD reviewed both the Special Use Permit and Conditional Use Permit, which resulted in two separate memoranda, sent to the applicant on May 8, 2025, and June 11, 2026, respectively. SJPD acknowledges the role that entertainment venues play in supporting Downtown vitality and recognizes the demand for businesses that contribute to the City's nighttime economy. Nightclub and entertainment uses may be appropriate when operated in compliance with applicable permits, regulations, and City policies. However, based on the totality of circumstances observed during 2024, 2025, and 2026, concerns which include multiple violent calls for service, many of which occurred during late-night or after-hours periods; surveillance footage depicting physical altercations on and around the premises; operation of the business in a manner consistent with a nightclub, including cover charges, bottle service, and VIP ticket sales, prior to obtaining the required permits; operation without a valid entertainment permit; and operation of late-night activities prior to obtaining the appropriate land use approvals, SJPD does not support issuance of a Conditional Use Permit for the proposed nightclub and late-night operation.

Based on the documented public safety, operational, and compliance concerns raised by SJPD, and deficient noise and use compatibility findings, staff find the project is not consistent with City Council Policy 6-27.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Staff recommends denial of the application. Pursuant to Public Resources Code section 21080, CEQA applies to discretionary projects proposed to be carried out or approved by a public agency. The action is statutorily exempt under CEQA Guidelines Section 15270 for Projects Which are Disapproved. The denial would not approve any change in use, physical improvement, expansion, or operational entitlement and therefore would not authorize any activity that may result in a direct or reasonably foreseeable indirect physical change in the environment. Accordingly, no further CEQA review is required for denial of the Conditional Use Permit.

If the City Council approves the Conditional Use Permit, the staff may consider whether the project qualifies for the Class 1 categorical exemption for Existing Facilities under CEQA Guidelines Section 15301. Class 1 applies to the operation, permitting, leasing, licensing, or minor alteration of existing public or private structures or facilities involving negligible or no expansion of existing or former use. The proposed action would allow a nightclub/bar use within an existing tenant space and, as modified and conditioned, would not authorize substantial physical expansion of the existing facility.

However, because the site is an existing historic structure, and a small unpermitted addition shown on the plan set was made without prior historic evaluation, staff must also consider the exceptions to categorical exemptions under CEQA Guidelines Section 15300.2. In particular, Section 15300.2(f) provides that a categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of a historical resource. Therefore, to support the findings for Class 1 exemption, the applicant would either have to demolish the unpermitted addition or provide adequate information that would support findings for the Class 1 exemption.

PUBLIC HEARING NOTIFICATION

Although this item does not meet any of the criteria above, staff followed City Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet and 1,000 feet of the project site and posted on the City website (Attachment I). A community meeting was held on August 11, 2025, at 6:30 P.M. via Zoom to describe the applicant's proposed project, the City's review process, and to obtain community input on the proposed project located at 163 West Santa Clara Street. The proposal at that time was to seek a Special Use Permit for the late-night operation of a public eating establishment until 2:00 A.M. The community meeting reflected both support for and opposition to the continued operation and extended late-night activities at the subject site. Supporters, including patrons, employees, DJs, and business affiliates, emphasized the venue's contribution to Downtown vibrancy, economic activity, and nightlife, while highlighting its security measures, professional management, and perceived safety compared to other nearby establishments. In contrast, opponents, including nearby residents and stakeholders, raised concerns regarding recurring fights, police activity, intoxicated patrons, noise extending beyond the premises, and crowd-related impacts affecting surrounding residential uses and the public right-of-way. Additional concerns were raised regarding the scale of the security presence and whether the operation remains compatible with neighboring residential uses and consistent with its approved entitlements. Overall, public testimony demonstrated a clear division between those who view the venue as an important downtown destination and those who view its operations as contributing to adverse neighborhood impacts. Ultimately, the applicants indicated they planned to operate a nightclub, which the permit at that time would not support, and the project was converted to a Conditional Use Permit. The staff report is also posted on the City's website. Staff have been available to respond to questions from the public.

/s/

Chris Burton, Director
Planning, Building and Code
Enforcement

For questions, please contact John Tu, Division Manager, Planning, Building, and Code Enforcement Department, at (408) 535-6818.

HONORABLE MAYOR AND CITY COUNCIL

August 4, 2026

Subject: CP25-025 & ER25-026 - Conditional Use Permit for Certain Real Property Located at 163 West Santa Clara Street (San Pedro Social)

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ATTACHMENTS:

Attachment A – Related Approvals and Code Case History

Attachment B – Vicinity Map

Attachment C – Appeals Hearing Board Warning Letter

Attachment D – Alcohol Beverage Control Form dated 12-20-22

Attachment E – San José Police Department Final Memo

Attachment F – Operations Plan

Attachment G – Security Plan

Attachment H – Site Plan

Attachment I – Appeals Hearing Board Notice of Hearing

Attachment A1 - Code Case History & Timeline Background

On December 20, 2022, a Change in Licensee Information and/or Licensed Premises Application was submitted to the California Department of Alcoholic Beverage Control (ABC) (Attachment 1). This document shows a premises reduction and declares the use of the property as a full-service restaurant with music, karaoke, pool tables, and coin-operated games, operating until 1:00 A.M. on Fridays and Saturdays. Approximately four months later, on April 17, 2023, the City of San José's Code Enforcement Department received a complaint from a Complaining Party (CP) alleging:

1. An unpermitted pizza restaurant was operating from the subject property; and
2. Multiple unpermitted additions and structures were reported to be in the rear patio area; and
3. The business was operating past midnight without approval from the Planning Division.

Research found that Masson Partners LLC was the legal owner of 163 W Santa Clara Street, as shown on the latest property assessment roll at that time. The Agent of Service was found to be Michael Messinger. Between May 1, 2023, and November 20, 2024, Code Enforcement attempted to and eventually completed, an inspection of the subject property after reaching out to Michael and his team. For purposes of this report, these contacts are generally referred to as the Responsible Parties (RP). The inspection found several unpermitted structures and additions in the rear patio area, including, but not limited to, a commercial storage container converted into a bar, bleacher seating, and enclosed canopies over 120 square feet. In addition, staff confirmed with the RP that the subject business was operating until 2:00 A.M. on Fridays and Saturdays. Code Enforcement advised that the unpermitted work and late-night use required Building and Planning approvals, and it was requested that they cease all use of the unpermitted structure(s) and ensure business closure by midnight until the subject business obtains the necessary approval from the Building and Planning Divisions. On December 10, 2024, Code Enforcement issued a Warning Letter, requesting that all construction and late-night use cease immediately.

On January 8, 2025, Planning met with Michael Messinger and his team for an intake meeting. Staff went over multiple options for remediating the Code Violation, which included operating as a Public Eating Establishment (restaurant) late-night with a Special Use Permit, or as a Drinking Establishment/Nightclub late-night with a Conditional Use Permit. Staff informed the RP that if the exterior changes were kept, they would need to meet Historic Review criteria because the building is a designated Landmark structure on the City's Historic Resources Inventory, which could extend the review process. The RP indicated that all unpermitted exterior work would be removed.

San José Police Department's VICE unit conducted a grant-funded IMPACT inspection of San Pedro Social on January 22, 2025. The following day, VICE informed the RP that they were operating without an Entertainment Permit and were in violation of the Municipal Code. The RP was informed that both ABC and VICE have received complaints from patrol officers, concerned citizens, and surrounding businesses about the

business not complying with local and state laws. The RP was provided with the SJPD Permits Unit information to apply for an Entertainment Permit.

Code Enforcement completed a late-night inspection at approximately 12:30 A.M. on February 1, 2025, during which the business was observed to be fully operational as a nightclub, in continued violation, after RP received the Warning Letter to cease all unpermitted uses. Code Enforcement issued a Compliance Order to the RP on February 2, 2025, requiring upon receipt, to cease all late-night uses and obtain the necessary permits from both Planning and Building. The next day, Code Enforcement contacted San Pedro Social's Director of Operations and their Assistant General Manager, advising they cease the continued late-night use until otherwise approved by the Planning Department. On February 26, 2025, an application for Special Use Permit (SUP) to legalize the late-night use, was submitted. Two days later, an invoice for the SUP, under file number SP25-003, was generated and sent to the RP with instructions on how to pay the fee. However, on March 1 and March 8, 2025, Code Enforcement conducted additional late-night inspections of the subject property at approximately 12:30 A.M. and found the business was fully operational as a nightclub. Two days later, after inspections found the business was still operating in violation, the invoice for SP25-003 was paid.

The continued non-compliance of the subject business led Code Enforcement to issue to the property owner an Appeals Hearing Board (AHB) Warning Letter (Attachment 2). A copy was emailed to all RP. The AHB is the highest hearing body under the Code Enforcement Department, where fines and fees may be levied against an RP for non-compliance.

After the issuance of the AHB Warning Letter, Code Enforcement performed another late-night inspection at approximately 1:10 A.M. on March 15, 2025. The business was observed to be still in full operation as a late-night nightclub, in continued violation of the two Warning Letters and the Compliance Order issued to date.

On March 17, 2025, Code Enforcement returned a phone call to property owner, Michael Messinger. Mr. Messinger was advised of the outstanding violations. Mr. Messinger acknowledged the violation and stated that he had already submitted an application to legalize the late-night use by seeking a Special Use Permit. However, he stated that he would not comply with the Compliance Order and that the business would continue to operate after midnight in the interim. Following that conversation, Code Enforcement performed additional late-night inspections of the subject property on the 27th and the 29th of March, 2025, at approximately 12:35 and 1:30 A.M., respectively, confirming the business was in full operation as a nightclub with late-night use, as Mr. Messinger indicated in prior correspondence that it would be—despite the Warnings and Order to cease the unpermitted operation until permits were obtained.

On April 2, 2025, the Planning Division issued a letter of incompleteness for SP25-003, citing an Operations Plan and the Transportation Demand Management (TDM) checklist as required items for a complete application. Staff additionally outlined several other issues that needed clarification including:

1. Provide a Historic Preservation Permit Adjustment to assess the accessory buildings and structures against the Secretary of the Interior's Historic Standards for this designated Landmark Structure.
2. Outdoor areas may not be permissible under the late-night use permit and may require another permit/invoice if retained.
3. Provide the required operations plan, Transportation Demand Management checklist, and additional details (elevations, photometric plan).
4. Ensure documents are properly named and uploaded to avoid review issues.
5. Clarify project area and square footage and ensure all required plan elements are included per the Contents of a Plan Sheet Guide linked on the application.
6. Remove business operations and sidewalk café from the plans.

On April 4th and 5th, 2025, Code Enforcement conducted a site inspection, noting issues with the continued use of outdoor seating and late-night operations without permits. The unpermitted railing associated with the outdoor seating area, however, was removed. The late-night inspection of the subject property at approximately 12:30 A.M. confirmed the business was in full operation as a nightclub with late-night use with music and dancing, without permits. No permit would be complete for the outdoor seating area until approximately a year later, April 2, 2026, through a Public Works Sidewalk Seating permit.

An Appeals Hearing Board meeting was held on April 10, 2025, resulting in an issued administrative order, as set forth in the Code Enforcement Staff Report dated March 12, 2025, to cease all unpermitted use (late-night) by April 11 and obtain all necessary permits by December 1, 2025 (Attachment 3).

On both May 3 and 10, 2025, Code Enforcement performed a late night inspection of the subject property, at 12:18 A.M. on both occasions, noting the business appears to be closed, and no music or security were present. The lights were on, the Slice of Homage pizza location was also closed, and chairs were placed upside down on tables.

On May 8, 2025, Planning staff received a memorandum from the San José Police Department, which recommended the denial of permit SP25-003. In that memo, SJPd states that their Permits Unit attempted to contact the business approximately four times to advise them that they were out of compliance and needed an Entertainment Permit. After inspecting and coordinating with RP on January 22, 2025, it was conveyed to the RP that ABC and VICE both have received complaints about the business not following local and state laws from patrol officers, concerned citizens, and surrounding businesses, no further response had been received from the RP to obtain permits. A reasonable amount of time has passed for this business to obtain an Entertainment Permit from SJPd, but they have failed to do so. The memo states that the location is in a high-crime census tract and is unduly concentrated. A crime analysis found 2,695 calls for service

within a 1,000-foot radius of San Pedro Social. Of these, 696 occurred between 12:00 midnight and 6:00 A.M. Within a one-year period from the time of permit application, there had been nine (9) incidents after midnight, some of which have resulted in serious life-threatening injuries. The San Jose Police Department has investigated and found that this business has continued to maintain or use the property, or allow the property to be maintained or used, in a manner that creates or fosters the creation of a public nuisance that negatively affects the health and safety of the citizens of San Jose.

On May 10, 2025, CP indicated an unpermitted outdoor Smoker-BBQ, and vendors were in operation without a permit on the rear patio of San Pedro Social. The complaint alleged an odor nuisance and eye irritation that accumulated in their residence without dissipating. Code Enforcement performed an inspection of the subject property on May 27, 2025, finding, from the public right-of-way, an unpermitted outdoor Smoker-BBQ. The on-site inspector contacted the business owner of the BBQ (BO). When asked about permits, the BO indicated they had been informed that no permit would be required for a one-night event. Later, on May 28, 2025, Code Enforcement spoke with RP about the smoker. The RP indicated they spoke by phone with a City Planner, who informed them that the smoker would be allowed, provided it was approved by the San Jose Fire Department and the County Health Department. The RP informed the inspector that they intended to keep the smoker operational and that it would be included in the SUP application/plans. That same day, Code Enforcement arrived at the property and observed that the smoker was still in operation. The owner/operator of the unit was on site, and the inspector spoke with them about their operation. During the conversation, the owner/operator indicated they were under contract to operate 4 days a week for the next two years, 9:00 A.M. to 3:00 P.M., in contradiction to the one-time event indicated the day before. The RP reached out to their Project Manager for SP25-003, Planner Hughes to update their project to include the BBQ unit, but Planner Hughes informed them that both the activity and the unit cannot remain without the permit first being approved. Code Enforcement advised the RP to remove the BBQ until permits were obtained. The next day, Code Enforcement found the smoker was still present on the subject site, but by June 2, 2025, it had been removed.

On June 16, 2025, CP indicates a shared emergency stairway exit—fire escape—was blocked or impeded by beer kegs and propane tanks stored for San Pedro Social. Code Enforcement inspected the property on June 17, confirming the at-risk stairway and requiring the removal of all items blocking the fire escape. Pictures were received from RP on June 23, 2025, showing the stairway was free and clear, however, the storage use remained and included kegs and propane tanks, some of which were stored above head height in an ad hoc fashion. A Compliance Order was issued on July 8, 2025, to cease the storage use of the outdoor area for beer kegs, propane tanks, and other items that were previously blocking the egress of the fire escape.

On July 10, 2025, SJPD visited San Pedro Social at 11:30 P.M. The business was open, and patrons were observed singing karaoke without an Entertainment Permit, which was communicated to the RP as a requirement back in January. When asked, the bartender indicated that last call was made, and business was closing at 12:00 midnight. No indication was made regarding whether or not food sales were being made at the time of visit.

On April 29, 2025, the applicants resubmitted their project to the Planning Division. On May 7, 2025, Staff was able to intake their resubmitted materials with the requested revisions, which had addressed the items from their April incompleteness memo. Staff determined the project was complete and began the next steps to bring the project to a hearing on May 16, 2025. On June 27, 2025, hearing notices were mailed to properties within 500 feet of San Pedro Social notifying residents and business owners of an upcoming Directors Hearing to either approve, conditionally approve, or deny the Special Use Permit to allow a restaurant to operate late-night. Staff received significant community interest on the project after the mailed notices were received which warranted a community meeting. A new project applicant/representative took over the project on July 17, 2025. At the Directors Hearing held on July 23, 2025, the Planning department deferred SP25-003 to a later date so a community meeting could be held. A community meeting was held on August 11, 2025, to introduce and discuss the project proposed, which was a restaurant use seeking to operate late-night in the Downtown area. Overall, the meeting reflected divided perspectives regarding the use of SP Social as a nightclub. Supporters emphasized the venue's economic contributions, its role as a professionally managed and safety-conscious establishment, and its importance as a destination that contributes to Downtown activity and vibrancy. Conversely, opponents raised concerns regarding neighborhood impacts, including reports of fights, police activity, intoxicated patrons, and litter, as well as the compatibility of late-night operations with nearby residential uses and broader concerns related to public health, safety, general nuisance, and neighborhood character. During the meeting, the applicant/representative and their staff indicated the use of the property would be of benefit to the City as a nightclub. Staff indicated the Special Use Permit for late-night restaurant use would not be the appropriate path forward to approving a nightclub with late-night operation, but, rather, a Conditional Use Permit would be required. Staff directed a CUP be applied for to accommodate the change in use.

On Friday, August 15, 2025, CP indicates that SPS continued to operate as a nightclub. Advertisements reviewed by Supervising Code Enforcement Staff and coordinated with the City Attorney's Office confirm that the business was advertising as a nightclub which was deemed suitable evidence to conclude the continued use of the site as a nightclub with late-night hours. That same night, Alcoholic Beverage Control performed an inspection at approximately 11:00 P.M. After pat-down at the door, it was observed that no dining tables, chairs, food menus or condiments were present. The entire first floor was empty to accommodate the dance floor for the live DJ performance. The inspector purchased a cocktail and confirmed distilled spirits present. When asked about food service, the bartender stated that food was not available. When flagged down, a kitchen employee also confirmed no food was available. The inspection indicates that the kitchen, visible from the public area, was not preparing food and appeared inactive. No SJPD-issued Entertainment Permit was present. The Ownership/Management license condition for their ABC type 47 permit is to sell food up to 30 minutes before close, which they were observed to violate. The following day, Saturday, August 16, 2025, Code Enforcement performed an inspection of the subject site and found no continued late-night operation after the previous Friday's unpermitted operation.

On September 5, 2025, SJPD arrived at the subject site at approximately 11:00 P.M. An Officer observed two DJ's playing music, dancing, and the kitchen had stopped serving food. The bar stopped serving drinks at closing, 12:00 Midnight. Speakers were observed projecting noise outside, and no SJPD-issued Entertainment Permit or Ownership/Management license had been issued yet. The business was likely

operating in violation of a public nuisance condition of their ABC type 47 permit to cease alcohol sales 30 minutes before closing and to offer food up to closing. On September 13, 2025, an officer observed similar operations, citing a lack of an Entertainment Permit or an Ownership/Management license, and possible ABC violations for failure to provide food service.

Another Compliance Order was issued on September 26, 2025, citing operation as an unpermitted nightclub without a Special Use Permit. The Order indicated the violations and corrective action to be taken.

An Inactivity Warning letter was issued to the applicant on October 22, 2025, stating that inactivity for six months or longer would result in the project being either taken to a hearing for a final decision or withdrawn by the Director. The projected timeline was estimated to enter into inactivity starting March 23, 2026.

On November 15, 2025, and December 19, 2025, Code Enforcement performed an inspection, finding the business closed. Canopies without permits were still present on the rear patio.

On December 23, 2025, the Planning Division completed a third round of review requiring additional revisions from the applicant to convert their project from restaurant use to a nightclub with late-night hours. Staff outlined the issues that needed clarification, which were:

1. Project documents conflict on restaurant versus nightclub uses, hours, and operational descriptions.
2. Incorrect permit references repeatedly misidentify CUP requirements as SUP or no permit required.
3. On-site queuing and crowd management plans are inadequate to protect pedestrian access and right-of-way.
4. Noise mitigation measures are unclear for doors, windows, ventilation, patios, and outdoor areas.
5. Age restrictions are inconsistent and do not clearly prohibit minors during nightclub operations.
6. Slice of Homage's operational relationship to San Pedro Social is unclear and potentially noncompliant.
7. Zoning data, square footage, seating counts, and patron limits are missing or inaccurate.
8. Interior nightclub-related improvements are proposed but not consistently documented on plans.
9. Temporary tent structures lack sufficient detail for safety, utility, and land use evaluation.
10. Core application documents are outdated, inaccurate, or inconsistent with the proposed project.
11. Operations Plan contains conflicting information on hours, staffing, food service, patio use, and signage.
12. Menu documents create uncertainty about late-night food service and bona fide eating establishment compliance.
13. Security Plan lacks staffing ratios, coverage clarity, and defined monitoring boundaries.
14. Document inconsistencies prevent full evaluation of operational impacts and CUP compliance.

On January 28, 2026, a new applicant/representative took over the project. The new applicant/representative contacted Planner Hughes, the Project Manager, to go over the operations plan over two hour-long phone calls dated March 23 and 24, 2026.

On February 24, 2026, a joint inspection found interior work without permits to include a pizza warming oven (electrical/duct work), a countertop bar/sink (electrical/plumbing), ceiling-mounted equipment speakers/lights (electrical), and a DJ stage area (electrical). Rear patio canopies over 120 square feet, elevated mounted speakers (electrical), garbage area enclosed, and an addition at the rear of the building used for storage remains.

On March 13, 2026, Code Enforcement conducted an inspection and found that the business was closed. The operator, Slice of Homage, was replaced with Square Pie Guys.

On May 8, 2026, the Planning Department completed a fourth round of review requiring additional revisions. Staff outlined the issues that needed clarification, which were:

1. Revisions Required. Your application requires revisions to the Plan Set, Project Narrative, Noise Mitigation Plan, Operations Plan, and Security Plan. In particular, please ensure that the information provided in your application is consistent across all plans and documents. Please provide a detailed response letter addressing each of the required revisions outlined in this review letter. Please see the project review below for a list of required revisions that must be made prior to staff preparing the project for hearing.
2. Additional Fees Required. Please note that this is the fourth round of review. Per the Planning Fee Schedule, the initial application fees cover three rounds of review. Projects that exceed three rounds of review are subject to the Supplemental Review Fee. Please see the attached invoice for the fourth round of review fees. The project will not be brought to a hearing and may be deferred until all fees have been paid in full.

The RP has not made the necessary revisions but has requested that the permit be brought to a hearing despite the outstanding issues.

Attachment A2 - Code Case History & Timeline (Case # 202303001)

<u>4/18/2023</u> : Complaining Party (CP) indicated the site had built a pizza restaurant without permits a few months ago with its own entrance called "Slice of Homage by San Pedro Social"
<u>4/18 - 5/21/2023</u> : Assigned, site visited but business closed, needing more permit research
<u>10/17/2024</u> : CP indicates the site added bar shipping container and seating to back patio & unpermitted exterior late night activity in patio, Fri/Sat.
<u>11/20/2024</u> : On site inspection observing unpermitted work in the rear patio area. Inspector asked the hours of operation and was informed that business operates until 2 AM FRI-SAT.
<u>12/10/2024</u> : Pre-citation issued warning of violations and fines/fees for late-night use without permit (\$250) and for the construction of buildings/structures without permit (\$1,000).
<u>12/10/2024</u> : SJFD consult stating CFC 105.1.1 could be applied to the unpermitted structures on site
<u>12/18/2024</u> : Site inspection and inquiry with the General Manager (GM) asking if hours of operation were amended to midnight, which they advised they had not, but permits were being sought. Inspector informed the GM that hours would need to be amended and adhered.
<u>12/18/2024</u> : New complaining party informed staff the business was remaining open late night. Staff advised holiday closure would delay inspection of complaint for continued late night operation.
<u>2/1/2025</u> : Inspector observed subject business was open and operating late night with security at the front entrance.
<u>2/3/2025</u> : Inspector reached out to the responsible parties (RP) informing them of the inspection and confirmed continuation of late night use. RP's indicate their application for the use was filed. The inspector reiterated that no late night activity is to occur until the permit is issued.
<u>2/10/2025</u> : SJFD inspector contacts CE regarding unpermitted exterior railing and chairs at the entrance of SPS and a tent in the rear without exit or load signs.
<u>2/24/2025</u> : Planning Permit: Initial application received and project discussed. Planning file assigned to SP25-003.
<u>2/27/2025</u> : Compliance Order issued stating the violations and corrective action to be taken which required upon receipt of the notice to cease late night operation. Deadline to remedy the code case through Planning permit set to October 14, 2025, and submittal for Building permits to November 14, 2025.
<u>3/1/2025</u> : Inspection finding the business operating late night, music, and dancing, without permit.
<u>3/8/2025</u> : Inspection finding the business operating late night, music, and dancing, without permit.

<u>3/11/2025</u> : Planning Permit: SP25-003 invoice for the permit was paid for purposes of permitting a restaurant to operate until 2:00 AM in the morning.
<u>3/12/2025</u> : Appeals Hearing Board (AHB) warning letter issued requiring all late night uses to cease upon receipt of the notice and to expect the case to be heard at the AHB.
<u>3/15/2025</u> : Inspection finding the business operating late night, music, and dancing, without permit.
<u>3/17/2025</u> : Call to RP acknowledging receipt of AHB warning letter. RP states intent to continue operating late night without permit.
<u>3/22/2025</u> : Inspection finding the business operating late night, music, and dancing, without permit.
<u>3/26/2025</u> : Notice of Hearing for AHB mailed. Hearing date scheduled for 4/10/25.
<u>3/29/2025</u> : Inspection finding the business operating late night, music, and dancing, without permit.
<u>4/5/2025</u> : Inspection finding the business operating late night, music, and dancing, without permit.
<u>4/10/2025</u> : Outdoor seating area in the public right of way in use, railing removed.
<u>4/10/2025</u> : AHB: Issue an administrative order as set forth in the Staff Report dated March 12, 2025 which includes ceasing all unpermitted use (late night) by April 11 and obtain permit for the use by December 1, 2025.
<u>5/3/2025</u> : Business appears to be closed at 12:18 AM in the morning. No music or security. Lights on, Slice of Homage closed as well, chairs upside down on tables.
<u>5/10/2025</u> : Business appears to be closed at 12:18 AM in the morning. No music or security. Lights on, Slice of Homage closed as well, chairs upside down on tables.
<u>5/10/2025</u> : CP indicates unpermitted outdoor Smoker-BBQ/Vendor on the rear patio
<u>5/27/2025</u> : Inspection finds, from the ROW, an unpermitted outdoor Smoker-BBQ. Contact with business owner (BO) asking about permits, the BO indicates they were informed no permit would be required for a one-night event.
<u>5/28/2025</u> : Phone call with RP about the smoker. Indicated they spoke with Planner Cameron who informed them that the smoker would be ok so long as it was approved by SJFD/County Health. Intend to keep smoker operation and will add smoker to SUP application/plans.
<u>5/28/2025</u> : Inspector arrived at the property, observed smoker in operation, and spoke with the owner/operator of the unit who indicated they were under contract to operate 4 days a week for the next 2 years, 9 AM to 3 PM.
<u>5/28/2025</u> : RP spoke with Planner Hughes, the project manager for SP25-003, stating the activity cannot take place without proper permits. Inspector confirmed and advised removal until permits obtained.
<u>5/29/2025</u> : Inspection finding smoker still present.

<u>6/2/2025</u> : Inspection finding the smoker was removed.
<u>6/16/2025</u> : CP indicates shared emergency stairs/exit ingress and egress either blocked or impeded by stored beer kegs and propane tanks stored for San Pedro Social.
<u>7/8/2025</u> : Compliance Order to cease the storage use of the outdoor area for beer kegs, propane tanks, and other items that were blocking the ingress/egress of the emergency exit staircase, and to remove these items.
<u>7/10/2025</u> : See Section A3 — Local Law Enforcement Cases & State Agency Reports
<u>7/11/2025</u> : Inspector indicates SJPD/SPI visited SPS at 11:30. Business open, patrons signing karaoke without an Entertainment Permit. Bartender indicated last call was made and business was closing at 12:00 midnight.
<u>7/14/2025</u> : Inspection finds outdoor storage of beer kegs, propane tanks, and other items were removed from the emergency stair exit.
<u>7/23/2025</u> : Planning Permit: SP25-003 Directors Hearing deferred to a later date so a community meeting could be held.
<u>8/11/2025</u> : Planning Permit: SP25-003 Community Meeting held for the proposed project to move forward as a restaurant with late night use. During the meeting, applicant and their staff indicated the use of the property would be a benefit to CSJ as a nightclub. Staff indicated the SUP would not be appropriate for a nightclub use for late night operation, but, rather, a CUP would be required.
<u>8/15/2025</u> : See Section A3 — Local Law Enforcement Cases & State Agency Reports
<u>8/15/2025</u> : CP indicates SPS is continuing to run as a nightclub. Advertisements confirm the use.
<u>8/16/2025</u> : Inspection indicates no late night operation.
<u>9/5/2025</u> : See Section A3 — Local Law Enforcement Cases & State Agency Reports
<u>9/13/2025</u> : See Section A3 — Local Law Enforcement Cases & State Agency Reports
<u>9/26/2025</u> : Compliance Order issued stating the violations and corrective action to be taken for operating as a nightclub until 12:00 AM without permit (SUP). See SJPD Case and ABC Report
<u>11/15/2025</u> : Inspection finds the business closed. Canopies still present on the rear patio.
<u>12/19/2025</u> : Inspection finds the business closed.
<u>2/24/2026</u> : Joint inspection finds interior work without permits to include pizza warming oven (electrical/duct work), countertop bar/sink (electrical/plumbing), ceiling mounted equipment speakers/lights (electrical), DJ stage area (electrical). Rear patio canopies over 120 sqft, elevated mounted speakers (electrical), garbage area enclosed and addition at rear of building used for storage remains.
<u>3/13/2026</u> : Business closed. Slice of Homage replaced with Square Pie Guys.

Attachment A3 - Local Law Enforcement Cases & State Agency Reports

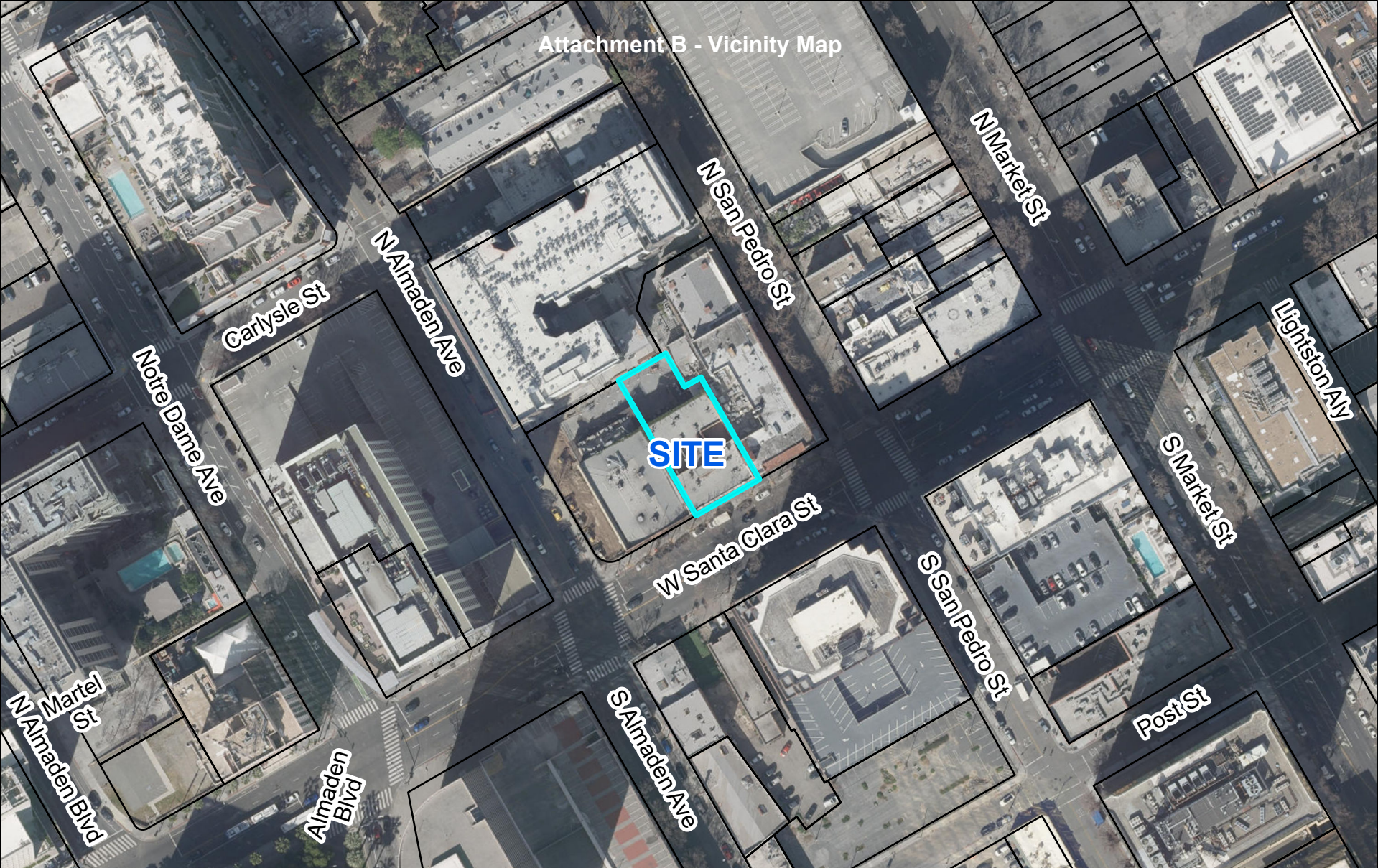
7/10/2025 SJPd CASE# 25-191-0681: At approximately 11:30 PM officer observed 40-50 patrons engaging in karaoke/dancing. Advised by the bartender that alcohol service stopped at 11:30 PM, upon food order attempt advised that the kitchen closed at 9:00 PM. No SJPd issued Entertainment Permit Condition of ABC type 47 permit is to sell food up to 30 minutes before close (11:30 PM)
8/15/2025 DEPT OF ABC REPORT# 25-25-018: At approximately 11:00 PM after pat-down at door, observed no dining tables, chairs, food menus or condiments. The entire first floor was empty to accommodate the dance floor for the live DJ performance. Purchased a cocktail and confirmed distilled spirits present. Asked about food service and bartender stated food was not available. Kitchen employee stated no food was available. From public view the kitchen was not preparing food and appeared inactive. No SJPd issued Entertainment Permit or Ownership/Management license condition of ABC type 47 permit is to sell food up to 30 minutes before close (11:30 PM)
9/5/2025 SJPd CASE# 25-248-0767: At approximately 11:00 PM officer observed two DJ's playing music, dancing, and kitchen stopped serving food. Bar stopped serving drinks at closing, 12:00 Midnight. Speakers observed projecting noise outside. No SJPd issued Entertainment Permit or Ownership/Management license, possible public nuisance condition of ABC type 47 permit is to cease alcohol sales 30 minutes before close and to offer food to closing (11:30 PM)
9/13/2025 SJPd CASE# 25-256-0701: At approximately 11:00 PM officer observed two DJ playing music, dancing, and kitchen stopped serving food. Bar stopped serving drinks at closing, 12:00 Midnight. Speakers observed projecting noise outside. No SJPd issued Entertainment Permit or Ownership/Management license, possible public nuisance condition of ABC type 47 permit is to cease alcohol sales 30 minutes before close and to offer food to closing (11:30 PM)

Attachment A4 – Related Planning Approvals & Timeline

<u>6/18/97 Withdrawn</u> : RSC97-005, A.P. Stumps, Allow for the consumption of food and beverages in the public right-of-way in the form of a sidewalk cafe.
<u>9/1/97 Approved</u> : Tennant Improvement for AP Stumps RAD97-035 to include exterior modifications, front & rear.
<u>11/5/97 Approved</u> : Change in Use RCP97-007 for AP Stumps to operate as a restaurant after hours until 2 am with on-site alcohol sales terminating at 1:30 am.
<u>6/10/98 Approved</u> : New signage RAD98-023 for AP Stumps on new awnings formerly approved. Signs A, B, C, D on drawings and 3 copper leaf signs on windows.
<u>2/11/04 Technical Review</u> : Tennant Improvement for AP Stumps to Install (n) walls & kitchen equipment.
<u>8/10/09 Approved</u> : Conditional Use Permit CP09-025 for AP Stumps to allow use as a drinking establishment and an entertainment establishment at an existing restaurant on a 0.2 gross acre site.
<u>12/15/10 Approved</u> : Conditional Use Permit Amendment CPA09-054-01 associated with ABC10-009 to add after midnight use and the on- and off-sale of alcohol to a previously approved Urban Public Market use on a 1.09 gross-acre site containing a public facility (Peralta Adobe) in the DC Downtown Core Zoning District.
<u>2/7/11 Approved</u> : Conditional Use Permit CP10-057 to allow use as a drinking establishment and to be open till 2 a.m. At an existing restaurant on a 0.2 gross acre site. Previous operation under AP Stumps closed in July 2009 and current operation as Los Gatos Brewing Co. Opened November 2010.
<u>8/18/11 Expired</u> : Conditional Use Permit CP10-057 to allow use as a drinking establishment and to be open till 2 a.m. At an existing restaurant on a 0.2 gross acre site. Previous operation under AP Stumps closed in July 2009 and current operation as Los Gatos Brewing Co. Opened November 2010.
<u>3/30/15 Issued/Finaled</u> : Tennant Improvement for AFK Gamer Lounge to remodel dining area and modification to electrical work.
<u>2/28/22 Expired & Closed</u> : Tennant Improvement for San Pedro Social. Scope of work to create (n) restaurant, bar & bowling alley on 1st floor & basement level demo/rebuild non-rated partitions, new millwork & fixtures (e) kitchen to remain, installation of bowling alley and seating area.
<u>7/4/22 Issued/Finaled</u> : Tennant Improvement for San Pedro Social. Scope of work to create (n) restaurant, bar & bowling alley on 1st floor & basement level demo/rebuild non-rated partitions, new millwork & fixtures (e) kitchen to remain, installation of bowling alley and seating area all associated electrical, plumbing and mechanical work per approved plans.
<u>8/15/23 Cancelled</u> : Permit 20-110095 to allow sidewalk seating in the public right away along the project frontage
<u>7/1/25 Withdrawn</u> : Permit Adjustment AD25-343 for an outdoor patio wood-fired BBQ to support interior restaurant sales.

<u>3/11/26 Preparing for Hearing:</u> Conditional Use Permit and CEQA Exemption CP25-025 & ER25-026 for the late-night operation of a nightclub until 2:00 A.M. in a multi-tenant building on an approximately 0.25-gross-acre site.
<u>3/19/26 New:</u> Administrative Permit AP26-018. No scope of work or application uploaded.
<u>4/2/26 Approved:</u> San Pedro Social sidewalk seating permit to allow San Pedro Social to construct, operate and maintain seating in the public right of way along the Santa Clara Street project frontage which includes the placement of tables chairs and railing in the sidewalk.

Attachment B - Vicinity Map



File No: CP25-025
District: 3

Aerial



Planning, Building and Code Enforcement

CODE ENFORCEMENT

March 12, 2025

MASSON PARTNERS, LLC C/O MICHAEL MESSINGER
8 N SAN PEDRO ST, STE 300
SAN JOSE, CA 95110

SUBJECT: 163 W SANTA CLARA ST, SAN JOSE CA 95113-1707
CASE NUMBER: 202303001

Dear Property Owner:

The corrective action specified in the enclosed Compliance Order issued on February 27, 2025, has not been completed. The attached Compliance Order highlights the remaining violation that need to be corrected. Based on the above, I will be preparing the case to go before the *Appeals Hearing Board* in order to recover administrative costs and levy administrative penalties unless you ***Immediately and upon issuance of this notice, cease all post midnight activities.*** Unannounced inspections will be completed, to verify compliance. Administrative penalties can be levied as high as \$2,500 for each day or per occurrence, per violation.

Please contact me at (408) 535-7889 should you have information relative to the correction status for the outstanding violations.

Thank you for your anticipated cooperation.

Manuel Duarte 140E
Code Enforcement Inspector

CITY OF SAN JOSE – COMPLIANCE ORDER

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

Page 1 of 5

Owner: MASSON PARTNERS, LLC C/O MICHAEL MESSINGER
 Mailing Address: 8 N SAN PEDRO ST, STE 300
 SAN JOSE, CA 95110
 Occupant: SAN PEDRO SOCIAL/Slice of Homage
 Case No: 202303001
 Violation Address: 151/161/163 W SANTA CLARA ST
 APN: 259-35-062
 Inspection Date: FEBRUARY 1, 2025

AN INSPECTION OF THE PROPERTY FOR WHICH YOU ARE RESPONSIBLE HAS IDENTIFIED THE FOLLOWING VIOLATIONS OF THE SAN JOSE MUNICIPAL CODE:

Code Section	Violations and Corrections Required	Compliance Confirmed
13.37.200	Unauthorized Encroachments Prohibited Encroachments placed, installed, constructed or maintained without authorization from the City are unlawful and the owner of the Encroachment shall either remove it at their sole expense or obtain authorization under this Chapter or another provision of this code. The Director shall send written notice notifying the owner of the unlawful Encroachment. If the owner does not remove the Encroachment and restore the Public Property or apply for authorization to maintain the Encroachment within thirty (30) days of the City's notification, the City shall have the right to immediately remove the illegal Encroachment and restore the Public Property, and the owner shall be liable for all of the City's direct and indirect costs and expenses.	
20.10.030	Compliance Required No person shall use, allow or suffer the use of any land, building or structure except in strict compliance with the provisions of this Title 20 (of the San Jose Municipal Code), including the development and performance standards herein, and any Permit issued pursuant hereto. The temporary or transitory nature of a use does not exempt it from this requirement.	
20.70.010	Applicability This chapter shall apply only to properties with a zoning designation consistent with this chapter and located within the downtown area bounded by Julian Street; properties fronting both sides of North Fourth Street; East St. John Street; 7th Street; East San Fernando Street; South 4th Street; Interstate 280; the Union Pacific Railroad line; Stockton Avenue; Taylor Street and Coleman Avenue; which area is sometimes referred to as the downtown zoning area.	

WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS ORDER, BEFORE THE COMPLIANCE DATE ABOVE, MAY RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS. THIS ACTION IS IN ADDITION TO ALL OTHER LEGAL REMEDIES, CRIMINAL OR CIVIL, WHICH MAY BE PURSUED BY THE CITY IN RESPONSE TO ANY VIOLATION.

CITY OF SAN JOSE – COMPLIANCE ORDER

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

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20.70.510 Late Night Uses and Activity

A. No retail commercial establishment (including but not limited to a public eating establishment and/or retail sales) or entertainment establishment (without alcohol) shall be open between the hours of 12:00 midnight and 6:00 a.m. in the DC and DC-NT1 districts except with a special use permit as provided in Chapter [20.100.800](#) of this title.

B. No drinking establishment shall be open between the hours of 12:00 midnight and 6:00 a.m. in the DC or DC-NT1 districts except with a conditional use permit as provided in [Chapter 20.100](#) of this title.

20.100.610 Site Development Permit Required

A. A valid Site Development Permit, issued under this Part, is required prior to the issuance of any building permit or installation permit for the following activities:

1. Erection, construction, enlargement, placement or installation of a building or structure on any site, except for one, one-family dwelling on a single lot or parcel that would not be subject to Part 9 of Chapter 20.100 regarding requirements for a Single Family House Permit;

24.01.130 Compliance with Title Provisions Required

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in the City, or cause or permit or suffer the same to be done, in violation of this title or in violation of any of the provisions of the Codes adopted hereunder.

24.02.100 Permits Required

No building, structure or building service equipment regulated by this Title 24 of the Municipal Code and the technical codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the Building Official.

WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS ORDER, BEFORE THE COMPLIANCE DATE ABOVE, MAY RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS. THIS ACTION IS IN ADDITION TO ALL OTHER LEGAL REMEDIES, CRIMINAL OR CIVIL, WHICH MAY BE PURSUED BY THE CITY IN RESPONSE TO ANY VIOLATION.

CITY OF SAN JOSE – COMPLIANCE ORDER

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

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VIOLATIONS

- Numerous accessory structures, buildings and additions with associated electrical added in rear patio area. Extent of work includes but is not limited to commercial storage container with associated electrical, bleacher seating, attached storage area and several enclosed canopies installed without Planning and Building approvals
- Unpermitted extension of the drinking establishment use into the rear patio area
- Elevated stage area with associated electrical added to ground floor
- Outdoor seating area with associated railing installed on public right of way along W Santa Clara St without Public Works approvals

CORRECTIONS REQUIRED

1. **Immediately and Upon Issuance of this Notice**, cease all post-midnight business activities including but not limited to sales and consumption of food and alcohol, music, use of rear patio area and outdoor dining area on public right of way.

Note: Application for Special Use Permit (SP25-003), to permit operation past midnight, submitted on 2/24/25. Follow up on all requested information until permit is fully processed. Adhere to currently approved hours until otherwise approved by the Planning Department.

2. **On or before March 13, 2025**, contact City Planner Alex Hughes by email at zoningcodecompliance@sanjoseca.gov, to discuss zoning violations.

3. *If attempting to legalize any unpermitted changes to rear patio area:*

On or before April 14, 2025, submit a completed application for a Site Development Permit, to the City of San Jose Planning Department along with all associated paperwork. Pay all associated fees and follow up on an additionally requested information, in a timely manner. If application is approved, a subsequent Building permit will be required.

4. **On or before April 28, 2025**, submit an application to City of San Jose Public Works, to legalize the outdoor seating area and associated railing. Obtain approval.

or

Remove the outdoor seating area and associated railing.

5. **On or before October 14, 2025 or upon obtaining approved Site Development Permit**, contact Building Code Compliance Inspector Marlon Aviles at buildingcodecompliance@sanjoseca.gov to discuss your options to correct building violations or for any questions related to plan requirements.
6. **On or before November 14, 2025**, submit a copy of your proposed plans in digital format via email to Building Code Compliance Inspector Marlon Aviles at buildingcodecompliance@sanjoseca.gov for review. The plans shall address all above listed violations. If the plans are approved by Inspector, visit [Online Permit Services | City of San Jose \(sjpermits.org\)](https://www.sjpermits.org) and submit the approved plans using *SJePlans* to the Building Dept.

Please visit the link below for more information. We recommend watching the videos on the link below to better understand the permit process.

WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS ORDER, BEFORE THE COMPLIANCE DATE ABOVE, MAY RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS. THIS ACTION IS IN ADDITION TO ALL OTHER LEGAL REMEDIES, CRIMINAL OR CIVIL, WHICH MAY BE PURSUED BY THE CITY IN RESPONSE TO ANY VIOLATION.

CITY OF SAN JOSE – COMPLIANCE ORDER

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

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<https://www.sanjoseca.gov/businesses/development-services-permit-center/sjeplans-electronic-plan-submittal-review/sjeplans-for-building-permits-applications>

7. **Within 30 days of plan submission to the Building Department**, pay all required fees to and obtain a building permit from the City of San Jose Building Division to correct the above noted violation(s). Ensure permit is issued.
8. **Within 90 days of issuance of Building Permit**, obtain a finalized permit (final clearance inspection) from the City of San Jose Building Division to correct the above noted violations. A final clearance inspection can be scheduled with a Building Inspector by emailing CodeEnforcementInformation@sanjoseca.gov or calling Code Enforcement at (408) 535-7770.

If compliance has not been achieved by the date as reflected in this compliance order, the City of San Jose will assess a re-inspection fee of \$288.00 for each re-inspection.

February 27, 2025
Date of Notice

Manuel Duarte 140E
Code Enforcement Inspector

(408) 535-7889
Phone #

COPY

WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS ORDER, BEFORE THE COMPLIANCE DATE ABOVE, MAY RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS. THIS ACTION IS IN ADDITION TO ALL OTHER LEGAL REMEDIES, CRIMINAL OR CIVIL, WHICH MAY BE PURSUED BY THE CITY IN RESPONSE TO ANY VIOLATION.

CITY OF SAN JOSE – COMPLIANCE ORDER

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

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The Department of Planning, Building and Code Enforcement (Code Enforcement) has issued a Compliance Order (Compliance Order) alleging that the subject property is in violation with the San Jose Municipal Code. Failure to correct all violations listed in the order, before the compliance date may result in administrative penalties up to \$2,500 per day for each violation until compliance is achieved as well as the assessment of all administrative costs. This action is in addition to all other legal remedies, criminal or civil, which may be pursued by the city in response to any violation.

If you believe that your property is not in violation with the San Jose Municipal Code and you dispute the basis for Compliance Order, you **MUST** file a request for a Director's hearing within fourteen (14) calendar days of the date of the Compliance Order was mailed or personally delivered to the responsible person(s).

Your request for hearing must be mailed or personally delivered to:

City of San Jose
Code Enforcement Division
200 East Santa Clara Street 4th flr.
San Jose Ca, 95113-1905

Your request for an appeal must be received by the City within the timeline above. If you do not file a request for hearing, the Compliance Order will become final. If a timely appeal is filed, then a hearing will be scheduled. You will receive at least seven (7) days notice that a hearing on your appeal will take place.

The Director's hearing is informal and provides you with an opportunity to present your evidence and testimony in dispute of the Compliance Order. After the close of the hearing, the Director will make a decision. The written decision will be mailed to the person subject to the Compliance Order. If you dispute the Director's decision, you may appeal to the San Jose Appeals Hearing Board within ten (10) days of the date of the written decision of the Director. That Board is described at:

<https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/code-enforcement/appeals-hearing-board>

Your rights when a Compliance Order is issued are contained in the San Jose Municipal Code Section 1.14.030 and the following sections. It is available on line at www.sanjoseca.gov by clicking on the link at the right of the page, "Municipal Code."

WARNING

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Department of Alcoholic Beverage Control

State of California

CHANGE IN LICENSEE INFORMATION/LICENSED PREMISES

This form is to be used for any changes that need to be made to the licensed premises or the licensee's information. It is used for most of the miscellaneous license reporting requirements, including, but not limited to:

- Reporting changes in corporations, limited liability companies, or limited partnerships *that do not require a license transfer application*
- Request for Condition Modification/Removal
- Request for approval of physical changes to the licensed premises

Instructions: Complete items as appropriate. Items # 1, 4, 5, 7, 9 should be the licensee's current information before the change. When this form is completed, it must be submitted to the District office. Fees are non-refundable pursuant to Section 23320 B&P.

1. LICENSE NUMBER 593112	2. RECEIPT NUMBER	3. FEE PAID
4. LICENSEE'S NAME SP Social LLC	5. DOING BUSINESS AS (DBA) San Pedro Social Club	6. DATE 12/20/2022
7. PREMISES ADDRESS (Street number and name, city, zip code) 163 W. Santa Clara Street, San Jose CA 95113		8. DISTRICT OFFICE
9. MAILING ADDRESS (Street number and name, city, state, zip code) 8 North San Pedro Street, Ste. 300, San Jose CA 95110		10. LICENSEE'S PHONE NUMBER 408-222-1100

ABC USE ONLY (Items 11-14)

11. ABIS UPDATED

☐ Yes ☐ NoUPDATED BY
(INITIALS)

12. DOCUMENT EXPLAINING CHANGE ATTACHED

☒ Yes ☐ No

13. ACTION OR CHANGE

a. ☐ Corporate Change - Section 23405b. ☐ Limited Partnership Change - Section 23405.1c. ☐ Limited Liability Company Change - Section 23405.2d. ☐ Condition Modification/Removal - Section 23803
(Utilize ABC-333-C for approvals)e. ☐ Premises Expansion - Section 24072f. ☒ Change in Premises Designation - Rule 64.2☒ Premises Reduction☐ Physical Character Changeg. ☐ Other _____

14. DETAILS OF CHANGE (ABC USE ONLY)

15. SIGNATURE (Only one signature required)

CERTIFICATION FOR SIGNATURE OF A LICENSED PRINCIPAL

I declare under penalty of perjury that I am authorized to sign for the licensed entity identified in item 1 above. I have read the foregoing and know the contents thereof.

16. SIGNATURE

17. PRINTED NAME AND TITLE

Managing Member

18. DATE

ABC USE ONLY (Items 19-24)

19. RECOMMENDATION

20. LICENSING REPRESENTATIVE SIGNATURE

21. DATE SIGNED

22. RECOMMENDATION

23. SUPERVISOR'S SIGNATURE

24. DATE SIGNED

Distribution: Original to HQ Licensing; Copy to District file

LICENSED PREMISES DIAGRAM (RETAIL)

1. APPLICANT NAME (If Individual: Last, first, middle)

SP Social LLC

2. LICENSE TYPE

47

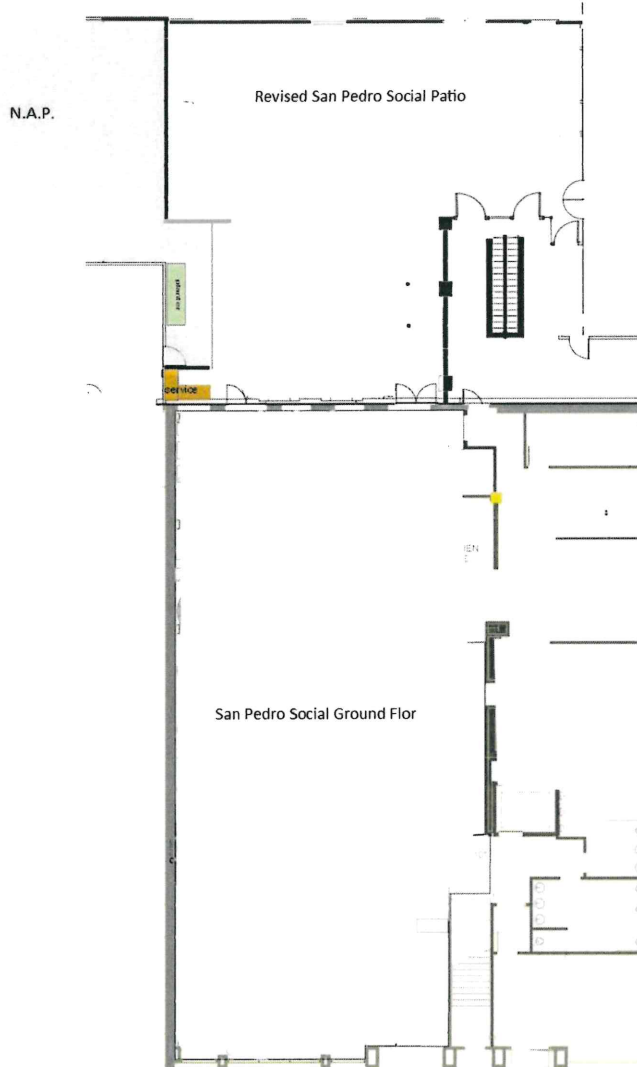
3. PREMISES ADDRESS (Street number and name, city, zip code)

163 W. Santa Clara Street, San Jose CA 95113

4. NEAREST CROSS STREET

San Pedro Street

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, *including dimensions and identification of each room (i.e., "storeroom", "office", etc.)*.

DIAGRAM

It is hereby declared that the above-described premises and character of premises, as indicated on the reverse side, will not be changed in accordance with Rule 64.2 of the California Code of Regulations without first notifying and securing approval of the Department of Alcoholic Beverage Control. Substantial changes to the premises may require an application fee in accordance with Section 24072 of the Business and Professions Code. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required)

DATE SIGNED

FOR ABC USE ONLY

CERTIFIED CORRECT (Signature)

PRINTED NAME

INSPECTION DATE

Department of Alcoholic Beverage Control

PLANNED OPERATION (RETAIL)**SECTION I - FOR ALL RETAIL APPLICANTS**

1. APPLICANT NAME(S) (If Individual: Last, First, Middle Initial) SP Social LLC				2. LICENSE TYPE(S) 47 - 593112			
3. PREMISES ADDRESS (Street number and name, city, zip code) 163 W Santa Clara ST, San Jose, CA 95113				4. NEAREST CROSS STREET San Pedro St			
5. TYPE OF BUSINESS (Choose one that best describes the planned operation)							
☒ Full Service Restaurant		☐ Cafeteria/Hofbrau		☐ Cocktail Lounge		☐ Private Club	
☐ Deli or Specialty Restaurant		☐ Comedy Club		☐ Night Club		☐ Veterans Club	
☐ Cafe/Coffee Shop		☐ Brew Pub		☐ Tavern		☐ Fraternal Club	
☐ Bed & Breakfast		☐ Theater		☐ Wine Tasting Room			
☐ Supermarket		☐ Membership Store		☐ Service Station		☐ Swap Meet/Flea Market	
☐ Liquor Store		☐ Department Store		☐ Convenience Market		☐ Drive-in Dairy	
☐ Variety/Drug Store		☐ Gift Shop/Florist		☐ Convenience Market w/Gasoline			
☐ Other - describe:							
6. PATRON CAPACITY 522		7. SURROUNDING AREA		8. PREMISES IS LOCATED IN			
		☐ Commercial ☐ Rural		☒ Free Standing Building			
		☒ Residential ☐ Industrial		☐ Shopping Center (Name):			
		☐ Other		☐ 10 Units or Less ☐ More than 10 Units			
9. FOOD SERVICE		10. PARKING LOT?		11. PATIO?		12. WILL YOU HIRE A MANAGER? (Rule 57.5)	
☐ None ☐ Minimal ☒ Full Meals		☐ Yes ☒ No		☒ Yes ☐ No		☒ Yes ☐ No	
13. WILL YOU HAVE A FOOD LESSEE? (Rule 57.7)						☐ Yes ☒ No	
14. MEAL TYPE		15. TYPE OF FOOD				16. HOURS OF FOOD SERVICE	
☐ Dinner House ☐ Seafood		☒ American ☐ Greek ☐ Indian ☐ French				BREAKFAST HOURS	
☐ Fast Food/Deli ☐ Other:		☐ Chinese ☐ Korean ☐ Italian ☐ Thai				LUNCH HOURS	
☒ Pizza/Pasta		☐ Japanese ☐ Other:				DINNER HOURS	
						From: 3:00 pm To: 1:00 am	
17. OPERATING HOURS							
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Opening Time	3:00pm	3:00pm	3:00pm	3:00pm	3:00pm	3:00pm	3:00pm
Closing Time	10:00pm	10:00pm	10:00pm	10:00pm	11:00pm	1:00am	1:00am
18. ENTERTAINMENT (One or more may apply. Please describe any entertainment with an asterisk (*) below)							
☐ None		☐ *Amplified Music		☐ Patron Dancing		☐ Card Room	
☒ Recorded Music		☐ *Live Entertainment		☐ Bikini/Topless/Exotic		☐ Movies	
☐ Juke Box		☐ *Floor/Stage Shows		☒ Pool/Billiard Tables		☐ *Hot Spot"/Lottery	
☐ *Other		☒ Karaoke		☐ *Amateur/Pro Sports Events		☒ Video/Coin-Operated Games	
*Description: Bowling lanes							
19. PREMISES IS LOCATED ON				20. TYPE OF STRUCTURE			
☒ Major Thoroughfare ☐ Secondary Street				☐ Single Story ☐ Two-Story			
☐ Other				☒ Multi-Story - Number of stories: 5			
21. PASS-THROUGH WINDOW?		22. FIXED BARS?		23. WHAT PERCENTAGE OF YOUR TOTAL SALES WILL BE ALCOHOLIC BEVERAGES?			
☐ Yes ☒ No		☒ Yes - how many: 2 ☐ No		49%			
FOR ABC USE ONLY							
24. INFORMATION GIVEN (R-27, R-107, Sec. 25612.5, Sec. 23790.5, etc.)						25. DATE ENTERED INTO CABIN	



Memorandum

TO: Alexandre Hughes
Planning Department

FROM: Ofc. Perez #4274
San Jose Police Vice Unit

SUBJECT: CP25-025
San Pedro Social Club

DATE: March 31st, 2026

Approved

Date

I have received your request for input regarding the existing San Pedro Social Club (SP Social Club), located at 163 West Santa Clara in San Jose. SP Social Club is seeking a Conditional Use Permit for nightclub with late night operation (CP25-025). The business previously sought a Special Use Permit to allow late-night use (SP25-003). The police department was opposed at that time (May 2, 2025). SP Social Club currently has Type-47 – On Sale General – Eating Place ABC license. A Type-47 is issued to bona fide eating places.

This business is requesting to stay open from:

6:00am – 2:00am, Everyday
(Refer to business' operation plan for further details)

Per California Business and Professions (B&P) Code Section 23958, the Department of Alcoholic Beverage Control (ABC) shall deny an application for a license if issuance would tend to create a law enforcement problem or if it would result in or contribute to an undue concentration of licenses, as defined in Sections 23958.4(a)(1) and 23958.4(a)(3). A location may be deemed to have an undue concentration based on crime statistics and/or its proximity to existing ABC-licensed establishments. However, pursuant to Sections 23958.4(b)(1) and 23958.4(b)(2), ABC may issue a license if the local governing body determines that public convenience or necessity would be served. In the City of San José, the Planning Department and Planning Commission act as the delegated authorities to make such determinations for new licenses.

163 West Santa Clara is in San Jose Police Beat E2. The reported crime statistics as defined by B&P Section 23958.4(c) **are** over the 20% crime index thus the location **is** considered unduly concentrated per B&P Section 23958.4 (a)(1) for on sale establishments.

Police Beat Crime Statistics

Beat	Index Crimes	Arrests	Total	20% Above Average
E2	449	582	1031	Yes
City Average	334	130	464	

A crime analysis indicated a total of 2,525 calls for service and self-initiated events occurred within a 1000 ft. radius of 163 West Santa Clara Street in a 12-month period (January 1, 2025 – January 31, 2025.) Of the 2,525 calls and events, 602 occurred during the hours between midnight and 6:00 a.m. Some of the calls within the 12-month period are listed in the table below.

Crime Analysis

Number	Nature of Call
337	Disturbances
595	Vehicle Accidents / Traffic Related
77	Thefts / Burglary
129	Assault/Battery
10	DUI
14	Drug Offenses
17	Sex Crime
13	Robbery

Department of Alcoholic Beverage Control (ABC) records indicate that 163 West Santa Clara, is in census tract 5008.00. Pursuant to B&P Section 23958.4 (a)(3), the ratio of on-sale retail licenses population in census tract 5008.00 **does** exceed the ratio of on-sale retail licenses to population in the county in which the applicant premises are located if approved.

Authorized and Current ABC Licenses in Census Tract

Census Tract	Authorized ABC Licenses		Current ABC Licenses		Unduly Concentrated	
	On - Sale	Off - Sale	On - Sale	Off – Sale	On - Sale	Off – Sale
5008.00	6	2	129	8	YES	YES

A record check of SP Social Club revealed the San Jose Police Department has investigated and found that this business has continued to maintain or use the property or allow the property to be maintained or used, in a manner that creates or fosters the creation of a public nuisance. This is a violation of the San Jose Muni Code (SJMC) Section 1.13.040, California Civil Code Section 3479, and California Penal Code Sections 372 and 415.

Below are incidents that occurred in 2025 to today's date:

- On 03/06/26, at approximately 2137 hours, a premise check was conducted at the business. Staff informed SJPd they were having a private event that was scheduled to end at 2200 hrs. There was a DJ playing loud music, flashing lights, and a crowd. The crowd was standing in an open area, between the bar and DJ. From the entryway and

position of the SJPD officer, there were no visible patrons eating meals. The business did not have a Public Entertainment Permit. (SJPD case #26-065-0905)

- On 02/26/26, at approximately 2055 hours, a disturbance was reported inside of the business. The RP was an employee who stated their manager, Ja'Vonn Williams, was attempting to kick out a patron who was yelling and refusing to leave. The patron left before police arrival. (SJPD case #26-057-0870)
- On 10/9/25, at approximately 2230 hours, violations of an entertainment permit occurred at the business. The business was witnessed to be operating as a nightclub. The business did not have an entertainment permit, which is required if the business wants to operate as a nightclub. (SJPD case #25-279-0397)
- On 8/27/25, at approximately 2216 hours, a former employee caused a disturbance inside the business. The former employee was harassing current employees and pushed the business manager after being asked to leave multiple times. The former employee left the scene before police arrival. Restraining order information was provided as an option for the business and employees. (SJPD case # 25-239-1017)
- On 08/23/25, at approximately 2342 hours, a battery occurred on the premise. While inside the business, the victim attempted to stop an unknown male from sexually assaulting a female friend by getting in between them. The suspect came from behind the unknown male and punched the victim in the face once. Security officers pushed the victim outside of the business. The victim contacted police. The suspect was not located. The victim sustained complaint of pain to his nose. (SJPD case # 25-235-1000)
- On 7/28/25, at approximately 0200 hours, a battery occurred on the premise. The suspects physically assaulted the victim inside the business and outside of the business. The victim sustained facial abrasions, a small cut on his face, and had complaint of pain on his neck and leg. The victim sought medical attention and was treated. (SJPD case #25-209-0443)
- On 3/27/25, at approximately 1854 hours, a battery occurred on the premise. The suspect entered the business and shoved the victim. The suspect then retrieved a table from the patio and threw it over the counter at a pizza oven. (SJPD case #: 25-086-0756)
- On 3/23/25, at approximately 0208 hours, an assault with a deadly weapon occurred on the premise. The suspect assaulted the victim. The victim sustained a brain bleed, skull fracture, and multiple abrasions to his face. Per doctor's, the victim's injuries were life-threatening injuries. (SJPD case #: 25-082-0089)
- On 2/16/25, at approximately 0005 hours, a reporting party called in stating that the suspect punched the victim, and he was bleeding from the head. She reported that there were approximately 20-30 subjects in a physical. (SJPD case #: 25-047-0009)
- On 1/11/25, at approximately 2300 hours, a possible purse snatch occurred inside of the business. The victim stated they were inside the club dancing, when their wallet was taken. (SJPD case #25-0123-3215)

Some of these incidents occurred after midnight. These violations negatively affect the health and safety of the citizens of San Jose.

ABC and Vice received complaints about this business not following local and state laws from patrol officers, concerned citizens, and surrounding businesses. There were on-going safety concerns regarding how this business was conducting themselves along with violence amongst patrons. On 1/22/25, Vice conducted an IMPACT inspection and spoke with Ja'Vonn Williams, who identified himself as one of the managers. Detectives reminded him of the responsibilities and accountability associated with the sale of alcohol. Furthermore, a checklist was used to note any violations observed and it was given to the licensee. On 1/23/25, Vice advised Mr. Williams that the business was in violation of 6.60.012 SJMC, and they needed an Entertainment Permit

(EP) due to them meeting criteria in section 6.60.028 and 6.60.030 SJMC) (occupancy load over 100 patrons per the Fire Marshal and live entertainment). Mr. Williams informed me the person to speak with regarding completing an EP would be Jess Morales (jess@mdmhg.com). Ofc. Ikeuchi #4574 forwarded this information to SJPd Permits Unit.

Prior to July 2025, the SJPd Permits Unit attempted to contact the business management personnel approximately four times to inform them that they were out of compliance and needed an EP. However, the business management at the time failed to respond. The current management team has been responsive and in contact with the SJPd Permits Unit.

This business has had a Type-47 ABC license, which is issued to bona fide eating places. Based on the flyers and promotions on their social media and business website, in the first half of 2025, and before any applications for a SUP/CUP or an EP were submitted and processed, it appeared that it operated more like a nightclub i.e. charging cover, bottle service, VIP tickets, etc. with games.

A record check at the time of their SUP application in May of 2025, revealed that SP Social Club did not have a valid late-night permit. As mentioned above, multiple calls were generated after midnight including violent incidents and disturbances. Although Condition #1 on their ABC license says, "Sales, service, and consumption of alcoholic beverages is permitted until 2:00 AM," they were still required to obtain proper late-night permit(s) to be in compliance with local laws. This business was operating late-night well before applying for a Conditional Use Permit for a nightclub with late-night operation. The SJPd is concerned that similar activity will occur if this business is allowed to operate late-night.

The San Jose Police Department recognizes that there is a demand to compete with neighboring businesses without limiting patron's experience along with bringing vibrancy to the downtown area. The type of entertainment is permitted given a business in the City of San Jose is operating with the correct licenses and within policy. However, based on the totality of circumstances in 2024-2025, including violent calls for service, majority of the above occurring after hours, surveillance videos of patrons getting into physical altercations on and around the premise, the business conducting themselves like a nightclub and not a restaurant (charging cover, bottle service, VIP tickets etc.), being in violation of not having a valid entertainment permit, and operating late-night before applying for the appropriate permit (SUP/CUP), SJPd does not recommend this business get a conditional use permit.

The City of San Jose's Code Enforcement has an open investigation against this business, as well. Contact Code Enforcement for further information.

Vice emailed surveillance footage to Alexandre Hughes from San Jose Planning Department which show various physical disturbances between patrons in and around the business. Refer to photos below for further information regarding SP Social Club promoting their occupancy load, promotion of live entertainment, bottle service promotion, and after-hours information.

MAIN FLOOR

105 SEATED | 125 STANDING

Take center stage on the first floor to get a great view of all the action and enjoy the best seating choices in the house.

Please note your reservation is not complete until you receive confirmation from our bottle service team and a deposit is received and processed. Please check your email once you complete the form below. For additional questions regarding bottle service reservations, please email us at bottleservice@sanpedrosocial.com

Indicates a required field *

First Name

Last Name

Number of guests

Cell phone number

Email

Month Day

Party time

Preferred table

Please note your reservation is not complete until you receive confirmation from our bottle service team and a deposit is received and processed. Please check your email once you complete the form below. For additional questions regarding bottle service reservations, please email us at bottleservice@sanpedrosocial.com

sanpedrosocialsj Don't wait to secure your NYE tickets to the best party in downtown San José 🎉🍹 **Bottle service and VIP** tickets are going fast >>> nyesocial.eventbrite.com

SOCIAL BUYOUT

225 SEATED | 645 STANDING

Reserve our entire venue for a customized experience. Booking a buyout allows our event team and chefs to create a San Pedro Social experience of your own—the night is yours.

THE BACKYARD

100 SEATED | 125 STANDING

Soak up the weather in a laidback atmosphere. Enjoy a few friendly rounds of cornhole or beer pong and utilize our outdoor TV to catch a game.

SOCIAL DEN

35 SEATED | 100 STANDING

Get the ultimate San Pedro Social experience by reserving the downstairs floor for your event – karaoke, arcade games and all bowling lanes just for you. Create memories that you'll never forget.

We are taking online reservations!



Book your bowling, dining or karaoke room reservation today!

**AFTER
HOURS**

MUST BE 21+ WITH VALID ID

Please note your reservation is not complete until you receive confirmation from our bottle service team and a deposit is received and processed. Please check your email once you complete the form below. For additional questions regarding bottle service reservations, please email us at bottleservice@sanpedrosocial.com



With the public's safety and welfare in mind, The San Jose Police Department is **opposed** to endorsing San Pedro Social Club's Conditional Use Permit for nightclub with late-night operation.

Should the City of San Jose's Planning Department decide to not support the San Jose Police Department's recommendation, please include the following conditions with the SUP:

- Sales, service, and consumption of alcoholic beverages shall be permitted until 1:00am
- Noise and Acoustics: All windows and doors for the facility shall remain closed during periods of amplified music is played or live entertainment is occurring, so that no noise is audible outside the premises **except** in cases of emergency and to permit deliveries
- Security: Establishment shall comply with Section 6.60.240 of the SJMC.
- Public Nuisance Prohibited: Establishment shall comply with Section of 6.60.290 of the SJMC.

Please feel free to contact me at (408) 277-4041 if you have any questions.

Ofc. Perez #4274
San Jose Police Department
Special Investigations/Vice Unit

OPERATIONS PLAN FOR SAN PEDRO SOCIAL

SPSocial LLC

163 W Santa Clara Street, San Jose

X	Conditional Use Permit to allow for a nightclub/bar use with late night hours until 2:00AM in an existing restaurant/bar (Type 47 ABC license) with arcade games, 2 pool tables, and 4 bowling lanes. Restaurant/food service is the primary use of the business; nightclub/bar will be secondary. The tenant space is approximately 15,600sf, 553 occupancy, patio: 132. Site is zoned Downtown Core - DC.		
Days of Operation	<i>Weekday</i>	MONDAY-FRIDAY	
	<i>Weekend</i>	SATURDAY-SUNDAY	
Hours of Operation	<i>Weekday</i>	M-Tues: 6:00am-2:00am Wed: 6:00am-2:00am THUR: 6:00am-2:00am FRI: 6:00am-2:00am	
	<i>Weekend</i>	FRI/SAT: 6:00am-2:00am SUN: 6:00am -2:00am	
	<i>Describe Shifts:</i> Kitchen: 6:00am-2:00am Front of House: 8:30am -2:00am Clean up 2:00 - 4:00am		
Number of Employees/Staff	55		
Number and Types of Security Personnel and Devices	Third-party security provided by Coleman Security and Investigation (CSI) since 2023. Proposed hours 8:30pm-2:00am on Friday and Saturday when there is entertainment and anytime that the venue is open until 2:00am. One (1) security is required for private events <i>up to</i> 50pp and thereafter (1) security <i>up to</i> the next 50pp and so on. CSI uses ID scanners, metal-detector wands, and physical searches. See attached security plan from Coleman Security and Investigation.		
Alcohol Service?	<i>If Yes, list alcohol license type(s) and describe location of service:</i> 47, LIC. #593112 2. Upper bar, basement bar, patio bar and Slice of Homage food service area.		
Food and Merchandise Sales?	<i>If Yes, describe operations/floor area/food sold/merchandise sold:</i> Food sold on the premise from 9 am to 2:00 am.		
Parking?	<i>Alternative</i>		<i>Alternate</i>
	Yes	☒ No	☒ Yes No
	Circle One		Circle One
	<i>Off-Site</i>		
☒ Yes No Circle One			
<i>If Yes, describe:</i> Five-story parking structure within walking distance of venue, plus street metered parking.			
Outdoor Uses	<i>If Yes, describe operations and hours of use:</i> Back Patio seating with tables & chairs at rear of building with food and alcohol service and miscellaneous games. Background, ambient music may be played from 11:30 am-10:00 pm. Patio is covered with a plastic tent cover from October 1 - April 1 and is fully permitted by the Fire Department. Front sidewalk Patio with 12 tables & chairs. Stanchions will secure the patio area. Permit #25-112264		
Noise	<i>Describe decibels at the property line (DNL & dBA) and distance to residential (in feet):</i> Sound is no higher than 63.3Db at the middle of the rear patio when windows and doors are closed. The distance to the nearest residential high-rise building Modera is 340ft from the property line. Modera first floor has commercial tenants, the second floor has a gym, and the rest of the building is residential. (See attached sound test).		

1. Trash/Litter/Graffiti/Site Maintenance

The project site and all public streets and spaces within 300 feet, including East along The Farmers Union building and around the corner to San Pedro Street will be maintained, clean and free of litter, graffiti, etc. by San Pedro Social. The City of San Jose cleans all the sidewalks and streets in the Downtown Core twice a week.

2. Security and Police Issues. Occupancy Interior: 553 Patio: 132

When entertainment is taking place or a major event, the business employs *up to* 17 security personnel, depending on the anticipated attendance positioned at the exits and entrance, and assigned positions throughout the facility (see attached). There is a minimum of (1) security guard *for up to* 50 patrons. Security personnel will check all patron identification cards, stamp their wrist, and conduct a pat down for those 21 and over prior to admission starting at 8:30PM, with last sweep at 8:45PM when minors are asked to leave the premises.

Queueing is restricted to the business frontage, 73ft, and when necessary, from the business frontage East along The Farmers Union Restaurant frontage to San Pedro Street, and around the corner to the end of the Farmers Union building. The Farmers Union Restaurant closes at 9:00pm Sun-Thurs and 10pm Fri-Sat. The queuing lines are monitored by security personnel as outlined in the Coleman Security Plan. Security will pay special attention to the area/doorway of the two residential entrances at 161 and 155 W Santa Clara Street. There will be a gap in the retractable belt stanchions at both doorways to allow for tenant access and a security guard to monitor the activity. Should the Farmers Union Restaurant choose to stay open past 10pm for a holiday or special event there will be a gap in the stanchions at their entrance and security will be aware and pay special attention to that area as well.

Queuing area will be designated by retractable belt stanchions as per plan set.

Queuing area has been permitted by Public Works, City of San Jose for use of a public area. Amount of queuing area will be determined by anticipated attendance at San Pedro Social.

3. Security cameras.

There are 33 security cameras strategically placed throughout the entire restaurant and patio including the frontage 73', facing the public right-of-way (180 degrees) along W Santa Clara St. Front security camera video footage is retained in the Cloud, the rest of the camera footage is saved in a DVR. All are available if an incident needs to be reviewed by security personnel or police.

4. Loitering and Panhandling.

Loitering and panhandling are not tolerated, and the business operator maintains a zero-tolerance policy. No loitering signs are posted in conspicuous place in both Spanish and English. All loitering and panhandling issues are dealt with in a swift and consistent manner by notifying local police. No consumption or open alcoholic beverages are permitted outside the premises except for the patio.

Signs specifically prohibiting this activity are placed in conspicuous places in both Spanish and English.

5. Addressing Neighborhood Concerns.

The project applicant/business operator engages the Downtown Business Association/San Jose Chamber of Commerce/ neighborhood leaders/etc. to address neighborhood concerns with all aspects of its business. The project applicant/ business operator and his management staff will be available to meet with concerned parties to enact beneficial mitigation plans in accordance with all relevant laws and regulations.

6. Complaints Coordinator. There will always be a Manager/Complaints Coordinator on-site to respond to complaints or issues that may require security logging in. A complaint log including the time and content of all complaints or concerns and a summary of the time and nature of the response or follow-up to each complaint will be maintained. The Security team also maintains a log as part of their responsibility. There will be a sign posted by the front door and on the lower floor with the Management/Complaint Coordinator's telephone number and email to voice their complaint.

7. Entertainment.

Starting at 9pm on nights when entertainment is scheduled there may be a DJ, live music, dancing, entertainers, Trivia, Comedy and/or Karaoke as permitted by the San Jose Police Department's Entertainment Permit. Brunch when scheduled may also have a trio/live entertainment as *incidental*/background entertainment.

There are two (2) pool tables total and fifteen (15) (upstairs and downstairs) television sets for viewing music videos, sports and special events, arcade tables like air hockey, and tabletop shuffleboard and more.

Downstairs. Downstairs has a bar, sitting areas, karaoke room, 4 bowling lanes, (1) pool table and other table games. A station for the bowling shoes rental is next to the bowling lanes.

Karaoke. There is a 150sf room, nine (9) occupancy for just Karaoke with all the required equipment and lighting. There are windows so the participants are clearly visible.

8. Lighting.

The project is in a well-lit area both front and back and contains ample sidewalk and streetlights. All exterior lighting issues, such as burned-out lights, will be addressed promptly by reporting to the appropriate city department, if applicable or the San Pedro Social maintenance person.

9. Windows. The business is designed with full-height glass windows to provide a clear and unobstructed view from inside and out. Signage and notices affixed to the windows do not obstruct these views and conform to the Sign Code.

No new signage is proposed with this permit.

10.Noise.

The project conforms to all local noise performance standards as required by the Municipal Code. All efforts will be made to limit the amount of noise emanating from the business by keeping windows and doors closed when there is entertainment. DJ and live entertainment are offered **only** inside of the restaurant.

11. Patio. The patio, if appropriate, may have incidental music from 11:30am until 10 pm.

At 10pm the patio occupancy will be reduced from 132pp to 40pp by positioning stanchions towards the SPS building to limit/reduce the available space and still allow patrons to refresh themselves outdoors. Patio closes at 12midnight.

12. A Security guard will be posted at the patio exit at 9pm when there is entertainment indoors.

Indoor music played by a DJ or musicians will be kept at sound levels at or below 1001, dBs in the middle of the indoor dance floor. Limiters on the sound panels will be utilized to prevent sounds levels that may cause vibration at the second and third floor residents above San Pedro Square.

13. Employee Training.

All server staff are trained to check IDs when necessary and cease service to patrons if they feel they've had too much to drink. All servers and management staff are certified for Alcohol Beverage Control Responsible Beverage Service (RBS).

14. Slice of Homage.

"Slice of Homage" refers to a licensing Agreement with a Chef for his recipes that are being used to make the pizzas on the menu. There are other similar restaurants that have contracts to allow the use of their recipes. As part of the agreement Slice of Homage MUST be given credit on the menu and the signage (See attached agreement). Financially, Slice of Homage is an integral part of the San Pedro Social's Business Plan as sales produce approximately 30% of the SPS income.

Slice of Homage is an *interior* extension of San Pedro Social as food is produced in the restaurant's kitchen ONLY and can be eaten at the three (2) small tables and (2) stools (12pp) at the window in Slice of Homage or taken to go. There is no kitchen, NO FOOD PREPARATION, only a sink, oven and warmer. There is access to Slice of Homage from inside the restaurant that is used by staff to deliver food that is limited to pizza and appetizers. The public is not allowed access to the hallway to SPS, access is limited by swinging doors with signage that states **Staff Only**.

Alcohol. Beer and wine are served at the Slice of Homage space but *not off sale*.

Hours of operation. Open 11:00am – 12midnight or 2:00am, on days San Pedro Social is operating until 2:00 am.

Door Dash picks up their San Pedro Social orders from Slice of Homage service counter.

15. Menus. San Pedro Social restaurant menu, Slice of Homage menu, that is pizza and appetizers from the restaurant kitchen and a menu for banquets, special events (see attached).

16. Food Kiosks. There are two (2) kiosks, one upstairs and one downstairs to expedite food service for patrons throughout the day and during the nightclub hours. There is full food service from 10pm – 2am when entertainment is scheduled with the kiosks (pizza) and Slice of Homage (pizza & appetizers) that satisfies Alcohol Beverage Control (ABC) requirements for a Type 47 ABC license.

17. Sidewalk seating. Fully permitted by the Public Works Department and insured as required. Use will commence when Conditional Use Permit is approved.

18. Minors.

Persons under 21 years without parents will be carded, ID required, are not allowed after 9:00pm when entertainment is scheduled to start. Minors are required to leave the premises by 8:45pm. San Pedro Social staff and security will handle removing the minors, security hand stamping and patting down the remaining adults, 21 years and older.

Parents with children/minors will also be asked to leave by 9:0pm. Nightclub attendance increases typically starting at 10:30pm or later.

Adults, 21 yrs and over, will be hand stamped and patted down *at the door* starting at 9:00pm.

19. Staffing:55 Staffing

Weekday lunch: 3-5 cooks, 1 dish, 1 cashier/server/manager

Weekday dinner: 3-5 cooks, 1 dish, 1 cashier, 2 bartenders, 1 host, 1 server, 1 busser/barback, 1 manager

Weekend lunch: 3-5 cooks, 1 dish, 1 cashier/server/manager

Weekend dinner: 3-5 cooks, 1 dish, 2 cashiers, 4 bartenders, 1 host, 1 server, 2 busser/barback, server, 2 managers

Late weekend: 1-3 cooks, 1 dishwasher, 1 cashier, 4 bartenders, 2 bussers/barback, 2 managers
Slice of Homage: 1-2 cashier/servers

*Numbers may change according to customer count.

20. Occupancy.

- Restaurant: 379pp including dancers 87pp
- Patio: 132
- Nightclub/bar: Dancefloor- 87pp in designated 550 sf dance floor area
- Downstairs: 174pp including Karaoke room 9pp
- Slice of Homage: Serving onsite only beer & wine, food onsite and to go pizza & appetizers made in the restaurant's kitchen: Indoor seating - 12pp
- Cashier/servers behind counter: 1-2pp

PROJECT MANAGER

Sandra Escobar

Escobar Legacy Consulting

408 483-4611

sesco2@aol.com

03.31.2026

CSI POST ORDERS

San Pedro Social

163 W Santa Clara St.
San Jose, CA
95113

Last Updated: March 31st, 2026 - (Full Nightclub Operation Plan)

These post orders are to establish specific guidance for operating at the client's property. The client, and/or the city, for review and approval, may request changes to guard duties upon meeting in person and obtaining agreement from Social Management and Coleman Management before duties change.

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- S3§2 Post Duties
- S3§3 Area of Patrol (AOP)
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- S5§2 Time Sheet

San Pedro Social Weekly Schedule

Thursday (4hr):

8:30 pm - 12:30 am - 4 Unarmed Guards

ALTERNATE THURSDAY OR OTHER WEEK NIGHT OPERATIONS IF OPEN TILL 2AM

- 8:30 pm - 2:30 am (6hr) - 7 Unarmed Guards

Friday / Saturday:

8:30 pm - 2:30 am (6hr) - 7 Unarmed Guards

10:30 pm - 2:30 am (4hr) - 10 Unarmed Guards

Staffing Ratio Breakdown:

- 1 CSI guard per 50 patrons, 7 Days a week 24/7. No exceptions.

SECTION 1: CONTACT LIST

S1§1: Coleman Security Contact List

Brian Janes

VP

Phone: (702) 613-6002

Email: Info@usacsi.org

Office: 5655 Silver Creek Valley Rd, Ste 232, San Jose, CA 95138

Madison Gardner

Administrative Manager

Phone: (408) 710-3785

Email: Info@usacsi.org

Office: 5655 Silver Creek Valley Rd, Ste 232, San Jose, CA 95138

John Keller

CA Operations Manager / HR Manager

Phone: (408) 834-2108

Email: jkeller2297@yahoo.com / Info@usacsi.org

Office: 5655 Silver Creek Valley Rd, Ste 232, San Jose, CA 95138

Sam Aragon

Bravo (Field Lead)

Phone: (408) 904-9027

Email: Info@usacsi.org

Office: (On-Site)

S1§2: Social Contact List

Javonn Williams

Main Client Contact

Phone: (925) 967-3184

Office: (On-Site)

SECTION 2: OFFICER OPERATING STANDARDS

S2§1: Post Restrictions

The listed rules below are to be enforced throughout San Pedro Social. CSI guard restrictions are put in place to ensure visibility and safety while minimizing any improprieties or appearance of wrongdoing. Authorization to override CSI guard restrictions may only be given by CSI supervisors or higher leadership. THE FOLLOWING ITEMS OR ACTIVITIES ARE PROHIBITED ON PREMISES

(CSI GUARD RESTRICTIONS) NO DEADLY WEAPONS (Firearms, Baton)

(CSI GUARD RESTRICTIONS) NO cell phone use is allowed, except when engaged in a work application or work-related function for work purposes, a verifiable emergency, or when on your logged break or lunch

(CSI GUARD RESTRICTIONS) Do not talk with Social Staff unless in the performance of your job duties

(CSI GUARD RESTRICTIONS) CSI guards MUST be wearing proper uniforms to perform security duties. Anyone off the clock will not be acknowledged as a security presence and will be treated just like the general public

NO Smoking or vaping on private property unless inside their personal vehicles

NO Sleeping on property, NO exceptions

NO Trespassing NRS.207.200

Suspended or terminated Social, Blanco, or Farmers employees, Contractors, or Other employees are not allowed on the premises unless recalled or allowed by Social's HR/Management team

S2§2: All Authorized & (Coleman) Required Items

While CSI has a more inclusive equipment and tool list than most companies, specific restrictions have been

- 1) O.C. (Oleoresin Capsicum) Spray
- 2) Flashlight
- 3) Authorized black outer carrier vest or concealed vest (VESTS ARE OPTIONAL, BUT HIGHLY RECOMMENDED)
- 4) Authorized black CSI jacket or other authorized outerwear.
- 5) Issued Coleman Security Shirt
- 6) Authorized Light Khaki cargo, tactical pants, or similar style
- 7) Black duty belt
- 8) Handcuffs / Zip Cuffs
- 9) Black duty belt
- 10) Med kit or IFAK plus Tourniquet

SECTION 3: POST DUTIES

S3 §1: Post Objective

The objective of Coleman Security & Investigations' presence is to provide the in-house security team with a well-trained, highly skilled security service to aid in deterring malicious or criminal activity from employees, contractors, guests, and other citizens. Acting as a roaming physical security presence, and will report employee, equipment, or safety issues. Also, to aid management in addressing security-related matters or wherever assistance is requested within the scope of security.

S3 §2: Post Duties

Based on anticipated attendance, there may be 3 CSI Guards present on Thursdays, 7 for operations that go until 2:30 AM. There may be up to 17 CSI Guards present on Fridays and Saturdays, again, based on anticipated attendance. Refer to (S3§3) for details on Posts. Each guard MUST know how to perform all roles inside and outside the establishment to ensure duties can be fulfilled in the event of a medical emergency or something causing a guard to leave their original post.

CSI will maintain sidewalks, the two (2) residential entrances and Farmers Union Restaurant entrance when open unobstructed by patrons in line at San Pedro Social within 300 feet East to the Farmers Union Restaurant and around the corner to San Pedro Square.

The front side of San Pedro Social will be monitored by multiple guards at any point of the night when a line is present. Crowd Management will also include adjacent sidewalk areas west of Social's entrance and the rear of the building 300ft East and West of the exit.

CSI Guards will roam queuing line and scan for open alcohol containers, conflicts, illegal drug usage, gang affiliation attire, weapons, etc. If an item is found in line for anything listed, the individual will be asked to exit the line for San Pedro Social and will not be allowed inside the building during operation hours.

ALL incidents must be reported to the on-shift BRAVO LEAD security guard, logged in Connect Teams. Refer to (S2§1), (S4) for more details.

TRANSITION PERIOD:

Before 9 pm, all ages will be allowed into San Pedro Social for restaurant usage. At 8:45 pm, the DJ will announce that CSI guards will start clearing the building and patio of minors/under 21 years by verifying ID's of everyone in the establishment at that moment. Anyone under 21 WILL NOT be permitted into San Pedro Social after 9 pm.

Remaining adults over 21 years of age will be **stamped** and **patted down**, by CSI and may remain for nightclub activities.

Closing Procedures:

At 1:30 AM, stanchions will be placed to funnel all exiting patrons East toward the Farmers Union Restaurant. This is intended to help disperse crowds and discourage lingering in front of the San Pedro Social.

San Pedro Social will close at 2:00am.

CSI will manage the crowd and de-escalation of any situations or altercations that may occur on the sidewalk at closing directly in front of San Pedro Social, as referred to earlier in this section.

S3§3: Posts

Each Post will have one guard assigned to it for that specific duty. The rotation of posts is at the BRAVO LEAD's discretion each night. The guard rotational dance floor posts are allowed some discretion in how to navigate the floor, thus, the guard is allowed to alter their route as they see fit, moving to the next rotation zone. Rotating positions are expected to be completed continuously throughout the night. No longer than 15 minutes in one location to ensure everything is constantly monitored with fresh eyes.

Thursday nights based on anticipated lower attendance it may not be necessary to have as many guards to cover all regular posts. There will be 2 CSI Guards at the front door, and 1 CSI Guard at the back exit to ensure efficient coverage. If Thursday night operations last until 2 am, the following will be the post duties for the 7 guards.

1. Front Door Scanner / Pat Down Entrance
2. Pat Down Entrance
3. Exit (Keeps track of building current capacity)
4. Rotation 1 (DJ Booth Left)
5. Rotation 2 (DJ Booth Right)
6. Back Patio
7. BRAVO LEAD (Roaming)

Friday Sat Nights

8:30 pm Arrival Time:

1. Front Door Scanner / Pat Down Entrance
2. Pat Down Entrance
3. Exit (Keeps track of building current capacity)
4. Rotation 1 (DJ Booth Left)
5. Rotation 2 (DJ Booth Right)
6. Back Patio Exit
7. BRAVO LEAD (Roaming)

10:30 pm Arrival Time:

8. Front Entrance Line Monitor
9. Front Entrance Line Monitor
10. Back Exit Alley Monitor
11. Assistant Roamer for any of the following: *Back Exit, Front Entrance, Alley, Dance Floor, Bar, two (2) 2nd Floor apartment entrances, Farmers Union Restaurant entrance*
12. Rotation 3 (Bar/Kitchen gap)
13. VIP entrance pat down/Bag Check (Separate line at front door)
14. Host/Employee escorts through the building
15. Booth Seating Post #1 (South Side of DJ booth)
16. Booth Seating Post #2 (North Side of DJ booth)
17. Downstairs Roamer (Bar focus)

S3§4 Breaks & Lunches

- It will be a 4-hour shift on any of the 3 days, thus no need for the state requirement for lunch. Guards who need a break because of medical reasons or recovering from an incident are allowed a small break to gather themselves.

SECTION 4: INCIDENT PROCEDURES

S4§1 Incident Procedures

ALL employee, safety, or other concerns & issues should be immediately reported to the on shift BRAVO LEAD.

Use the below IRG "incident response guide" as reference.

1. Observe & document violations or safety issues.
2. Report issue to on-shift BRAVO LEAD via phone, radio, or in person.
3. If necessary or requested, assist Social Staff to address the issue.
4. Log issue in CONNECT TEAMS via the appropriate report type.

If the observed violation or safety issue rises to the level of endangering human life or the facility, IMMEDIATELY work to address the issue while executing step (2). Be sure to always complete step (4).

Example: You observe a Fight in the middle of the dance floor. CSI guards in the vicinity will respond immediately. Upon finalizing the situation, guards will be asked if they are mentally and physically okay to go back to work. Debriefing of the incident will happen at the end of the night. The CSI Guards involved will then have 24 hours to complete their incident report on Connect-Teams.

De-Escalation procedures:

Physical Altercations - CSI will assist accordingly in escorting both parties out of different exits so that no possible fight occurs in front or back by taking both parties out the same direction. Once outside, 1 to 2 guards will stay at the doors while everyone goes back to work as normal. Gentle escorting is mandatory when removing a patron from the property. If the patron is causing harm, making threats, or endangering life, then a minimum of 2 guards will assist in escorting that person out to ensure the safety of property and guests.

Verbal Altercations - CSI will have 1 guard and a lead go and investigate the situation and use as many verbal de-escalation tools as possible to keep both parties from getting physical. If the situation is handled, then the guard will go back to post, while the supervisor/lead will identify that group as a possible group or person of interest for the rest of the night. Our guards will keep an eye on them. If the situation arises and verbal turns physical, then refer to the physical altercation procedure.



ABANCHOR BOLT
ACASPHALT CONCRETE
ADAREA DRAIN
ADJADJACENT
AFFABOVE FINISH FLOOR
ALUMALUMINUM
ALTALTERNATE
ARCHARCHITECT/ARCHITECTURAL
AVGAVERAGE
AWACOUSTICAL WALL COVERING

BCBOARD
BLDGBUILDING
BLKBLOCKING
BRZBRONZE
BTMBOTTOM
BTWNBETWEEN
BURBUILT UP ROOFING
BWBOTH WAYS

CB CATCH BASIN
CF CUBIC FEET
CG CORNER GUARD
CJ CONTROL JOINT
CLG CAULKING
CLR CLEAR
CMU CONCRETE MASONRY UNIT
CO CLEANOUT
COTG CLEANOUT TO GRADE
COL COLUMN
CONC CONCRETE
CONT CONTINUOUS
CPT CERAMIC TILE
CTR CENTER
CWL COLD WATER

DBL DOUBLE
DEPT DEPARTMENT
DF DIAMETER
DIAG DIAGONAL
DIM DIMENSION
DISP DISPENSER
DL DEAD LOAD

DN DOWN
DR DOOR
DWG DRAWING
DW DISHWASHER

(E) EXISTING
EA EACH
EB EXPANSION BOLT
EF EXTERIOR INSULATION FINISH
EFS SYSTEM

EL ELEVATION
EN ENCL
EP ELECTRICAL PANEL
EQ EQUIPMENT
EXT EXTERIOR

FA FIRE ALARM
FD FLOOR DRAIN
FDC FIRE DEPARTMENT CONNECTION
FE FIRE EXTINGUISHER
FEC FIRE EXTINGUISHER CABINET
FF FINISH FLOOR
FH FIRE HYDRANT
FHC FIRE HOSE CABINET
FIN FINISH
FL FLOOR LINE
FLSHG FLASHING
FLR FLOOR
FLUR FLOORSCREW
FMC FACE OF CONCRETE
FOS FACE OF STUD
FOW FACE OF WALL
FRP FIBERGLASS REINFORCED

FRAMING
FT FOOT
FTD FOOTING
GA GAUGE
GALV GALVANIZED
GC GENERAL CONTRACTOR
GLB GLUE LAMINATED BEAM
GRDR GIRDER

GBM GALVANIZED SHEET METAL
GWB GYPSUM WALL BOARD

HD HOSE BIBB
HD HOLDOWN
HOR HEADER
HGR HANGER
HM HOLLOW METAL
HORIZ HORIZONTAL
HR HOUR
HT HEIGHT
HVAC HEATING/VENTILATING/AC
COND CONDITIONING
HW HOT WATER

IN INCHES
INFO INFORMATION
INSUL INSULATION
INT INTERIOR

JAN JANITOR
JOINT JOINT

KP KICK PLATE
KIT KITCHEN

LAV LAVATORY
LB LAS BOLT
LBS POUND
LF FLOOR LINE
LFL FLOOR LINE
LL LIVE LOAD
LS LAG SCREW
LVL LAMINATED VENEER LUMBER

MAX MAXIMUM
MB MACHINE BOLT
MECH MECHANICAL
MFD MANUFACTURED
MFR MANUFACTURER
MICRO MICROWAVE
MIN MINIMUM
MISCELLANEOUS
MTL MOUNTED
MTL METAL

(N) NEW

NIC NOT IN CONTRACT
NA NOT APPLICABLE
NTS NOT TO SCALE

O OVER
OC ON CENTER
OH OVERHEAD
OPNG OPENING

PL PLATE
PLF POUNDS PER LINEAL FOOT
PLAM PLASTIC LAMINATE
PLYWOOD
PNT PAINT
PSF POUNDS PER SQUARE FOOT
PBT POLYBUTYLENE TEREPHTHALATE
PVC POLYVINYLCHLORIDE
PWT PAVEMENT

RA RETURN AIR
RAD RUBBER BASE
RB REFLECTED CEILING PLAN
RCP ROOF DRAIN
RD REDWOOD
REF REFERENCE
REG REGISTER
REGD REQUIRED
REV REVISION
RM ROOM
RO ROUGH OPENING
RWL RAINWATER LEADER

SCHED SCHEDULE
SD STORM DRAIN
SEC SECTION
SEE ELECTRICAL DRAWINGS
SF SQUARE FOOT
S.F.S.D. SEE FOOD SERVICE DRAWINGS
SHR SHEDDING
SHWR SHOWER
SIM SIMILAR
S.M.D. SEE MECHANICAL DRAWINGS
SPEC SPECIFICATION

S.P.D. SEE PLUMBING DRAWINGS
S.S.D. SEE STRUCTURAL DRAWINGS
SS SOLID SURFACE
S.T.C. SOUND TRANSMISSION
STD STANDARD
STL STEEL
STRUCT STRUCTURAL
SUSP SUSPENDED
SYS SYSTEM

T TELEPHONE
T.O.C. TOP OF CURB
T&G TONGUE & GROOVE
TS TUBE STEEL
T.V. TELEVISION
TYP TYPICAL

U.O.N. UNLESS OTHERWISE NOTED

VCT VINYL COMPOSITION TILE
VENT VENTILATION/VENTILATOR
VERT VERTICAL
V.I.F. VESTIBULE

WI WITH
WC WATER CLOSET
WO WOOD
WDW WINDOW
WOUT WITHOUT
WP WATERPROOF
WMAINT WAINSCOT
WGT WEIGHT
WVF WELDED WIRE FABRIC

COND. USE PERMIT FOR:
SAN PEDRO SOCIAL
163 W. SANTA CLARA ST.
SAN JOSE, CA 95113

DRAWING INDEX

ARCHITECTURAL
A0.0 COVER SHEET, GENERAL NOTES & PLAN
A1.1 FLOOR PLANS
A1.2 PHOTOS

PROJECT DATA

APN: 259-035-062
LOT SIZE: 11,133 SF
SPRINKLER: YES
NO. OF STORIES: 3
TYPE OF OCCUPANCY: A2
GROUND FLOOR AREA: 6,650 SQUARE FEET
BASEMENT FLOOR AREA: 4,760 SQUARE FEET
REAR PATIO FLOOR AREA: 2,340 SQUARE FEET
ONSITE PARKING: NO ONSITE PARKING
CODES USED: 2022 C.B.C., C.P.C., G.M.C., C.E.C., C.F.C., CALIFORNIA ENERGY CODE, CAL GREEN BUILDING STANDARDS CODE, HANDICAPPED ACCESSIBILITY REGULATIONS, AND ADOPTED CODES

SCOPE OF WORK

- BUSINESS OPERATIONS:
 - MONDAY - SUNDAY 8 AM - 2 AM
 - PATIO SEATING - 11:30 AM - 10 PM
- CONDITIONAL USE PERMIT TO ALLOW A NIGHTCLUB/BAR USE WITH LATE-NIGHT HOURS UNTIL 2:00 AM IN AN EXISTING RESTAURANT/BAR WITH A TYPE 47 ABC LICENSE. THE RESTAURANT SERVES FOOD DURING HOURS OF OPERATION WITH ARCADE GAMES AND FOUR LANES OF BOWLING. THE TENANT SPACE IS APPROXIMATELY 15,600 SQFT, 406/452 OCCUPANTS, REAR PATIO: 132 OCCUPANTS AND FRONT PATIO: 15 OCCUPANTS ON AN APPROXIMATELY 0.25 GROSS ACRE SITE ZONED DOWNTOWN CORE - DC.
- REFER TO OCCUPANT CHART ON A1.1 FOR ADDITIONAL INFORMATION
- PATIO SEATING WITH TABLES AT REAR OF BUILDING WITH FOOD AND ALCOHOL SERVICE AND MISCELLANEOUS GAMES. BACKGROUND, AMBIENT MUSIC IS PLAYED FROM 11:30 AM - 10:00 PM PATIO IS COVERED WITH A PLASTIC COVER FROM OCTOBER 1 - APRIL 1 AND IS FULLY PERMITTED BY THE FIRE DEPARTMENT.

ASSESSOR'S MAP

VICINITY MAP

KEYNOTES

E1 (E) CITY TREE

E2 (E) TELEPHONE BOX

E3 (E) TRAFFIC LIGHT

E4 (E) CURB PAINTED YELLOW

E5 PG&E VAULT

E6 ELECTRICAL BOX

E7 STREET LIGHTING BOX

E8 STREET LIGHT

E9 WATER BOX

E10 ELECTRICAL VAULT

E11 UTILITY BOX

E12 CATV BOX

E13 (E) CURB PAINTED RED

E14 (E) SIGN POST

E15 (E) BIKE RACK

E16 (E) GARBAGE CAN

SITE PLAN

APPROVAL STAMP

JTG ARCHITECTURE

JOHN GUTKNECHT

SAN FRANCISCO, CA 94118

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PUBLISHED SETS

REV. DATE DESCRIPTION

03.25.28 PLANNING SUBMITTAL

PLANNING DEPT: CP25-025

APPROVAL STAMP

COVER SHEET

DRAWN BY: JTG

DATE: 04.22.25

SCALE: PROJECT NUMBER: 25002-1

A0.0

Page 1



A1.1

ROOM NUMBER	ROOM NAME	AREA	LOAD FACTOR	TOTAL NUMBER OF OCCUPANTS	ROOM NUMBER	ROOM NAME	AREA	LOAD FACTOR	TOTAL NUMBER OF OCCUPANTS
100	ENTRY	188	15	13	001	STORAGE	122	300	1
101	SEATING	237	15	16	002	STORAGE	164	300	1
102	STAIR	-	-	-	003	STORAGE	76	300	1
103	GAMING	132	15	9	004	STAIR	-	-	-
104	SEATING	207	15	14	005	BAR	92	200	1
105	GAMING	396	15	26	006	SEATING	660	15	44
106	DJ SEATING	153	15	10	007	SEATING	608	15	41
107	DJ	26	15	2	008	KARAOKE	122	15	9
108	SEATING/DANCE FLR	605	15/7	41/87	009	BOWLING SEATING	327	15	22
109	SEATING	183	15	13	010	EXIT	-	-	-
110	DJ SEATING	148	15	10	011	UNISEX RR	-	-	-
111	DJ SEATING	748	15	50	012	UNISEX RR	-	-	-
112	WALK-IN	139	200	1	013	SHOE RENTAL	79	300	1
113	KITCHEN	342	200	2	014	GAMING	735	15	49
114	KITCHEN	560	200	3	017	ELEVATOR	-	-	-
115	KITCHEN	255	200	1	018	MACHINE ROOM	45	300	1
116	BAR	160	200	1	019	OFFICE	112	150	1
117	HOST	106	15	7	020	STORAGE	36	300	1
118	ELEVATOR	-	-	-	021	STORAGE	87	300	1
119	MENS RR	-	-	-	-	-	-	-	-
120	WOMENS RR	-	-	-	-	-	-	-	-
121	PREP	54	200	1	-	-	-	-	-
122	DINING	175	15	12	-	-	-	-	-
130	PATIO SEATING	748	15	50	-	-	-	-	-
131	PATIO STORAGE	33	300	1	-	-	-	-	-
132	PATIO SEATING	1,194	15	80	-	-	-	-	-
133	TRASH ENCLOSURE	123	300	1	-	-	-	-	-
134	PATIO ENTRY	-	-	-	-	-	-	-	-
140	PATIO	161	15	11	-	-	-	-	-
141	PATIO & QUEUING	52	15	4	-	-	-	-	-
TOTAL GROUND FLOOR OCCUPANTS				1704/54	TOTAL LOWER LEVEL OCCUPANTS				172



SEATING BY STAIR TO LOWER LEVEL



DJ BOOTH & SEATING



SEATING LAYOUT ON DANCE FLOOR AREA



DJ BOOTH & DANCE FLOOR



SEATING & DANCE FLOOR



MAIN FLOOR BAR



POOL & GAMING



EXTERIOR ENTRANCE



ACCESS TO KITCHEN



BOWLING LANES



BOWLERS LOUNGE



GAMING CENTER



KARAOKE ROOM



LOWER LEVEL BAR AND SEATING



MAIN COUNTER AND SEATING



ACCESS TO KITCHEN



BOWLING LANES



BOWLERS LOUNGE



GAMING CENTER



KARAOKE ROOM



LOWER LEVEL BAR AND SEATING



SAN PEDRO SOCIAL EXTERIOR - FRONT



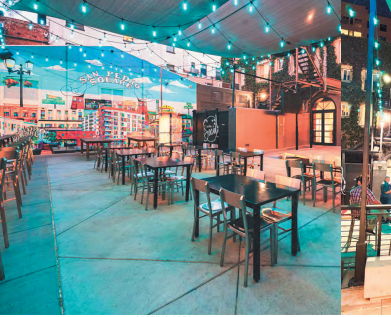
SAN PEDRO SOCIAL EXTERIOR - REAR PATIO



GAME CENTER



SEATING AREA



SEATING AREA



TEMPORARY SHADING

APPROVAL STAMP



JTG ARCHITECTURE
JOHN GUTKNECHT
SAN FRANCISCO, CA 94118
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EMAIL: JOHN@JTGARCHITECTURE.COM

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SAN PEDRO SOCIAL
CONDITIONAL USE PERMIT
163 WEST SANTA CLARA STREET
SAN JOSE, CA 95113

PUBLISHED SETS

REV.	DATE	DESCRIPTION
03.25.26	PLANNING SUBMITTAL	

PLANNING DEPT: CP25-025

APPROVAL STAMP



PHOTOS

DATE	SCALE
04.22.25	1/8" = 1'-0"
DRAWN BY	PROJECT NUMBER
JTG	25002-1

A1.2

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Planning, Building and Code Enforcement
CODE ENFORCEMENT

NOTICE OF HEARING

March 12, 2025

**TO: MASSON PARTNERS, LLC
 C/O MICHAEL MESSINGER
 8 N SAN PEDRO ST #300
 SAN JOSE, CA 95110**

AGENDA ITEM:	6d
HEARING DATE:	April 10, 2025
HEARING TIME:	6:30 p.m.
HEARING PLACE:	City Hall Council Chambers 200 E Santa Clara Street San Jose, CA 95113

RE: COMPLIANCE ORDER DATED	February 27, 2025
FILE NO:	202303001
VIOLATION ADDRESS:	163 W Santa Clara St
APN:	259-35-062
ORIGINAL INSPECTION DATE:	May 1, 2023
COMPLIANCE DATE:	February 27, 2025

ATTENTION RESPONSIBLE PARTY/PROPERTY OWNER:

Based upon the enclosed "Inspection Report," the Director of Planning, Building and Code Enforcement has determined that full compliance with the above referenced "Compliance Order" has not been achieved as of the "Compliance Date." As stated in the Compliance Order, you had a right to contest the issuance of the Compliance order through a hearing before the Director. However, you did not exercise this right. Therefore, the next step in the process under the San Jose Municipal Code is a hearing before the City of San Jose's Appeals Hearing Board (Board). Your hearing is set for **April 10, 2024 @ 6:30pm**. The hearing date is firm to ensure the prompt disposition of cases. All parties and their representative(s) must regard the date set for hearing as certain. A party seeking a continuance of the date set for hearing, whether contested or uncontested or stipulated to by the parties, must make the request for a continuance as soon as possible, and specify the grounds for continuance. A continuance may be granted on an affirmative showing of good cause specified in subsection b, and based on consideration of the facts and circumstances specified in subsection c of Section 408 of the Appeals Hearing Board Rules and Regulations.

San Jose Municipal Code section 1.14.060 (E) provides that the Hearing will be limited to whether or not compliance has been achieved and the assessment of penalties. However, Code Enforcement will ask that the Board issue findings as well.

The Board shall consider any written or oral evidence consistent with its rules and procedures regarding the violation and compliance by the violator or by the real property owner. Notification of matters to be presented to the Appeals Board including, but not limited to, documents and exhibits, must be exchanged between the parties, and provided to the Secretary of the Appeals

Hearing Board, clearly identifying that the submittals are for the Appeals Hearing Board, identifying the hearing by title, and specifying the relevant hearing date(s), no later than ten (10) days before the scheduled hearing so that there is adequate time for City staff to prepare the packets for the Board members. (Section 307 of the Appeals Hearing Board Rules and Regulations). The Board will issue written findings that the violation is deemed admitted under the Code and whether the responsible party failed to make required corrections within the compliance period.

If the Board finds by a preponderance of the evidence that the violation has occurred and was not corrected within the specified period, the Board will issue an Administrative Order. The Administrative Order may include any or all of the following:

- An order to correct;
- Administrative penalties in an amount up to two thousand five hundred dollars (\$2,500.00) a day per violation;
- Reimbursement of all of the City's enforcement costs.

NOTE: Administrative Penalties imposed by the Board shall accrue from the Compliance Date specified in the Compliance Order and cease to accrue on the date the violation is corrected as determined by the Director or the Board. Failure to pay the assessed penalties and costs may be enforced as:

- A personal obligation of the violator; and/or
- If the violation is in connection with real property, a lien upon the real property. Consistent with California Code of Civil Procedure Section 685.010, as may be amended, an interest rate of ten percent (10%) per annum shall be charged on the principal amount of an administrative lien, from the date the lien is first recorded until the date that payment is received by the City.

If the Board finds that no violation has occurred or that the violation was corrected within the time period specified in the Compliance Order, the Board shall issue a finding of those facts.

The Hearing serves to provide the full opportunity of any person subject to a Compliance Order to object to the determination that a violation has occurred and/or that the violation has continued to exist. The failure of any person subject to a Compliance Order to appear at the hearing shall constitute a failure to exhaust administrative remedies.

You are welcome to bring an interpreter, attorney, or any other person to assist you at this meeting. Please notify **Board Secretary Regina Lizaola at (408) 535-7915** or AHBSecretary@sanjoseca.gov at least seven (7) days before the meeting date if you will be bringing interpreters, attorneys or other persons to assist you at the meeting.

A copy of the Compliance Order is attached for your information. Should you have any questions regarding this matter, please contact Code Enforcement Inspector Manuel Duarte at (408) 535-7889.

NOTE: If all outstanding violations now have been corrected **you must schedule another inspection to avoid continuing administrative penalties.** Please contact Inspector Manuel Duarte at (408) 535-7889 to make the arrangements. You will be subject to administrative charges for this follow-up inspection. Regardless of the results, the Hearing will NOT be cancelled.


Rachel Roberts, Deputy Director
Planning, Building and Code Enforcement

Enclosures

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CITY OF SAN JOSÉ
DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT
200 E. Santa Clara Street, San Jose, CA 95113
(408) 535-7770 FAX (408) 292-6924

HEARING BEFORE

THE SAN JOSE APPEALS HEARING BOARD
CITY OF SAN JOSE - CITY HALL, COUNCIL CHAMBERS
200 E SANTA CLARA STREET, SAN JOSE, CA 95113

HEARING DATE: April 10, 2025
HEARING TIME: 6:30 P.M.
AGENDA ITEM NO: 6d

CODE ENFORCEMENT DIVISION - INSPECTION REPORT

RE: ASSESSOR'S PARCEL #: 259-35-062

LOCATION: 163 W Santa Clara St
San Jose, CA 95113

OWNER: Masson Partners, LLC
c/o Michael Messinger
8 N San Pedro St
San Jose, CA 95110

PROPERTY TYPE: Commercial

COMPLAINT DATE: April 17, 2023

COMPLIANCE ORDER INSPECTION DATE: February 1, 2025

COMPLIANCE ORDER MAILING DATE: February 27, 2025

SAN JOSE MUNICIPAL CODE SECTIONS: 13.37.200, 20.10.030, 20.70.010,
20.70.510, 20.100.610, 24.01.130,
24.02.100

COMPLIANCE DUE DATE: February 27, 2025

REINSPECTION DATE: March 1, 2025

INSPECTION REPORT DATE: March 12, 2025

INSPECTOR: Manuel Duarte

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ANALYSIS AND RECOMMENDATIONS

I. RECOMMENDATION

Code Enforcement staff recommends that the Appeals Hearing Board uphold the Director of Planning, Building and Code Enforcement's determination that compliance with the Compliance Order, described below, was not achieved by the Compliance Date and include the following findings of fact, conclusions and orders in its Administrative Order:

II. PROCEDURAL STATUS

This Compliance Order was issued pursuant to San Jose Municipal Code ("SJMC") Section 1.14.030. This procedure provides an opportunity for the property owners to appeal the issuance of compliance orders and streamline the process.

Under this procedure, the property owner was given an opportunity for an intermediate review of the basis for issuing the Compliance Order. If the property owner disputes the basis for the Compliance Order, he or she may request a hearing before the Director. (SJMC Section 1.14.045.) However, if the person does not contest the Compliance Order, the basis for the compliance is admitted, and this Board's role is to determine whether compliance has been achieved, and to assess penalties. SJMC Section 1.14.060(E). That section provides as follows:

If the person subject to the compliance order fails to request a director's hearing, or fails to file an appeal after the decision of the director, the basis for the issuance of a compliance order will be deemed admitted, and the hearing shall be limited to whether or not compliance has been achieved and the assessment of penalties.

SJMC Section 1.14.060(E).

As set forth in detail below, the Property Owner did not request a hearing before the Director. Therefore, this hearing is limited to whether or not compliance has been achieved and the assessment of penalties.

III. FACTS

A. Complaint Received

On April 17, 2023, Code Enforcement received a complaint alleging an unpermitted Pizza Restaurant operating from the subject property. Multiple unpermitted additions and structures were reported to be in the rear patio area and the business was operating past midnight without approvals from the Planning Department.

B. Pre-Compliance Order Investigation

On April 18, 2023, Code Enforcement Supervisor Donald Timoteo researched the Santa Clara County property ownership records and found that Masson Partners LLC is the legal owner of 163 W Santa Clara St. CA 95113 as shown on the latest property assessment roll. The Agent of Service was found to be Michael Messinger. The mailing address for the property was found to be 8 N San Pedro St, Suite 300 San Jose, CA 95110. A true and correct copy of the Grant Deed is included as **Exhibit A**.

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On May 1, 2023, Code Enforcement Inspector Wayne Cirone attempted an inspection of the subject business, Slice of Homage. It was found to be closed. True and correct photographs of the inspection are attached hereto as **Exhibit B**.

On October 17, 2024, Code Enforcement Inspector Wayne Cirone completed an inspection of the rear patio area. Several unpermitted structures and additions were observed including but not limited to a commercial storage container converted to a bar area and bleacher seating. True and correct photographs of the inspection are attached hereto as **Exhibit C**.

On November 20, 2024, Code Enforcement Inspector Manuel Duarte completed an inspection of the subject property with Assistant General Manager JaVonn Williams. Inspector Duarte observed additional unpermitted structures (enclosed canopies), measuring over 120 square feet, had been installed. He was advised by Mr. Williams that the subject business operated until 2am on Fridays and Saturdays. Inspector Duarte advised the unpermitted work and late night uses required Building and Planning approvals. He requested Mr. Williams to cease all use of the unpermitted structure and ensure business closure by midnight until the subject business obtains the necessary approval from the Building and Planning Departments (e.g. Late-night use permit for late night use; building permit to legalize the unpermitted structure). True and correct photographs of the inspection are attached hereto as **Exhibit D**.

On November 25, 2024, Code Enforcement Inspector Manuel Duarte accessed the AMANDA permit system and verified that there were no permits issued that were associated to the current condition of the subject property nor the post-midnight uses.

On December 9, 2024, Code Enforcement Inspector Manuel Duarte completed an inspection of the subject property and took some additional photo documentation. Inspector Duarte made contact with Director of Operations Jess Moreles. He was provided a summary of the violations as well as the corrective actions needed to resolve the case. Inspector Duarte advised him a Warning Letter would be sent out to the property owner, with all the information. Mr. Moreles requested he be provided a copy, once issued.

On December 10, 2024, Code Enforcement Inspector Manuel Duarte issued a Warning Letter, requesting that all construction and late-night use cease immediately. A copy of the Warning Letter was emailed to Director of Operations Jess Moreles and Assistant General Manager JaVonn Williams.

On February 1, 2025, Code Enforcement Inspector Manuel Duarte completed a late night inspection of the subject property. The business was observed to be in full operation, at approximately 12:30am. True and correct photographs of the inspection are attached hereto as **Exhibit E**.

On February 3, 2025, Code Enforcement Inspector Manuel Duarte emailed Director of Operations Jess Moreles and Assistant General Manager JaVonn Williams. They were advised of the recent late night inspection confirming the continued late night use. Inspector Duarte requested their hours of operation be adjusted to the allowable hours (midnight), until otherwise approved by the Planning Department.

On February 5, 2025, Code Enforcement Inspector Manuel Duarte received an email from Director of Operations Jess Moreles with Assistant General Manager JaVonn Williams and Agent of Service Michael Messinger copied on the message. Mr.

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Moreles advised he had applied for a Planning permit to legalize the late night use as well as the outdoor seating area installed on the public right of way. Inspector Duarte responded to Mr. Moreles's email message by informing him that the subject business must still abide by the current allowable hours (e.g. close by midnight) until otherwise approved by the Planning Department.

On February 26, 2025, Code Enforcement Inspector Manuel Duarte accessed the AMANDA permit system and verified an application for a Special Use Permit (SP25-003), to legalize the late night uses, had been submitted.

C. Alleged Code Violations

1. San Jose Municipal Code Section 13.37.200 – Unauthorized Encroachments Prohibited

Encroachments placed, installed, constructed or maintained without authorization from the City are unlawful and the owner of the Encroachment shall either remove it at their sole expense or obtain authorization under this Chapter or another provision of this code. The Director shall send written notice notifying the owner of the unlawful Encroachment. If the owner does not remove the Encroachment and restore the Public Property or apply for authorization to maintain the Encroachment within thirty (30) days of the City's notification, the City shall have the right to immediately remove the illegal Encroachment and restore the Public Property, and the owner shall be liable for all of the City's direct and indirect costs and expenses.

The installation of the outdoor seating area with associated railing on the public right of way along W Santa Clara St without Public Works approvals violate SJMC 13.37.200

2. San Jose Municipal Code Section 20.10.030 – Compliance Required

No person shall use, allow or suffer the use of any land, building or structure except in strict compliance with the provisions of this [Title 20](#), including the development and performance standards herein, and any permit issued pursuant hereto. The temporary or transitory nature of a use does not exempt it from this requirement.

The alterations and/or construction completed in the rear patio area, without Planning Division approvals and permits, violate SJMC 20.10.030

3. San Jose Municipal Code Section 20.70.10 – Applicability

This chapter shall apply only to properties with a zoning designation consistent with this chapter and located within the downtown area bounded by Julian Street; properties fronting both sides of North Fourth Street; East St. John Street; 7th Street; East San Fernando Street; South 4th Street; Interstate 280; the Union Pacific Railroad line; Stockton Avenue; Taylor Street and Coleman Avenue; which area is sometimes referred to as the downtown zoning area.

The alterations and/or construction completed in the rear patio area, without Planning Division approvals and permits, violate SJMC 20.10.030

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4. San Jose Municipal Code Section **20.70.510 – Late Night Uses and Activity**

- A. No retail commercial establishment (including but not limited to a public eating establishment and/or retail sales) or entertainment establishment (without alcohol) shall be open between the hours of 12:00 midnight and 6:00 a.m. in the DC and DC-NT1 districts except with a special use permit as provided in Chapter [20.100.800](#) of this title.
- B. No drinking establishment shall be open between the hours of 12:00 midnight and 6:00 a.m. in the DC or DC-NT1 districts except with a conditional use permit as provided in [Chapter 20.100](#) of this title.

The operation of the subject businesses past midnight, without Planning Division approvals, violate SJMC 20.70.510

5. San Jose Municipal Code Section **20.100.610 – Site Development Permit Required**

- A. A valid site development permit, issued under this part, is required prior to the issuance of any building permit or installation permit for the following activities:
 - 1. Erection, construction, enlargement, placement or installation of a building or structure on any site, except for one one-family dwelling on a single lot or parcel that would be subject to Part 9 of [Chapter 20.100](#) regarding requirements for a single-family house permit

The alterations and/or construction completed in the rear patio area, without Planning Division approvals and permits, violate SJMC 20.10.030

6. San Jose Municipal Code Section **24.01.130 – Compliance with Title Provisions Required:**

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in the city, or cause or permit or suffer the same to be done, in violation of this title or in violation of any of the provisions of the Codes adopted hereunder.

The alterations and/or construction completed at the subject property, without Building Division approval and permit, violate SJMC 24.01.130

7. San Jose Municipal Code Section **24.02.100 – Permits Required:**

Except as specified in this part, no building, structure or building service equipment regulated by this title and the technical codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the building official.

The alterations and/or construction completed at the subject property, without Building Division approval and permit, violate SJMC 24.02.100

D. Compliance Order Issued

On February 27, 2025, Code Enforcement Inspector Manuel Duarte prepared and mailed to the Property Owner of record Masson Partners LLC c/o Michael Messinger, 163 W Santa Clara St. San Jose, CA 95113, a Compliance Order dated February 27,

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2025. The Compliance Order provided the Property Owner with notice and a description of the violations of San Jose Municipal Code Sections 13.37.200, 20.10.030, 20.70.010, 20.70.510, 20.100.610, 24.01.130 & 24.02.100 and that the Property Owner shall cease all unpermitted uses and obtain permits for all violations. A true and correct copy of the Compliance Order is attached hereto as **Exhibit F**.

The Compliance Order, was mailed to the mailing address on record with the Santa Clara County Assessors and was not returned undeliverable. A copy was emailed to Responsible Parties Director of Operations Jess Moreles, Assistant General Manager JaVonn Williams and Agent of Service Michael Messinger.

The Compliance Order explains the appeal process in detail. The Property Owners did not request a hearing.

E. Reinspections and Other Post Compliance Order Activity

On March 1, 2025 & March 8, 2025, Code Enforcement Inspector Manuel Duarte performed late night inspections of the subject property. The business was observed to be in full operation, at approximately 12:30am, on both instances True and correct photographs of the inspections are attached hereto as **Exhibit G**.

On March 12, 2025, Code Enforcement Inspector Manuel Duarte issued to the property owner, an Appeals Hearing Board Warning Letter. A copy was emailed to Responsible Parties Director of Operations Jess Moreles, Assistant General Manager JaVonn Williams and Agent of Service Michael Messinger. A true and correct copy of the letter is attached hereto as **Exhibit H**.

On March 15, 2025, Code Enforcement Inspector Manuel Duarte performed late night inspections of the subject property. The business was observed to be in full operation, at approximately 1:10am.

On March 17, 2025, Code Enforcement Inspector Manuel Duarte returned a phone call to property owner, Michael Messinger. Mr. Messinger was advised of the outstanding violation of operating the subject business after midnight. Mr. Messinger acknowledged the violation and stated that he had already submitted the application to legalize the late night use by applying for a Special Use Permit. However, he stated that he would not be complying with the Compliance Order and the business would continue to operate after midnight in the interim.

On March 22, 2025, Code Enforcement Inspector Manuel Duarte performed late night inspections of the subject property. The business was observed to be in full operation, at approximately 1:30am.

F. Administrative Costs

In connection with this matter before the Appeals Hearing Board, the City of San Jose has incurred Administrative Costs that can be assessed against the Property Owner(s). These Administrative Costs total **\$1,916.00** and are fully itemized on **Attachment 2** attached hereto and incorporated herein by this reference.

I. Administrative Penalties

In connection with this matter, Code Enforcement staff recommends, pursuant to San Jose Municipal Code Section 1.14.090, the imposition of Administrative Penalties in the amount of **\$10,000.00**. Full compliance shall **Immediately** be adhered to, upon issuance of the Board's Resolution.

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In addition, Code Enforcement staff recommends imposing additional Administrative Penalties as follows:

1. In the amount of **\$250.00** per day, starting the day after any due date listed in the *Order to Correct* [5/27/25, 12/1/25, 12/15/25, 1/15/26, 4/15/26] that is not met, until full compliance with the Board Order is achieved.
2. In the amount of **\$2,500.00** for each:
 - a) Ongoing post-midnight business activity in violation of SJMC 20.70.510, starting on **April 11, 2025**, without a Special Use Permit, including but not limited to, sales and consumption of food and alcohol, music, use of rear patio area and outdoor dining area on public right of way.
 - b) Ongoing use of the outdoor seating area and associated railing without a valid Parklet Permit starting **May 28, 2025**.

These Administrative Penalty amounts are recommended in consideration of the following:

1. The Code violations observed at 163 W Santa Clara St have been in existence since October 17, 2024; and
2. The Property Owner(s) has not complied with the provisions of the Compliance Order, dated February 27, 2025; and
3. The Property Owner(s) has failed in good faith towards correction of the Municipal code violations found on the Subject Property.

IV. CODE ENFORCEMENT STAFF RECOMMENDATIONS

A. Code Enforcement staff recommends that, based upon analysis of the above facts the Appeals Hearing Board concludes and finds that:

1. Masson Partners LLC c/o Michael Messinger is the owner of the property located at 163 W Santa Clara St and is responsible for the Code violations on the property.
2. On May 1, 2023 and March 22, 2025 and on all those dates in between the property located at 163 W Santa Clara St was in violation of **SJMC 13.37.200, 20.10.030, 20.70.010, 20.70.510, 20.100.610, 24.01.130, 24.02.100**. The Property Owner(s) failed to correct the identified violations.
3. Compliance with the requirements set forth in the Compliance Order dated February 27, 2025, was not achieved by the specified compliance date of February 27, 2025.

B. Code Enforcement staff recommends that, based upon analysis of the above referenced facts, conclusions and findings, the Appeals Hearing Board further concludes and finds that:

1. The code violations observed on the property located at 163 W Santa Clara St have been in existence since May 1, 2023; and
2. The Property Owner(s) has not complied with the provisions of the Compliance Order, dated February 27, 2025; and

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3. The Property Owner(s) violated the provisions of the Compliance Order on March 1, March 8, March 15, and March 22, 2025, by operating a business past midnight without a valid late-night use permit.
4. The Property Owner(s) has failed to perform in good faith towards correction of the Municipal Code violations found on the Subject Property.

C. Code Enforcement staff recommends that, based upon the facts and findings set forth above, the Appeals Hearing Board hereby orders that:

1. The Violation Occurred

Pursuant to SJMC section 1.14.060(E), the Property Owner failed to timely request a hearing before the Director. Therefore, the basis for the Compliance Order is deemed admitted. Even if not deemed admitted, sufficient facts were presented to the Board to determine that the violations occurred.

2. Order to Correct

- a) **On or before April 11, 2025**, cease all post-midnight business activities including but not limited to sales and consumption of food and alcohol, music, use of rear patio area and outdoor dining area on public right of way.
- b) **On or before May 27, 2025**, follow up on all requested information for pending Special Use Permit (SP25-003), as requested on 30 day review letter. If application is approved, a subsequent Building permit will be required.
- c) **On or before May 27, 2025**, submit an application for the Parklet and Sidewalk Seating Permit ("Parklet Permit"), along with all other required paperwork for the application, to the City of San Jose Public Works to legalize the outdoor seating area and associated railing. Obtain approval by **December 1, 2025**.

or

Remove the outdoor seating area and associated railing.

- d) **On or before December 1, 2025**, obtain an approved Special Use Permit for all zoning violations.
- e) **On or before December 15, 2025**, submit a copy of your proposed plans in digital format via email to Building Code Compliance Inspector Marlon Aviles at buildingcodecompliance@sanjoseca.gov for review. The plans shall address all above listed violations. If the plans are approved by Inspector, visit Online Permit Services | City of San Jose (sjpermits.org) and submit the approved plans using SJePlans to the Building Dept.
- f) **On or before January 15, 2026**, pay all required fees to and obtain a building permit from the City of San Jose Building Division to correct the above noted violation(s). Ensure permit is issued.

- g) **On or before April 15, 2026**, obtain a finalized permit (final clearance inspection) from the City of San Jose Building Division to correct the above noted violations. A final clearance inspection can be scheduled with a Building Inspector by emailing CodeEnforcementInformation@sanjoseca.gov or calling Code Enforcement at (408) 535-7770.

3. **Administrative Costs**

On or before May 27, 2025, the property owner shall pay Administrative Costs to the City of San Jose in the amount of **\$1,916.00**.

4. **Administrative Penalties**

On or before May 27, 2025, the Property Owner shall pay Administrative Penalties to the City of San Jose, pursuant to San Jose Municipal Code Section 1.14.090, in the amount of **\$10,000.00**.

Full compliance with ***Municipal Code 20.70.510 Late Night Uses and Activity (open after midnight)*** shall be adhered to starting **April 11, 2025**. If future inspections confirm non-compliance, Code Enforcement staff recommends the imposition of additional Administrative Penalties in the amount of **\$2,500.00 per occurrence**, up to a maximum of \$100,000.

and

Full compliance with ***Municipal Code 13.37.200 Unauthorized Encroachments Prohibited (Ongoing use of the outdoor seating area and associated railing without a valid Parklet Permit)*** shall be adhered to starting **May 28, 2025**. If future inspections confirm non-compliance, Code Enforcement staff recommends the imposition of additional Administrative Penalties in the amount of **\$2,500.00 per occurrence**, up to a maximum of \$100,000.

If full compliance with the Board's Order is not achieved, the Property Owner(s) shall pay additional Administrative Penalties in the amount of **\$250.00** per day, starting the day after any due date listed in the Order to Correct [5/27/25, 12/1/25, 12/15/25, 1/15/26, 4/15/26] that is not met, until full compliance with the Board Order is achieved, up to a maximum of \$100,000.00. If the Administrative Penalties are not paid and are recorded as a lien on the real property pursuant to San Jose Municipal Code Sections 1.14.160 and 1.14.180, as may be amended, an interest rate of ten percent (10%) per annum shall be charged on the principal amount of the administrative lien, from the date the lien is first recorded until the date that payment is received by the City, consistent with California Code of Civil Procedure Section 685.010, as may be amended.

Inspection Notice
136 W Santa Clara St
Page 12 of 39

ATTESTING STATEMENT OF CODE ENFORCEMENT INSPECTOR

1. I am the Code Enforcement Inspector of the City of San Jose assigned to investigate the potential Municipal Code violations at **163 W Santa Clara St** that are the subject of this Inspection Report; and
2. I have prepared or reviewed this Inspection Report and can attest to the truth of the matters within my knowledge stated above.



SIGNATURE OF MANUEL DUARTE

Code Enforcement Inspector

Badge Number 140E

ATTACHMENT 1

DETAIL OF ADMINISTRATIVE COSTS

RE: COMPLIANCE ORDER, DATED February 27, 2025
FILE NO: 202303001
VIOLATION ADDRESS: 163 W Santa Clara St
INSPECTION DATE: February 1, 2025
COMPLIANCE DATE: February 27, 2025

4/18/23	Santa Clara County Property Ownership Research	\$153.00
4/18/23	Zoning Research	\$153.00
2/1/25	Compliance Order Inspection	\$156.00
2/27/25	Compliance Order	\$156.00
3/12/25	Hearing Paperwork	\$936.00
3/25/25	Attorney Review	\$206.00
4/10/25	Hearing	\$156.00

TOTAL	\$1,916.00
--------------	-------------------

Effective July 1, 2022 **Code Enforcement Hourly Rate:** **\$153.00**

Effective July 1, 2023 **Code Enforcement Hourly Rate:** **\$154.00**

Effective July 1, 2024 **Code Enforcement Hourly Rate:** **\$156.00**

City Attorney Hourly Rate: **\$202.00**

Exhibit A

RECORDING REQUESTED BY:

Kenneth J. Machado, Jr.
Attorney At Law
33 North San Pedro Street
San Jose, CA 95110

**WHEN RECORDED MAIL DOCUMENT
AND TAX STATEMENT TO:**

Masson Partners, LLC
8 North San Pedro Street, Ste. 300
San Jose, CA 95110

23617509

Regina Alcomendras
Santa Clara County - Clerk-Recorder

04/05/2017 02:57 PM

Titles: 1 Pages: 5

Fees: \$42.00
Taxes: \$0.00
Total: \$42.00



Property Address: 163-165 W. Santa Clara Street
San Jose, CA

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

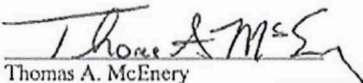
APN/Parcel ID(s): 259-35-035

GRANT DEED

THE UNDERSIGNED GRANTOR(s) DECLARE(s)

☒ This Transfer is exempt from the documentary transfer tax.
The property is located ☒ in the City of San Jose.

"The grantors and the grantees in this conveyance are comprised of the same parties who continue to hold the same property proportionate interest in the property, R&T 11925(d)"


Thomas A. McEnery

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Michael Messinger and Danielle Messinger, as Co-Trustees of the Messinger 1996 Revocable Trust; Jonathan Vasquez and Melba Vasquez, husband and wife, and Thomas A. McEnery

hereby GRANT(s) to

Masson Partners, LLC, a California limited liability company
the following real property in the City of San Jose, County of Santa Clara, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

MAIL TAX STATEMENTS AS DIRECTED ABOVE

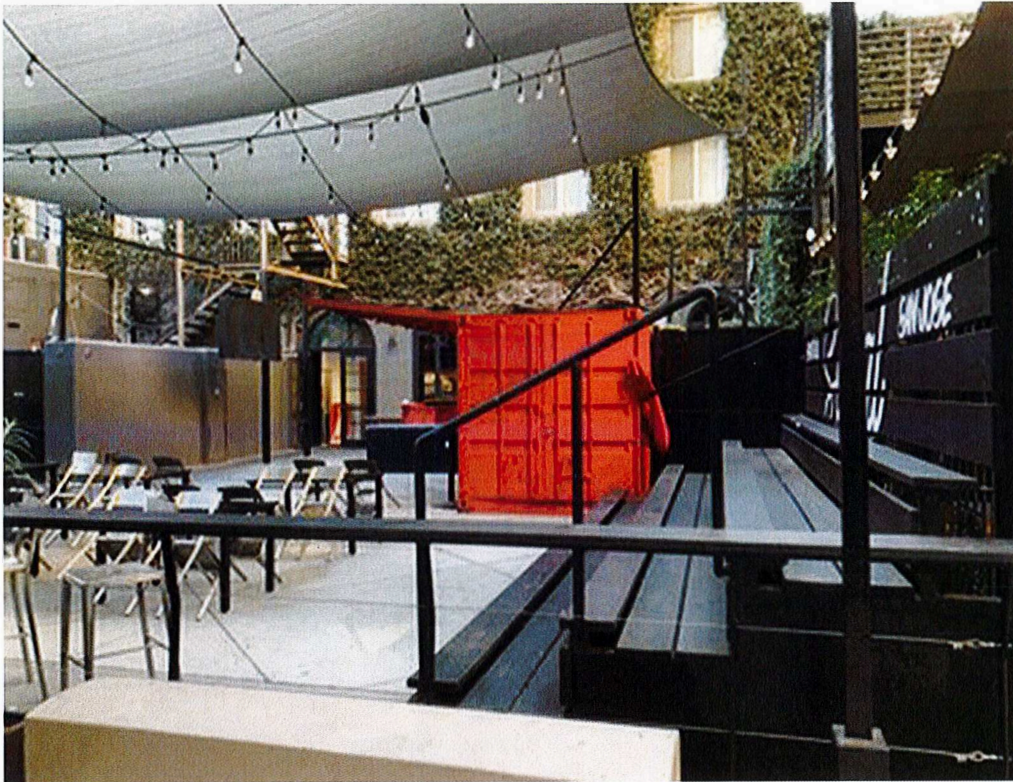
Exhibit B

Inspection Notice
136 W Santa Clara St
Page 17 of 39



Photos taken May 1, 2023

Exhibit C



Photos taken October 17, 2024

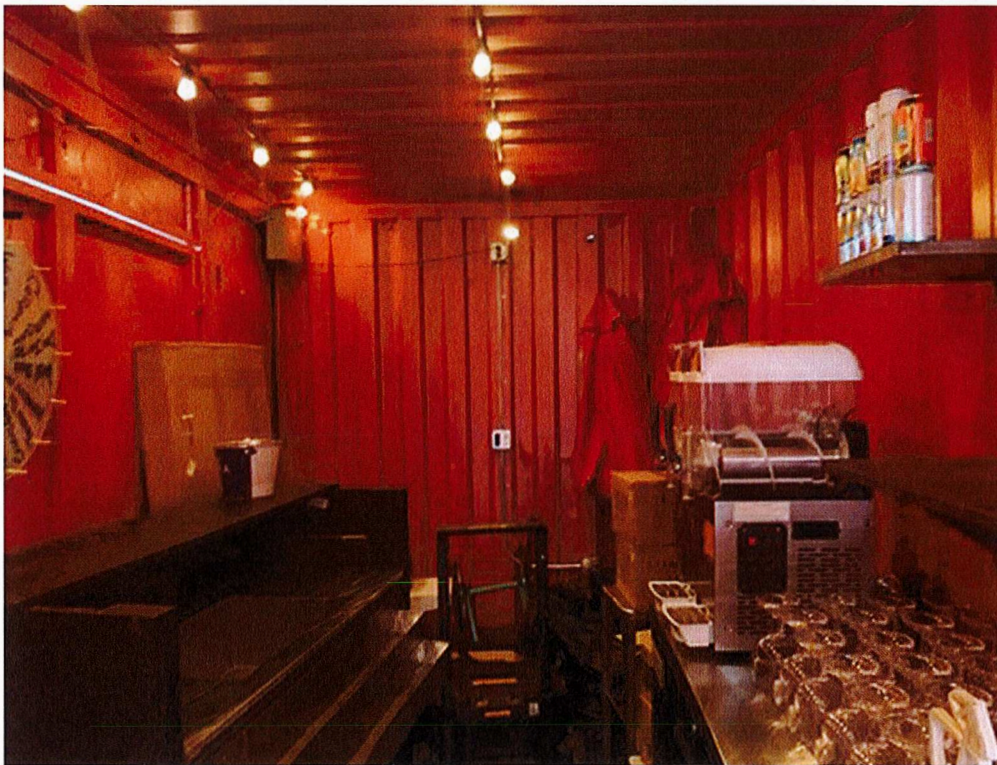


Photos taken October 17, 2024

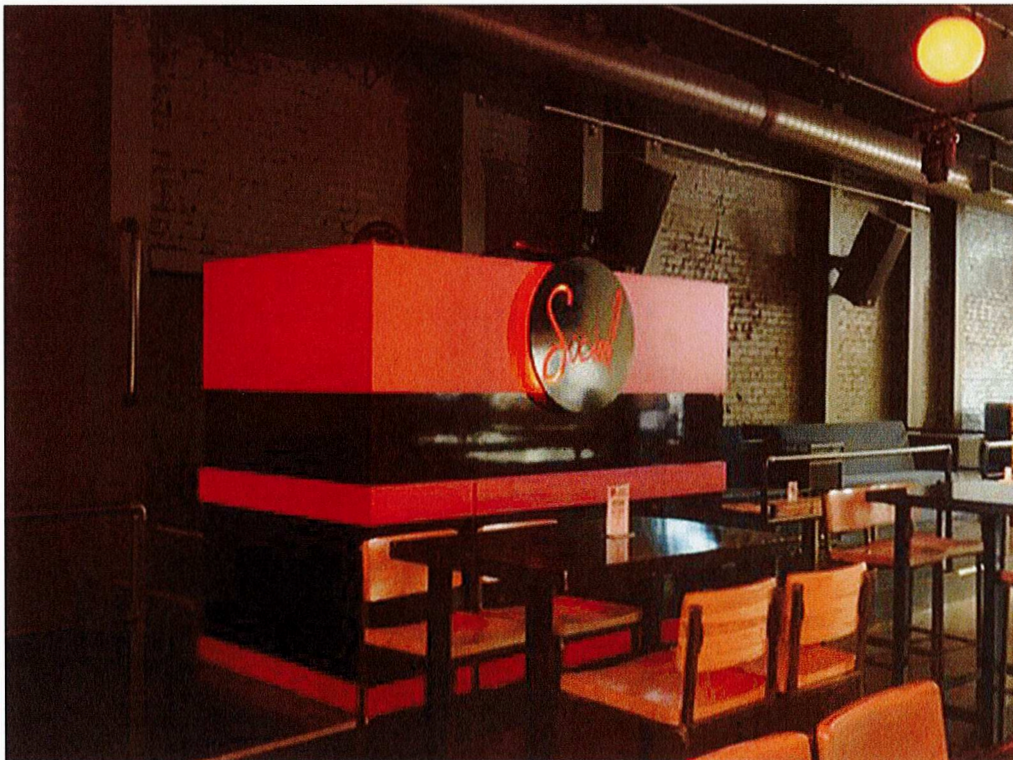
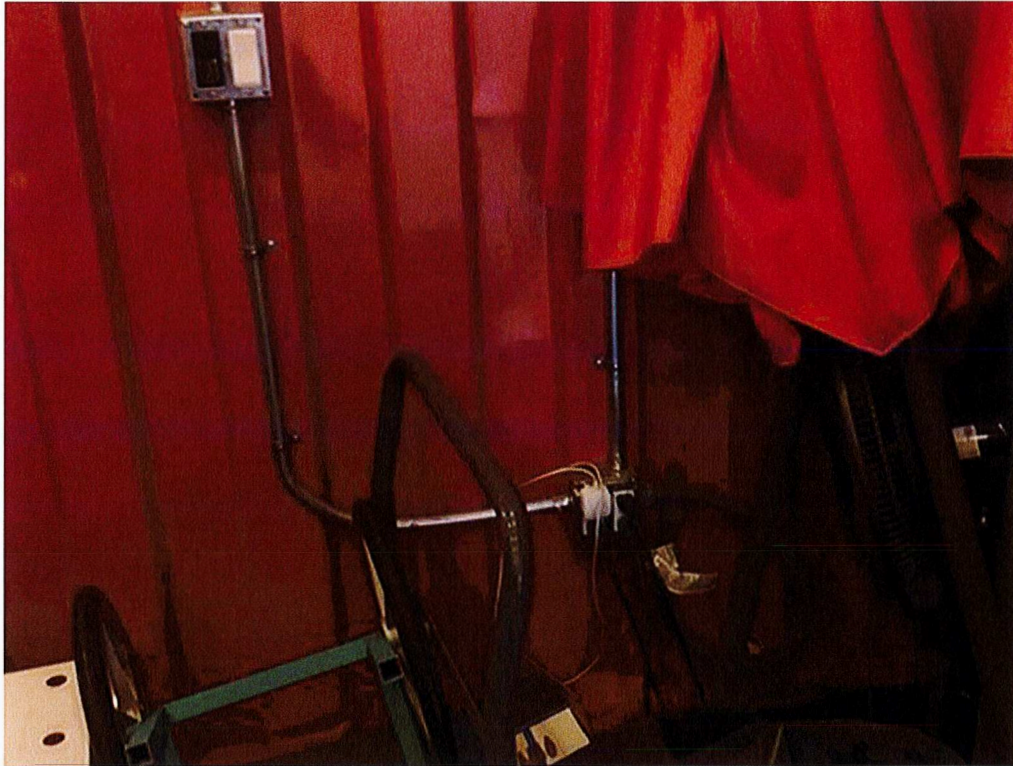
Exhibit D



Photos taken November 20, 2024



Photos taken November 20, 2024



Photos taken November 20, 2024

Exhibit E



Photos taken February 1, 2025



Photos taken February 1, 2025

Exhibit F

CITY OF SAN JOSE – COMPLIANCE ORDER

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

Page 1 of 5

Owner: MASSON PARTNERS, LLC C/O MICHAEL MESSINGER
Mailing Address: 8 N SAN PEDRO ST, STE 300
SAN JOSE, CA 95110
Occupant: SAN PEDRO SOCIAL/Slice of Homage
Case No: 202303001
Violation Address: 151/161/163 W SANTA CLARA ST
APN: 259-35-062
Inspection Date: FEBRUARY 1, 2025

AN INSPECTION OF THE PROPERTY FOR WHICH YOU ARE RESPONSIBLE HAS IDENTIFIED THE FOLLOWING VIOLATIONS OF THE SAN JOSE MUNICIPAL CODE:

Code Section	Violations and Corrections Required	Compliance Confirmed
13.37.200	Unauthorized Encroachments Prohibited Encroachments placed, installed, constructed or maintained without authorization from the City are unlawful and the owner of the Encroachment shall either remove it at their sole expense or obtain authorization under this Chapter or another provision of this code. The Director shall send written notice notifying the owner of the unlawful Encroachment. If the owner does not remove the Encroachment and restore the Public Property or apply for authorization to maintain the Encroachment within thirty (30) days of the City's notification, the City shall have the right to immediately remove the illegal Encroachment and restore the Public Property, and the owner shall be liable for all of the City's direct and indirect costs and expenses.	
20.10.030	Compliance Required No person shall use, allow or suffer the use of any land, building or structure except in strict compliance with the provisions of this Title 20 (of the San Jose Municipal Code), including the development and performance standards herein, and any Permit issued pursuant hereto. The temporary or transitory nature of a use does not exempt it from this requirement.	
20.70.010	Applicability This chapter shall apply only to properties with a zoning designation consistent with this chapter and located within the downtown area bounded by Julian Street; properties fronting both sides of North Fourth Street; East St. John Street; 7th Street; East San Fernando Street; South 4th Street; Interstate 280; the Union Pacific Railroad line; Stockton Avenue; Taylor Street and Coleman Avenue; which area is sometimes referred to as the downtown zoning area.	

WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS ORDER, BEFORE THE COMPLIANCE DATE ABOVE, MAY RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS. THIS ACTION IS IN ADDITION TO ALL OTHER LEGAL REMEDIES, CRIMINAL OR CIVIL, WHICH MAY BE PURSUED BY THE CITY IN RESPONSE TO ANY VIOLATION.

CITY OF SAN JOSE – COMPLIANCE ORDER

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

Page 2 of 5

20.70.510 Late Night Uses and Activity

A. No retail commercial establishment (including but not limited to a public eating establishment and/or retail sales) or entertainment establishment (without alcohol) shall be open between the hours of 12:00 midnight and 6:00 a.m. in the DC and DC-NT1 districts except with a special use permit as provided in Chapter [20.100.800](#) of this title.

B. No drinking establishment shall be open between the hours of 12:00 midnight and 6:00 a.m. in the DC or DC-NT1 districts except with a conditional use permit as provided in [Chapter 20.100](#) of this title.

20.100.610 Site Development Permit Required

A. A valid Site Development Permit, issued under this Part, is required prior to the issuance of any building permit or installation permit for the following activities:

1. Erection, construction, enlargement, placement or installation of a building or structure on any site, except for one, one-family dwelling on a single lot or parcel that would not be subject to Part 9 of Chapter 20.100 regarding requirements for a Single Family House Permit;

24.01.130 Compliance with Title Provisions Required

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in the City, or cause or permit or suffer the same to be done, in violation of this title or in violation of any of the provisions of the Codes adopted hereunder.

24.02.100 Permits Required

No building, structure or building service equipment regulated by this Title 24 of the Municipal Code and the technical codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the Building Official.

WARNING

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CITY OF SAN JOSE – COMPLIANCE ORDER

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

Page 3 of 5

VIOLATIONS

- Numerous accessory structures, buildings and additions with associated electrical added in rear patio area. Extent of work includes but is not limited to commercial storage container with associated electrical, bleacher seating, attached storage area and several enclosed canopies installed without Planning and Building approvals
- Unpermitted extension of the drinking establishment use into the rear patio area
- Elevated stage area with associated electrical added to ground floor
- Outdoor seating area with associated railing installed on public right of way along W Santa Clara St without Public Works approvals

CORRECTIONS REQUIRED

1. **Immediately and Upon Issuance of this Notice**, cease all post-midnight business activities including but not limited to sales and consumption of food and alcohol, music, use of rear patio area and outdoor dining area on public right of way.

Note: Application for Special Use Permit (SP25-003), to permit operation past midnight, submitted on 2/24/25. Follow up on all requested information until permit is fully processed. Adhere to currently approved hours until otherwise approved by the Planning Department.

2. **On or before March 13, 2025**, contact City Planner Alex Hughes by email at zoningcodecompliance@sanjoseca.gov, to discuss zoning violations.

3. **If attempting to legalize any unpermitted changes to rear patio area:**

On or before April 14, 2025, submit a completed application, for a Site Development Permit, to the City of San Jose Planning Department along with all associated paperwork. Pay all associated fees and follow up on an additionally requested information, in a timely manner. If application is approved, a subsequent Building permit will be required.

4. **On or before April 28, 2025**, submit an application to City of San Jose Public Works, to legalize the outdoor seating area and associated railing. Obtain approval.

or

Remove the outdoor seating area and associated railing.

5. **On or before October 14, 2025 or upon obtaining approved Site Development Permit**, contact Building Code Compliance Inspector Marlon Aviles at buildingcodecompliance@sanjoseca.gov to discuss your options to correct building violations or for any questions related to plan requirements.
6. **On or before November 14, 2025**, submit a copy of your proposed plans in digital format via email to Building Code Compliance Inspector Marlon Aviles at buildingcodecompliance@sanjoseca.gov for review. The plans shall address all above listed violations. If the plans are approved by Inspector, visit [Online Permit Services | City of San Jose \(sjpermits.org\)](https://onlinepermit.cityofsanjose.org) and submit the approved plans using *SJePlans* to the Building Dept.

Please visit the link below for more information. We recommend watching the videos on the link below to better understand the permit process.

WARNING

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CITY OF SAN JOSE – COMPLIANCE ORDER

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

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<https://www.sanjoseca.gov/businesses/development-services-permit-center/sjeplans-electronic-plan-submittal-review/sjeplans-for-building-permits-applications>

7. **Within 30 days of plan submission to the Building Department**, pay all required fees to and obtain a building permit from the City of San Jose Building Division to correct the above noted violation(s). Ensure permit is issued.
8. **Within 90 days of issuance of Building Permit**, obtain a finalized permit (final clearance inspection) from the City of San Jose Building Division to correct the above noted violations. A final clearance inspection can be scheduled with a Building Inspector by emailing CodeEnforcementInformation@sanjoseca.gov or calling Code Enforcement at (408) 535-7770.

If compliance has not been achieved by the date as reflected in this compliance order, the City of San Jose will assess a re-inspection fee of \$288.00 for each re-inspection.

February 27, 2025
Date of Notice

Manuel Duarte 140E
Code Enforcement Inspector



(408) 535-7889
Phone #

WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS ORDER, BEFORE THE COMPLIANCE DATE ABOVE, MAY RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS. THIS ACTION IS IN ADDITION TO ALL OTHER LEGAL REMEDIES, CRIMINAL OR CIVIL, WHICH MAY BE PURSUED BY THE CITY IN RESPONSE TO ANY VIOLATION.

CITY OF SAN JOSE – COMPLIANCE ORDER

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

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The Department of Planning, Building and Code Enforcement (Code Enforcement) has issued a Compliance Order (Compliance Order) alleging that the subject property is in violation with the San Jose Municipal Code. Failure to correct all violations listed in the order, before the compliance date may result in administrative penalties up to \$2,500 per day for each violation until compliance is achieved as well as the assessment of all administrative costs. This action is in addition to all other legal remedies, criminal or civil, which may be pursued by the city in response to any violation.

If you believe that your property is not in violation with the San Jose Municipal Code and you dispute the basis for Compliance Order, you **MUST** file a request for a Director's hearing within fourteen (14) calendar days of the date of the Compliance Order was mailed or personally delivered to the responsible person(s).

Your request for hearing must be mailed or personally delivered to:

City of San Jose
Code Enforcement Division
200 East Santa Clara Street 4th flr.
San Jose Ca, 95113-1905

Your request for an appeal must be received by the City within the timeline above. If you do not file a request for hearing, the Compliance Order will become final. If a timely appeal is filed, then a hearing will be scheduled. You will receive at least seven (7) days notice that a hearing on your appeal will take place.

The Director's hearing is informal and provides you with an opportunity to present your evidence and testimony in dispute of the Compliance Order. After the close of the hearing, the Director will make a decision. The written decision will be mailed to the person subject to the Compliance Order. If you dispute the Director's decision, you may appeal to the San Jose Appeals Hearing Board within ten (10) days of the date of the written decision of the Director. That Board is described at:

<https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/code-enforcement/appeals-hearing-board>

Your rights when a Compliance Order is issued are contained in the San Jose Municipal Code Section 1.14.030 and the following sections. It is available on line at www.sanjoseca.gov by clicking on the link at the right of the page, "Municipal Code."

WARNING

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Exhibit G



Photo taken March 1, 2025



Photo taken March 8, 2025

Exhibit H



Planning, Building and Code Enforcement
CODE ENFORCEMENT

March 12, 2025

MASSON PARTNERS, LLC C/O MICHAEL MESSINGER
8 N SAN PEDRO ST, STE 300
SAN JOSE, CA 95110

SUBJECT: 163 W SANTA CLARA ST, SAN JOSE CA 95113-1707
CASE NUMBER: 202303001

Dear Property Owner:

The corrective action specified in the enclosed Compliance Order issued on February 27, 2025, has not been completed. The attached Compliance Order highlights the remaining violation that need to be corrected. Based on the above, I will be preparing the case to go before the *Appeals Hearing Board* in order to recover administrative costs and levy administrative penalties unless you ***Immediately and upon issuance of this notice, cease all post midnight activities.*** Unannounced inspections will be completed, to verify compliance. Administrative penalties can be levied as high as \$2,500 for each day or per occurrence, per violation.

Please contact me at (408) 535-7889 should you have information relative to the correction status for the outstanding violations.

Thank you for your anticipated cooperation.

Manuel Duarte 140E
Code Enforcement Inspector

PROOF OF SERVICE

CASE NAME: CITY OF SAN JOSE v MASSON PARTNERS, LLC

I, the undersigned declare as follows:

I am a citizen of the United States, over 18 years of age, employed in Santa Clara County, and not a party to the within action. My business address is 200 E. Santa Clara Street, San Jose, California 95113, and I am employed in the county where the service described below occurred.

On March 26, 2025, I caused to be served the within:

NOTICE OF HEARING

Regarding real property located at: **163 W Santa Clara St**

☒ by MAIL, with a copy of this declaration, by depositing them into a sealed envelope, with postage fully prepaid, and causing the envelope to be deposited for collection and mailing on the date indicated above.

I further declare that I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. Said correspondence would be deposited with the United States Postal Service the same day listed above in the ordinary course of business.

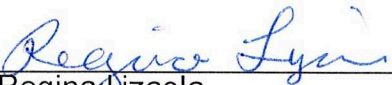
I further declare that the name and address as shown on the envelope is as follows:

Party Served:

Party's Attorney:

**MASSON PARTNERS, LLC
C/O MICHAEL MESSINGER
8 N SAN PEDRO ST #300
SAN JOSE, CA 95110**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **March 26, 2025**, at San Jose, California.


Regina Lizaola